USA

Sustainable Biomass Program (SBP)

REDIII Level A Risk Assessment for US Private Forest

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia

SBP-RED-US-PF-FOR v1.1

Version v1.1

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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-PF-FOR v1.1	SBP-RED-US-PF-FOR v1.2	Comments
Criteria (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 **Level A**	**Criteria (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 **Level B (for large clear-cuts)** Level A (for all other impacts)	Risk conclusion updated based on further regulatory assessment **(for large clear-cuts changed from Level A to Level B)**
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	Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement	None

6 Level A Risk Assessment Conclusion

Statement of Scope

Political Geography

The REDIII Level A risk assessment's geographic scope encompasses the biomass sourcing areas in the United States (US), including the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia (Figure 1-1).

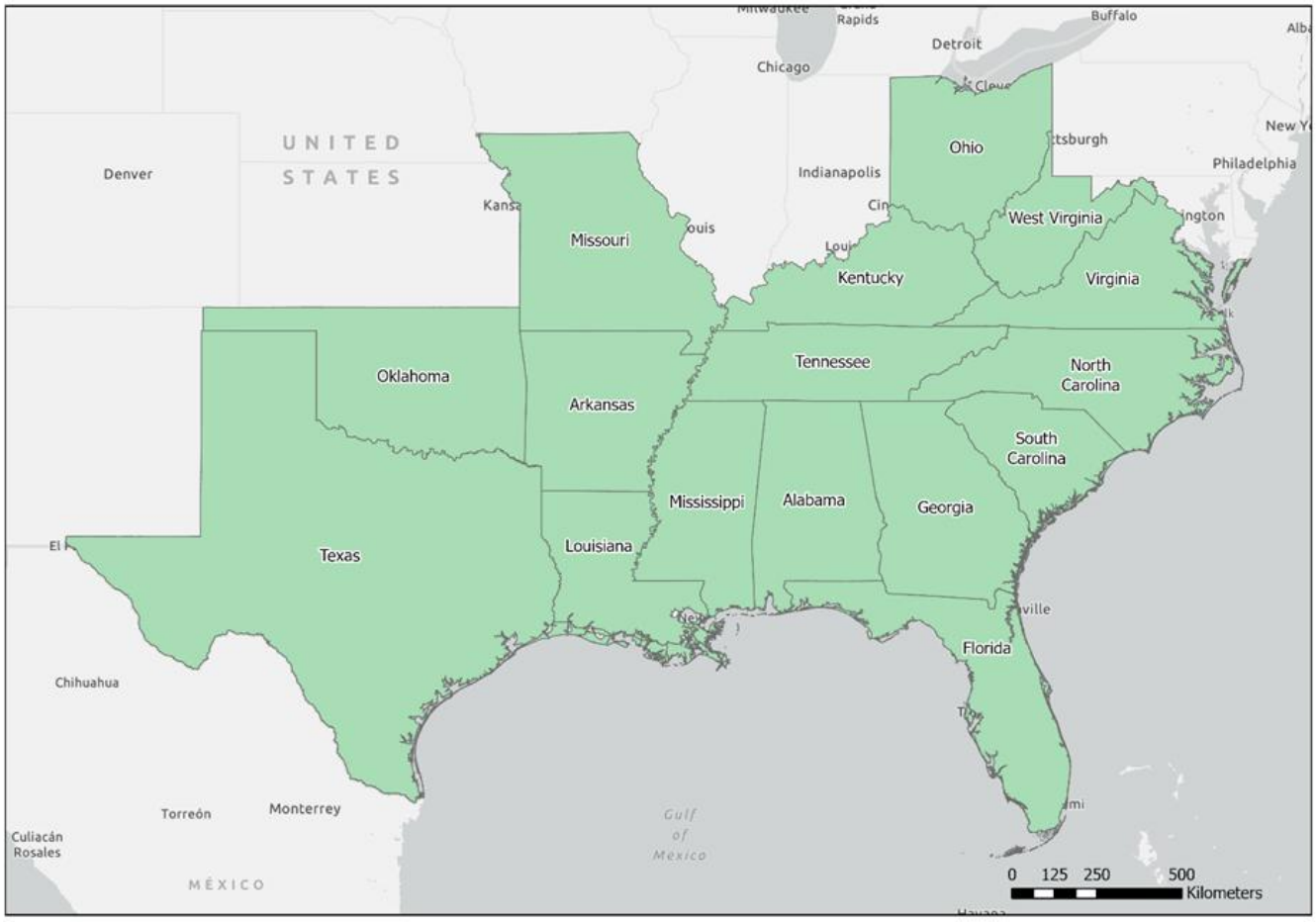

Figure 1: *RRA geographic scope (Esri Living Atlas, US Census Bureau, "USA Census States", 2020).*

REDIII Level A risk assessment	Scope
REDIII sustainability criteria	US Private 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 B**
(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 A
(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 B**
(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 January 26, 2026
Has national or sub-national laws in place in accordance with Article 5 of the Paris Agreement	**Level B**: From January 27, 2026

7 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)	• Clean Air Act of 1973 • Clean Water Act of 1972 • Convention on International Trade in Endangered Species (CITES) • Endangered Species Act of 1973 • Federal Insectide, Fungicide, and Rodenticide Act (FIFRA) • Plant Protection Act • State Forestry Laws • US Lacey Act Amended in 2008
Sources	State Forestry Laws. Defenders of Wildlife, October 2000. https://defenders.org/sites/default/files/publications/state_forestry_laws.pdf US Department of Justice US Environmental Protection Agency US Fish and Wildlife Service
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The US operates under a Federalist System, where power is shared between the Federal government and individual State governments. The US Constitution, the nation's supreme law, establishes this balance of power and outlines the three branches of the Federal government: • Executive: The President and their administration, responsible for administering laws • Legislative: Congress, responsible for developing laws • Judicial: The Federal court system, including the Supreme Court, responsible for interpreting and enforcing laws Legal frameworks are underpinned by an extensive nexus of overarching Federal laws providing a baseline for administrative and regulatory oversight in the US. Federal law in the US is created at the national level and consistently applied and enforced throughout the nation. Federal laws involve all three branches, and these laws provide an overarching framework for the entire US. Each State also has its own government with legislative, executive, and judicial branches. State laws are passed by state legislatures, approved and executed by Governors, and interpreted by state courts. These laws apply only within that particular State and can vary from one state to another. There are a range of enforcement mechanisms for applicable laws including through the application of monetary fines and penalties, as well as civil and criminal programs and pathways overseen by the US Department of Justice at the Federal level, as well as State judicial systems. The US has a robust system for enforcement and monitoring of the applicable laws for feedstock sourcing and biomass production. There are approximately 1,453

	State government agencies involved in implementing policies and programs that influence the condition of non-Federal forests. Five hundred forty of these engage in regulating forestry practices on non-Federal forest (NASF, 2024). The US Lacey Act is multitiered in terms of requirements as well as the severity of penalties for violations, ranging up to five years in prison and fines of up to $500,000 USD (USDA, 2024). The Act has a well-established history of successful enforcement, and the more than 100 years of case law tied to the Act is readily available. State agencies play a primary role in enforcing State-specific regulations on private lands, including laws related to forest management and environmental protection. The following State authorities are responsible for forest-specific enforcement within the RRA geography: Alabama Forestry Commission, Arkansas Forestry Commission, Florida Division of Forestry, Georgia Forestry Commission, Kentucky Division of Forestry, Louisiana Department of Agriculture and Forestry – Office of Forestry, Mississippi Forestry Commission, Missouri Department of Conservation, North Carolina Division of Forest Resources, Ohio Department of Natural Resources – Forestry, Oklahoma Forestry Services, South Carolina Forestry Commission, Tennessee Division of Forestry, Texas Forest Service, Virginia Department of Forestry, and West Virginia Division of Forestry. State agencies have primary responsibility for enforcing State laws on private lands. This includes forest management practices and environmental protection. Global indices consistently evaluate and highly rank the US's performance related to rule of law, control of corruption, and related indicators.
Sources	National Association of State Foresters (NASF). 2024. Timber Assurance. https://www.Stateforesters.org/timber-assurance/legality/governance-structure/ US Department of Agriculture (USDA). 2024. Violating the Lacey Act Declaration Requirement. https://www.aphis.usda.gov/plant-imports/file-lacey-act-declaration/frequently-asked-questions#:~:text=Any%20person%20who%20knowingly%20violates%20the%20declaration%20requirement%20or%20knowingly,forfeitures%20may%20also%20be%20imposed US Environmental Protection Agency. 2023. Enforcement Data and Results. https://www.epa.gov/enforcement/enforcement-data-and-results US Fish & Wildlife Service (FWS). 2024. Freedom of Information Act. https://www.fws.gov/program/fws-freedom-information-act-foia/foia-reading-room
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 outcome of Federal laws, State laws, and enforcement and monitoring mechanisms working together, is that operations comply with all existing applicable laws and regulations when sourcing feedstock from private and public lands. Incidences of timber theft arrest, fines, prosecutions, or sentencing are not common in the sourcing region, but the existing occurrences are evidence of an effective enforcement system. Contract disputes involving timber sales, when they occur, are frequently resolved by the parties or can be litigated as a civil matter, through Federal or State courts.
Sources	National Association of State Foresters (NASF). 2024. Timber Assurance.

	https://www.Stateforesters.org/timber-assurance/legality/governance-structure/ US Department of Agriculture (USDA). 2024. Violating the Lacey Act Declaration Requirement. https://www.aphis.usda.gov/plant-imports/file-lacey-act-declaration/frequently-asked-questions#:~:text=Any%20person%20who%20knowingly%20violates%20the%20declaration%20requirement%20or%20knowingly,forfeitures%20may%20also%20be%20imposed US Environmental Protection Agency. 2023. Enforcement Data and Results. https://www.epa.gov/enforcement/enforcement-data-and-results US Fish & Wildlife Service (FWS). 2024. Freedom of Information Act. https://www.fws.gov/program/fws-freedom-information-act-foia/foia-reading-room
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)	• Clean Air Act of 1973 • Clean Water Act of 1972 • Endangered Species Act of 1973 • Plant Protection Act • State Forestry Laws
Sources	National Association of State Foresters State Forestry Laws US Department of Justice US Environmental Protection Agency US Fish and Wildlife Service

Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	There are several regulatory elements that address forest regeneration. BMPs are based on the US Federal Water Pollution Control Act (1972), commonly referred to as the US Clean Water Act (CWA). The CWA is administered by the Environmental Protection Agency (EPA) and establishes the fundamental structure for regulating discharges of pollutants into the "waters of the United States" and regulating water quality standards for surface waters. The CWA includes requirements to address both point source pollution, pollution from identified outlets (e.g., a pipe from an industrial or municipal source), and non-point source pollution from sources that cannot be easily identified (e.g., runoff from roads). EPA has developed national water quality criteria recommendations for pollutants in surface waters; these are particularly relevant to forestry. Section 208 of the CWA defines timber harvesting and silvicultural operations as non-point source pollution. The CWA is rigorously enforced, like all laws in the US and there is a long-documented history of criminal enforcements (EPA, 2024). Fines for violations of Section 404 of CWA range from $2,500 to $50,000 per day and up to six years in prison (EPA, 2024). Global indices consistently evaluate and highly rank the US's performance related to rule of law, control of corruption, and related indicators.
Sources	US Environmental Protection Agency. 2023. Enforcement Data and Results. https://www.epa.gov/enforcement/enforcement-data-and-results US Fish & Wildlife Service (FWS). 2024. Freedom of Information Act. https://www.fws.gov/program/fws-freedom-information-act-foia/foia-reading-room
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 outcome of Federal laws, State laws, and enforcement and monitoring mechanisms working together, provide assurance of reforestation. Forest productivity resulting from regeneration remains very high. Harvesting levels remain well below growth levels and a recent study by ResourceWise presented that, overall, today's forest inventory is the greatest it has been for the last 70 years (ResourceWise, 2024). Flowing from CWA, proper use of BMPs has been found to be widely effective. Reforestation and retention of trees at site, contribute to these effects Forest productivity resulting from regeneration remains very high. Harvesting levels remain well below growth levels (see SBP Private Lands RRA).
Sources	US Department of Agriculture Forest Service, Forest Inventory and Analysis Program. 2024. Forest Inventory EVALIDator web-application Version 2.1.2. St. Paul, MN: US Department of Agriculture, Forest Service, Northern Research Station. https://apps.fs.usda.gov/fiadb-api/evalidator
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)	• Antiquities Act • Multiple Use Sustained Yield Act • National Environmental Policy Act (NEPA) • National Forest Management Act (NFMA) • National Wildlife Refuge System Administration Act • Organic Act of 1916 • Sikes Act • State Forestry Laws
Sources	State Forestry Laws. Defenders of Wildlife, October 2000. https://defenders.org/sites/default/files/publications/state_forestry_laws.pdf US Department of Justice US Environmental Protection Agency US Fish and Wildlife Service
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	In the US, overall, and in the primary geography of biomass sourcing in the US specifically, nature protection areas, as defined by REDIII, are generally owned and managed by the US Federal government. Within this region, these include National Parks and Monuments, National Wildlife Refuges, National Forests and Department of Défense Installations. Notable peatland ecosystems examples include the Everglades National Park in Florida and Okefenokee National Wildlife Refuge in Georgia. These areas are mapped, clearly defined, and are strictly regulated and managed for the protection of their values. National Wildlife Refuges, like the Okefenokee, are federally protected lands managed by the US Fish & Wildlife Service (FWS). The National Wildlife Refuge System Administration Act provides authority and directives for the Service to improve the National Wildlife Refuge System; administers a national network of lands and waters for the conservation, management, and restoration of fish, wildlife and plant resources and habitat (FWS, 2025). National Parks, like the Everglades, Great Smoky Mountains and Congaree, are all recognized and protected for their unique ecosystems and natural values, by the National Park Service (NPS). The NPS was created through the Organic Act of 1916 with a mission to "....to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (Department of Interior, 2025). There is a furth array of applicable laws for the management and oversight of the National Parks (National Park Service, 2025). Like the other agencies, the US Forest Service manages the National Forests under an array of laws, ensuring the protection of nature, even in cases of timber harvesting. These include National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA). The Forest Service, which is legally mandated "to sustain the multiple use of its renewable resources in perpetuity while maintaining

	the long-term health and productivity of the land" under the Multiple Use Sustained Yield Act (US Forest Service, 2025). Lastly, the Department of Défense is also bound to manage for nature protection purposes on military installations. Notable examples include Eglin Air Force Base in Florida's Panhandle, recognized as a key partner in longleaf pine restoration (Pinus palustris) and associated species, and Joint Readiness Training Center and Fort Johnson in Louisiana, which is engaged in restoration efforts to restore and protect habitats of the red-cockaded woodpecker and the Louisiana pine snake. All these lands are owned and managed by the Federal government and, thus, out of scope of private lands. Penalties for failure to comply with laws applying to the management of Federal lands, including National Parks and Monuments, National Wildlife Refuges, National Forests and Department of Défense Installations, which house natural ecosystems, are diverse. First, citizen lawsuits and remediation in the courts of the Judicial System. There is a long and documented case history of legal arbitration for violation of laws applying to federal lands. Noncompliant agencies would also face defunding in oversight by Congress, as well as the Executive Administration. As such, they are highly incentivized to comply with law and maintain levels of funding. Additionally, noncompliance with Federal laws by agencies managing lands contributes to reputational risks and negative perceptions by the government counterparts, partners and the American public at large. Global indices consistently evaluate and highly rank the US's performance related to rule of law, control of corruption, and related indicators.
Sources	National Park Service. 2025. National Park Service Laws. https://www.nps.gov/subjects/legal/national-park-service-laws.htm US Department of Interior (USDI). 2025. NPS Organic Act. https://www.doi.gov/ocl/nps-organic-act US Fish & Wildlife Service (FWS). 2025. National Wildlife Refuge System Administration Act. https://www.govinfo.gov/content/pkg/USCODE-2017-title16/pdf/USCODE-2017-title16-chap5A-subchapIII-sec668dd.pdf US Fish & Wildlife Service (FWS). 2024. Eglin Air Force Base named Service's Military Conservation Partner of the Year. https://www.fws.gov/story/2024-05/eglin-air-force-base-named-services-military-conservation-partner-year US Forest Service. 2025. Laws and Regulations. https://www.fs.usda.gov/about-agency/regulations-policies/laws-regulations#:~:text=Multiple%20Use%20Sustained%20Yield%20Act,and%20wildlife%20and%20fish%20purposes
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 outcome of Federal laws, State laws, and enforcement and monitoring mechanisms working together, is that operations comply with all existing applicable laws and regulations when sourcing feedstock from both private and public lands.
Sources	Congressional Research Service. 2021. National Environmental Policy Act: Judicial Review and Remedies. https://crsreports.congress.gov/product/pdf/IF/IF11932#:~:text=Accordin

	g%20to%20the%20U.S.%20Department,Administrative%20Procedure%20Act%20(APA). Federal Emergency Management Agency. 2025. Possible Consequences of Not Following National Environmental Policy Act Process. https://www.fema.gov/emergency-managers/practitioners/environmental-historic/assessments/consequences-nepa
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 (for large clear-cuts only)
List of applicable law(s)	• Clean Air Act of 1973 • Clean Water Act of 1972 • Convention on International Trade in Endangered Species (CITES) • Endangered Species Act of 1973 • Plant Protection Act • State Forestry Laws • US Organic Act
Sources	National Association of State Foresters (NASF). 2016. Effectiveness of Forest BMPs in the United States: Literature Review. Forest Ecology and Management. Accessed: https://www.stateforesters.org/wp-content/uploads/2018/09/Literature-Review-published-in-Forest-Ecology-and-Management.pdf National Association of State Foresters (NASF). 2019. Protecting the Nation's Water: State Forestry Agencies and Best Management Practices. Accessed: https://www.stateforesters.org/wp-content/uploads/2019/12/NASF-2019-BMP-Final.pdf Southern Group of State Foresters. 2018. Implementation of Forestry Best Management Practices. 2018. Southern Region Report. Accessed: https://southernforests.org/wp-content/uploads/2023/03/2018-SGSF-Water-BMP-Report-FINAL.pdf US Department of Agriculture Forest Service. 1979. General Technical Report INT-69. Forest Soil Biology – Timber harvesting relationships: A perspective. Accessed: https://research.fs.usda.gov/treesearch/39720

Step 2: Description of enforcement and monitoring

Description of the practical implementation of the law(s)	Underlying the region's forest industry, is a legal and regulatory framework that ensures soil quality and biodiversity are protected by law during harvesting operations. These comprehensively address the major of the elements within the indicator. Discussion of where legal framework does not fully address the indicator

is addressed, by section, below.

US Federal Water Pollution Control Act (1972), commonly referred to as the US Clean Water Act (CWA) is administered by the Environmental Protection Agency (EPA) and establishes the fundamental structure for regulating discharges of pollutants into the "waters of the United States" and regulating water quality standards for surface waters. The CWA includes requirements to address both point source pollution, pollution from identified outlets (e.g., a pipe from an industrial or municipal source), and non-point source pollution from sources that cannot be easily identified (e.g., runoff from roads). EPA has developed national water quality criteria recommendations for pollutants in surface waters; these are particularly relevant to biodiversity and soil quality.

BMPs for each of the States in the scope of assessment include measures for site preparation and harvesting practices, spot seeding, road building, and other forest management activities designed to minimize soil disturbance and compaction, which support soil structures, fertility, and biological activity, as well as the implementation of measures to reduce deposition and promote retention of sediment and nutrients onsite. These requirements include considerations for more vulnerable soil types, including those associated with specific landforms, such as wetlands.

Soil Protection, Logging Systems

Additionally, BMPs include outlines for different forest management or logging systems, outlining that logging systems reflect the combination of equipment and personnel. These systems, including specialized equipment to minimize impacts, evolved to be responsive to different harvesting conditions to promote effectiveness of BMPs and minimize adverse impacts on the forest environment. Pieces of equipment are described, including uses, and guidance is provided to support the selection, planning and timing of the appropriate logging systems relative to a combination of factors including weather sensitivity, terrain, slope, average tree size, volume per acre and road specifications.

The CWA is rigorously enforced, like all laws in the US and there is a long-documented history of criminal enforcements (EPA, 2024). Fines for violations of Section 404 of CWA range from $2,500 to $50,000 per day and up to six years in prison (EPA, 2024).

Biodiversity

As it relates to the maintenance of biodiversity, along with CWA and an array of other laws, the overarching Federal legislation identifying and protecting biodiversity in the US is the ESA. The law was enacted in 1973 to provide a legal framework for the protection and conservation of threatened and endangered faunal and floral species and their habitats. The primary components of the ESA are the formal "listing" of species in need of protection, establishment of critical habitat areas, and development of conservation strategies.

When FWS formally lists a species as threatened or endangered, it prohibits the "take" of the listed species and its related habitats. Under ESA, the term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct (USFWS, 2020). As such, listed species and their habitats are under the full protection of the law (USFWS, 2024).

In association with the ESA, the Federal government requires States to have a State Wildlife Action Plan (SWAP) to receive funding for grants through the FWS. SWAPs

	have been developed for every State in the US and are updated approximately every 10 years. State level plans are required to identify at-risk wildlife and key habitats and communities. The legal protections in place under the ESA are strictly enforced. Violations of ESA are punishable by civil penalties of up to $25,000 for each violation and criminal penalties of up to $50,000 and one-year imprisonment upon conviction of violations of the Act. Since ESA prohibits take of these species, including the harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection, or other such attempts, the ESA and its accompanying enforcement ensure the protection of listed species under Federal law. According to Title 18 of the Criminal Provisions of the US Criminal Code, violations of the ESA are punishable with criminal misdemeanour penalties of up to one year imprisonment and fines pursuant to a maximum of $50,000 (EPA, 2024). In addition to Federal law, States may have laws protecting species at risk. Penalties for violations of State related species laws vary. For example, a misdemeanour in Georgia is punishable by up to 12 months in jail and a maximum fine of $1,000, a misdemeanour in South Carolina is punishable by up to one-year imprisonment and a $1,000 fine or both, and a third-degree felony in Florida punishable by up to five years in prison and a fine of up to $5,000 (AFF, 2021). <u>Stumps and Roots</u> Specific to stumps and roots, there are no Federal laws specifically prohibiting or requiring the removal of stumps. However, in risk assessment geography, stump removal is extremely rare, generally, and is unheard of for the purposes of biomass sourcing, which is confirmed by stakeholders. In general terms, harvesting stumps for biomass is simply not economically viable. Private landowners typically do not want stumps removed because this practice results in large holes and ground disturbances that would need remediation to address serious safety concerns and improve aesthetics. <u>Clearcut Size</u> BMPs for each state layout guidelines around each of these elements, each with an emphasis on local adaptations and consideration for the features of the site. These address the primary concern of soils conservation within this indicator. However, there are no maximum thresholds for large clear-cuts as defined in the country by law. <u>Old Growth and Primary Forests</u> Regarding old-growth forests, they are essentially non-existent in the risk assessment region, because of land use history. The US Organic Act (1897) authorized the establishment of US National Forest Reserves to conserve forested areas. These conservation lead to an aggregation of uncut parcels in federal management, outside of the ownership scope of this risk assessment. The figure below shows the forest types in the region.

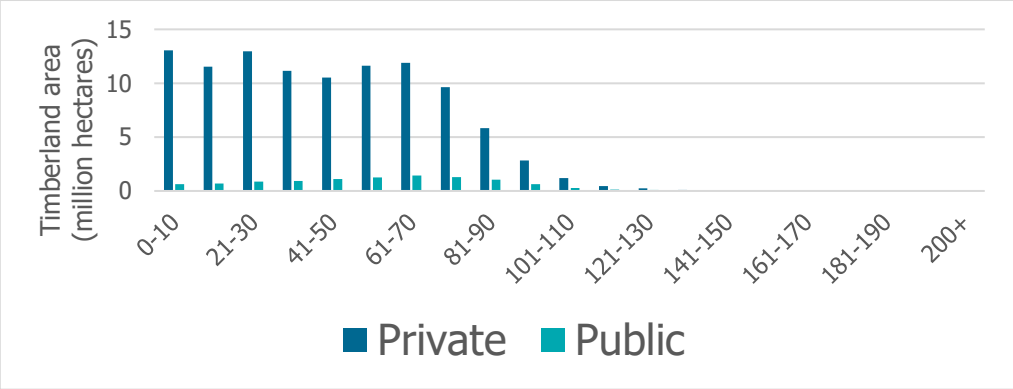

Figure: *Distribution of timberland area on private and non-National Forest public lands by 10-year age class in the RRA region (USFS FIA, 2024).*

Regarding primary forests, these are similarly not present in this region. The World Resources Institute (WRI) and their Global Forest Watch (GFW) tool provide a recognized mapping of primary forests, which align with this definition, shows no primary forests in the risk assessment geography.

The US consistently performs very well on important indices related to legality, governance, and corruption.

Sources

National Association of State Foresters (NASF). 2016. Effectiveness of Forest BMPs in the United States: Literature Review. Forest Ecology and Management. Accessed: https://www.stateforesters.org/wp-content/uploads/2018/09/Literature-Review-published-in-Forest-Ecology-and-Management.pdf

National Association of State Foresters (NASF). 2019. Protecting the Nation's Water: State Forestry Agencies and Best Management Practices. Accessed: https://www.stateforesters.org/wp-content/uploads/2019/12/NASF-2019-BMP-Final.pdf

Southern Group of State Foresters. 2018. Implementation of Forestry Best Management Practices. 2018. Southern Region Report. Accessed: https://southernforests.org/wp-content/uploads/2023/03/2018-SGSF-Water-BMP-Report-FINAL.pdf

US Department of Agriculture Forest Service. 1979. General Technical Report INT-69. Forest Soil Biology – Timber harvesting relationships: A perspective. Accessed: https://research.fs.usda.gov/treesearch/39720Transparency International. Corruption Perception Index. 2023. https://www.transparency.org/en/cpi/2023

US Fish & Wildlife Service (FWS). 2024. Listing and Classification. Access: https://www.fws.gov/program/listing-and-classification/what-we-do

Is the enforcement and monitoring ensured for the identified law(s)?

☐ Yes ✓ No, Level B route is required (for large clear-cuts only)

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 US 's well-developed set of laws covering all aspects of ecosystem health, including soil protection and biodiversity, have been consistently enforced through robust monitoring systems. The described practices and enforcement measures working together provide sufficient assurance that soil quality shall be maintained

	or enhanced. As noted above, all provisions of the CWA are rigorously enforced. BMP programs are widely used and reported rates of compliance between 81-99% in the states included in the scope (NASF, 2019). This suggests an extremely high rate of implementation and assurance that measures to minimize soil compaction and maximize nutrient retention have been taken. In terms of effectiveness, ESA is regarded as "one of the strongest laws of any nation for preventing species extinction" and has been successful in preventing the extinction of 99% of the species that have been listed since its enactment in 1973.
Sources	Environmental Protection Agency (EPA). 2024. Criminal Provisions of the US Criminal Code (Title 18) and Other Statutes, The Endangered Species Act of 1973. Access: https://www.epa.gov/enforcement/criminal-provisions-us-criminal-code-title-18-and-other-statutes National Association of State Foresters (NASF). 2016. Effectiveness of Forest BMPs in the United States: Literature Review. Forest Ecology and Management. Accessed: https://www.stateforesters.org/wp-content/uploads/2018/09/Literature-Review-published-in-Forest-Ecology-and-Management.pdf National Association of State Foresters (NASF). 2019. Protecting the Nation's Water: State Forestry Agencies and Best Management Practices. Accessed: https://www.stateforesters.org/wp-content/uploads/2019/12/NASF-2019-BMP-Final.pdf Southern Group of State Foresters. 2018. Implementation of Forestry Best Management Practices. 2018. Southern Region Report. Accessed: https://southernforests.org/wp-content/uploads/2023/03/2018-SGSF-Water-BMP-Report-FINAL.pdf US Department of Agriculture Forest Service. 1979. General Technical Report INT-69. Forest Soil Biology – Timber harvesting relationships: A perspective. Accessed: https://research.fs.usda.gov/treesearch/39720
Is the legal framework effective?	☐ Yes ✓ No, Level B route is required (for large clear-cuts only)
(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)	State Laws
Sources	US Department of Agriculture Forest Service. 2024. Sustainability Reporting. Access: https://research.fs.usda.gov/inventory/sustainability US Department of Agriculture Forest Service, Forest Inventory and Analysis Program. 2024. Forest Inventory EVALIDator web-application Version 2.1.2. St. Paul, MN: US Department of Agriculture, Forest Service, Northern Research Station. Available at: https://apps.fs.usda.gov/fiadb-api/evalidator
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Harvesting levels have been sustainably maintained for the recent decades, supported by Federal and State legal infrastructure. Some States uphold specific "green up" laws or conditions of programming. These include laws for failure to carry out planting, cutting or management plan and the agency authorization to

	examine timberland and make recommendations concerning reforestation (Code of Virgina, 2025). Similarly, for example, laws promote reforestation including provisions laid out in the State Forest Action Plan (SWAP) (Tennessee Department of Agriculture, 2020). Growth and yield data from the US Department of Agriculture (USDA) Forest Service's (FS) Forest Inventory and Analysis (FIA) dataset are the most current and comprehensive measurement of forest inventories on all landownerships across the US. State agencies play a primary role in enforcing state-specific regulations on private lands, including laws related to forest management and environmental protection. The following State authorities are responsible for forest-specific enforcement within the sourcing geography om private lands: Alabama Forestry Commission, Arkansas Forestry Commission, Florida Division of Forestry, Georgia Forestry Commission, Kentucky Division of Forestry, Louisiana Department of Agriculture and Forestry – Office of Forestry, Mississippi Forestry Commission, Missouri Department of Conservation, North Carolina Division of Forest Resources, Ohio Department of Natural Resources – Forestry, Oklahoma Forestry Services, South Carolina Forestry Commission, Tennessee Division of Forestry, Texas Forest Service, Virginia Department of Forestry, and West Virginia Division of Forestry. State agencies have primary responsibility for enforcing State laws on private lands. The US consistently performs very well on important indices related to legality, governance, and corruption, demonstrating the high degree of confidence that laws cited herein are strictly enforced.
Sources	Code of Virginia. 2025. § 10.1-1173. Authority of State Forester; reforestation options; lien. https://law.lis.virginia.gov/vacode/title10.1/chapter11/section10.1-1173/ Code of Virginia. 2025. Liability for failure to carry out planting, cutting or management plan; reforestation of area by State Forester. https://law.lis.virginia.gov/vacode/title10.1/chapter11/section10.1-1169/ Oswalt, S.N. 2021. Indicator 2.13: Annual harvest of wood products by volume and as a percentage of net growth or sustained yield. Washington, DC: US Department of Agriculture, Forest Service, Research and Development. 3 p. https://research.fs.usda.gov/sites/default/files/2022-03/Indicator2.13.pdf Oswalt, S.N., Smith, W.B., Miles, P.D., and Pugh, S.A. 2019. Forest Resources of the United States, 2017: a technical document supporting the Forest Service 2020 RPA Assessment. Gen. Tech. Rep. WO-97. Washington, DC: US Department of Agriculture, Forest Service, Washington Office. 223 p. ResourceWise. 2024. Demand and Forest Productivity in the US South An Update Report August 26, 2024. Tennessee Department of Agriculture. 2020. Tennessee Forest Action Plan. https://www.tn.gov/agriculture/forests/protection/ag-forests-action-plan.html US Department of Agriculture Forest Service, Forest Inventory and Analysis Program. 2024. Forest Inventory EVALIDator web-application Version 2.1.2. St. Paul, MN: US Department of Agriculture, Forest Service, Northern Research Station. Available at: https://apps.fs.usda.gov/fiadb-api/evalidator World Bank. 2024. Worldwide Governance Indicators.

	https://www.worldbank.org/en/publication/worldwide-governance-indicatorsUS Department of Agriculture Forest Service. 2024. Sustainability Reporting. Access: https://research.fs.usda.gov/inventory/sustainability
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 outcome of Federal laws, State laws, and enforcement and monitoring mechanisms working together, is that operations comply with all existing applicable laws and regulations when sourcing feedstock from private and public lands.
Sources	Code of Virginia. 2025. § 10.1-1173. Authority of State Forester; reforestation options; lien. https://law.lis.virginia.gov/vacode/title10.1/chapter11/section10.1-1173/ Code of Virginia. 2025. Liability for failure to carry out planting, cutting or management plan; reforestation of area by State Forester. https://law.lis.virginia.gov/vacode/title10.1/chapter11/section10.1-1169/ Oswalt, S.N. 2021. Indicator 2.13: Annual harvest of wood products by volume and as a percentage of net growth or sustained yield. Washington, DC: US Department of Agriculture, Forest Service, Research and Development. 3 p. https://research.fs.usda.gov/sites/default/files/2022-03/Indicator2.13.pdf Oswalt, S.N., Smith, W.B., Miles, P.D., and Pugh, S.A. 2019. Forest Resources of the United States, 2017: a technical document supporting the Forest Service 2020 RPA Assessment. Gen. Tech. Rep. WO-97. Washington, DC: US Department of Agriculture, Forest Service, Washington Office. 223 p. Tennessee Department of Agriculture. 2020. Tennessee Forest Action Plan. https://www.tn.gov/agriculture/forests/protection/ag-forests-action-plan.html US Department of Agriculture Forest Service. 2024. Sustainability Reporting. Access: https://research.fs.usda.gov/inventory/sustainability US Department of Agriculture Forest Service, Forest Inventory and Analysis Program. 2024. Forest Inventory EVALIDator web-application Version 2.1.2. St. Paul, MN: US Department of Agriculture, Forest Service, Northern Research Station. Available at: https://apps.fs.usda.gov/fiadb-api/evalidator
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)	• Clean Air Act of 1973 • Clean Water Act of 1972 • Plant Protection Act • State Forestry Laws • US Organic Act
Sources	National Association of State Foresters (NASF). 2016. Effectiveness of Forest BMPs in the United States: Literature Review. Forest Ecology and Management. Accessed: https://www.stateforesters.org/wp-content/uploads/2018/09/Literature-Review-published-in-Forest-Ecology-and-Management.pdf National Association of State Foresters (NASF). 2019. Protecting the Nation's Water: State Forestry Agencies and Best Management Practices. Accessed: https://www.stateforesters.org/wp-content/uploads/2019/12/NASF-2019-BMP-Final.pdf Southern Group of State Foresters. 2018. Implementation of Forestry Best Management Practices. 2018. Southern Region Report. Accessed: https://southernforests.org/wp-content/uploads/2023/03/2018-SGSF-Water-BMP-Report-FINAL.pdf
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Old growth forests, they are essentially nonpresent in the geography of interest, because of land use history. The US Organic Act (1897) authorized the establishment of US National Forest Reserves to conserve forested areas. These conservation lead to an aggregation of uncut parcels in federal management, outside of the ownership scope of this risk assessment. Regarding primary forests, these are similarly not present in this region. The World Resources Institute (WRI) and their Global Forest Watch (GFW) tool provide a recognized mapping of primary forests, which align with this definition, shows no primary forests in the RRA's geography. Stakeholders validated this conclusion.
Sources	Oswalt, S.N., Smith, W.B., Miles, P.D., and Pugh, S.A. 2019. Forest Resources of the United States, 2017: a technical document supporting the Forest

	Service 2020 RPA Assessment. Gen. Tech. Rep. WO-97. Washington, DC: US Department of Agriculture, Forest Service, Washington Office. 223 p. ResourceWise. 2024. Demand and Forest Productivity in the US South An Update Report August 26, 2024. US Department of Agriculture Forest Service. 2024. Sustainability Reporting. Access: https://research.fs.usda.gov/inventory/sustainability US Department of Agriculture Forest Service, Forest Inventory and Analysis Program. 2024. Forest Inventory EVALIDator web-application Version 2.1.2. St. Paul, MN: US Department of Agriculture, Forest Service, Northern Research Station. Available at: https://apps.fs.usda.gov/fiadb-api/evalidator World Resources Institute. 2025. Global Forest Watch. https://www.globalforestwatch.org/dashboards/global/
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	NA
Sources	NA
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, and 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)	Endangered Species Act Clean Water Act State Laws and BMPs
Sources	Congressional Research Service. 2021. The Endangered Species Act: Overview and Implementation (Updated March 4, 2021), CRS Report Prepared for Members and Committees of Congress. Access: https://crsreports.congress.gov/ (ref: R46677). US Department of Justice (DoJ). 2024. Endangered and Threatened Species Listing and Recovery. Access: https://www.justice.gov/enrd/wildlife-and-marine-resources-section/endangered-and-threatened-species-listing-and-recovery US Fish & Wildlife Service (FWS). 2024. Listing and Classification. Access:

	https://www.fws.gov/program/listing-and-classification/what-we-do US Fish & Wildlife Service (FWS). 2024. Complete Current Range, Shapefile Feature Class, Environmental Conservation Online System, Retrieved from https://ecos.fws.gov/docs/species/shapefiles/usfws_complete_species_current_range.zip US Fish & Wildlife Service (FWS). 2024. Critical Habitat. Access: https://www.fws.gov/project/critical-habitat US Fish & Wildlife Service (FWS). 2024. Critical Habitat Polygon Features Final, ArcGIS Feature Service, Environmental Conservation Online System, Retrieved from https://services.arcgis.com/QVENGdaPbd4LUkLV/ArcGIS/rest/services/USFWS_Critical_Habitat/FeatureServer
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The overarching Federal legislation identifying and protecting biodiversity in the US is the Endangered Species Act (ESA). The law was enacted in 1973 to provide a legal framework for the protection and conservation of threatened and endangered faunal and floral species and their habitats. The primary components of the ESA are the formal "listing" of species in need of protection, establishment of critical habitat areas, and development of conservation plans aimed to preventing the extinction of species and conserving of the ecosystems upon which the species depend (FWS, 2024). The FWS spatially designates *critical habitat* areas for each listed species, which includes forests. The ESA requires the designation of critical habitat for listed species. When identifying critical habitat, FWS first evaluates areas currently occupied by the species and considers what physical and biological features a species needs for life processes and successful reproduction. These features include: (1) space for individual and overall population growth, and for normal behavior; (2) cover or shelter; (3) food, water, air, light, minerals, or other nutritional or physiological requirements; (4) sites for breeding and rearing offspring, germination, or seed dispersal; and (5) habitats that are protected from disturbances or are representative of the historical, geographical, and ecological distributions of the species. In association with the ESA, the Federal government requires States to have a State Wildlife Action Plan (SWAP). SWAPs have been developed for every State in the US and are updated approximately every 10 years. State level plans are required to identify at-risk wildlife and key habitats and communities. SWAPs include state-wide species lists. They are collaboratively drafted by many partners and stakeholders and use the best available data to provide a comprehensive, adaptable assessment of conservation needs and a plan to address them. The legal protections in place under the ESA are strictly enforced. Violations of ESA are punishable by civil penalties of up to $25,000 for each violation and criminal penalties of up to $50,000 and one-year imprisonment upon conviction of violations of the Act. Since ESA prohibits take of these species, including the harassment, harm, pursuit, hunting, shooting, wounding, killing, trapping, capture, or collection, or other such attempts, the ESA and its accompanying enforcement ensure the protection of listed species under Federal law. According to Title 18 of the Criminal Provisions of the US Criminal Code, violations of the ESA are punishable with criminal misdemeanour penalties of up to one year imprisonment and fines pursuant to a maximum of $50,000 (EPA, 2024). In terms of effectiveness, ESA is regarded as "one of the strongest laws of any nation for preventing species extinction" and has been successful in preventing the extinction of 99% of the species that have been listed since its enactment in 1973.

	(Greenwald et al., 2019). Penalties for violations of State related species laws vary. For example, a misdemeanour in Georgia is punishable by up to 12 months in jail and a maximum fine of $1,000, a misdemeanour in South Carolina is punishable by up to one-year imprisonment and a $1,000 fine or both, and a third-degree felony in Florida punishable by up to five years in prison and a fine of up to $5,000 (AFF, 2021).
Sources	Congressional Research Service. 2021. The Endangered Species Act: Overview and Implementation (Updated March 4, 2021), CRS Report Prepared for Members and Committees of Congress. Access: https://crsreports.congress.gov/ (ref: R46677). Evans, D.M., Che-Castaldo, J.P., Crouse, D., Davis, F.W., Epanchin-Niell, R., Flather, C.H., et al. 2016. Species recovery in the united states: Increasing the effectiveness of the endangered species act. Issues in Ecology, 2016(20). Access: https://escholarship.org/uc/item/8k61j403 Faber-Langendoen, D., Nichols, J., Master, L., Snow, K., Tomaino, A., Bittman, R., Hammerson, G., Heidel, B., Ramsay, L., Teucher, A., and Young, B. 2012. NatureServe Conservation Status Assessments: Methodology for Assigning Ranks. NatureServe, Arlington, VA. Faber-langendoen, D., Baldwin, K., Peet, R.K., Medinger, D., Muldavin, E., Keller-Wolf, T., and Josse, C. 2017. The EcoVeg approach in the Americas: US, Canadian, and International Vegetation Classifications. Phytocoenologia. Published online December 2017. Forest Stewardship Council (FSC). 2014. Development and Approval of FSC Centralized National Risk Assessments (PSU-PRO-10-002 v3). Access: https://connect.fsc.org/document-centre Forest Stewardship Council (FSC). 2014. FSC National Risk Assessment Framework Procedure (FSC-PRO-60-002 v3). Access: https://connect.fsc.org/document-centre Forest Stewardship Council (FSC). 2019. FSC-NRA-USA V1-0: FSC US Controlled Wood National Risk Assessment (US NRA). Access: https://us.fsc.org/en-us/certification/controlled-wood/fsc-us-controlled-wood-national-risk-assessment-us-nra Forest Stewardship Council (FSC). 2023. US National Risk Assessment Implementation Resources. Access: https://us.fsc.org/en-us/certification/controlled-wood/us-nra-implementation-resources Forest Stewardship Council (FSC). 2024. Interpretations of the Normative Framework, Controlled Wood (9/09/2024). Access: https://connect.fsc.org/document-centre Forest Stewardship Council (FSC). 2024. List of FSC Approved Controlled Wood Documents (FSC-PRO-60-002b V2-0 EN). Access: https://connect.fsc.org/document-centre US Department of Justice (DoJ). 2024. Endangered and Threatened Species Listing and Recovery. Access: https://www.justice.gov/enrd/wildlife-and-marine-resources-section/endangered-and-threatened-species-listing-and-recovery US Fish & Wildlife Service (FWS). 2024. Listing and Classification. Access: https://www.fws.gov/program/listing-and-classification/what-we-do US Fish & Wildlife Service (FWS). 2024. Complete Current Range, Shapefile Feature Class, Environmental Conservation Online System, Retrieved from https://ecos.fws.gov/docs/species/shapefiles/usfws_complete_species_current_range.zip US Fish & Wildlife Service (FWS). 2024. Critical Habitat. Access: https://www.fws.gov/project/critical-habitat

	US Fish & Wildlife Service (FWS). 2024. Critical Habitat Polygon Features Final, ArcGIS Feature Service, Environmental Conservation Online System, Retrieved from https://services.arcgis.com/QVENGdaPbd4LUkLV/ArcGIS/rest/services/USFWS_Critical_Habitat/FeatureServer
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 terms of effectiveness, ESA is regarded as "one of the strongest laws of any nation for preventing species extinction" and has been successful in preventing the extinction of 99% of the species that have been listed since its enactment in 1973. (Greenwald et al., 2019). ESA is a highly effective law for protected forests associated with listed species.
Sources	Environmental Protection Agency (EPA). 2024. Criminal Provisions of the US Criminal Code (Title 18) and Other Statutes, The Endangered Species Act of 1973. Access: https://www.epa.gov/enforcement/criminal-provisions-us-criminal-code-title-18-and-other-statutes National Association of State Foresters (NASF). 2016. Effectiveness of Forest BMPs in the United States: Literature Review. Forest Ecology and Management. Accessed: https://www.stateforesters.org/wp-content/uploads/2018/09/Literature-Review-published-in-Forest-Ecology-and-Management.pdf National Association of State Foresters (NASF). 2019. Protecting the Nation's Water: State Forestry Agencies and Best Management Practices. Accessed: https://www.stateforesters.org/wp-content/uploads/2019/12/NASF-2019-BMP-Final.pdf Southern Group of State Foresters. 2018. Implementation of Forestry Best Management Practices. 2018. Southern Region Report. Accessed: https://southernforests.org/wp-content/uploads/2023/03/2018-SGSF-Water-BMP-Report-FINAL.pdf US Department of Agriculture Forest Service. 1979. General Technical Report INT-69. Forest Soil Biology – Timber harvesting relationships: A perspective. Accessed: https://research.fs.usda.gov/treesearch/39720
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)	Organic Act US Farm Bill Endangered Species Act
Sources	Congress. 2024. S.4639 - North American Grasslands Conservation Act of 2022. Access: https://www.congress.gov/bill/117th-congress/senate-bill/4639 Farm Service Agency. 2024. Grassland CRP. Access: https://www.fsa.usda.gov/programs-and-services/conservation-programs/crp-grasslands/index US Department of Agriculture (USDA). 2024. National Grasslands Story. Accessible: https://www.fs.usda.gov/managing-land/national-forests-grasslands/national-grasslands/about-us
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	There is consensus across all reviewed sources and experts, that intact, biodiverse grasslands are extremely rare within the geography of interest and have been for over 100 years. The US consistently performs very well on important indices related to legality, governance, and corruption. These analyses demonstrate the high degree of confidence that laws cited herein are strictly enforced.
Sources	Congress. 2024. S.4639 - North American Grasslands Conservation Act of 2022. Access: https://www.congress.gov/bill/117th-congress/senate-bill/4639 Farm Service Agency. 2024. Grassland CRP. Access: https://www.fsa.usda.gov/programs-and-services/conservation-programs/crp-grasslands/index US Department of Agriculture (USDA). 2024. National Grasslands Story. Accessible: https://www.fs.usda.gov/managing-land/national-forests-grasslands/national-grasslands/about-us
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	These ecosystems were eradicated from the geography of interest. As such, experts are in consensus that these are, by default "no go areas."

the evaluation	
Sources	Congress. 2024. S.4639 - North American Grasslands Conservation Act of 2022. Access: https://www.congress.gov/bill/117th-congress/senate-bill/4639 Farm Service Agency. 2024. Grassland CRP. Access: https://www.fsa.usda.gov/programs-and-services/conservation-programs/crp-grasslands/index US Department of Agriculture (USDA). 2024. National Grasslands Story. Accessible: https://www.fs.usda.gov/managing-land/national-forests-grasslands/national-grasslands/about-us
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)	• Antiquities Act • Multiple Use Sustained Yield Act • National Environmental Policy Act (NEPA) • National Forest Management Act (NFMA) • National Wildlife Refuge System Administration Act • Organic Act of 1916 • Sikes Act • State Forestry Laws
Sources	US Forest Service. Ulex europaeus. 2025. https://www.fs.usda.gov/database/feis/plants/shrub/uleeur/all.html#STATES/PROVINCES US Forest Service. 2025. Calluna vulgaris. https://www.fs.usda.gov/database/feis/plants/shrub/calvul/all.html#DISTRIBUTION%20AND%20OCCURRENCE Massachusetts Natural Heritage and Species Program. 2016. Sandplain Heathlands. https://www.mass.gov/files/documents/2016/08/no/sandplain-heathland-fs.pdf National Park Service. 2016. Heathlands and Grasslands. https://www.nps.gov/caco/learn/nature/heathlands-and-grasslands.htm NatureServe. 2025. Northern Atlantic Coastal Plain Heathland and Grassland. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.802851/Northern_Atlantic_Coastal_Plain_Heathland_and_Grassland

Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The primary species comprising heathlands include gorse (Ulex europaeus) and heather (Calluna vulgaris), are nonnative species that were introduced by Europeans at the time colonialization, displacing native species and ecosystems. The US Forest Service reports that these species and associated ecosystems are limited in their range in the US and generally do not include the states in the geography of interest on private lands. The US consistently performs very well on important indices related to legality, governance, and corruption.
Sources	US Forest Service. Ulex europaeus. 2025. https://www.fs.usda.gov/database/feis/plants/shrub/uleeur/all.html#STATES/PROVINCES US Forest Service. 2025. Calluna vulgaris. https://www.fs.usda.gov/database/feis/plants/shrub/calvul/all.html#DISTRIBUTION%20AND%20OCCURRENCE Massachusetts Natural Heritage and Species Program. 2016. Sandplain Heathlands. https://www.mass.gov/files/documents/2016/08/no/sandplain-heathland-fs.pdf National Park Service. 2016. Heathlands and Grasslands. https://www.nps.gov/caco/learn/nature/heathlands-and-grasslands.htm NatureServe. 2025. Northern Atlantic Coastal Plain Heathland and Grassland. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.802851/Northern_Atlantic_Coastal_Plain_Heathland_and_Grassland
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	Heathland ecosystems do not exist in the geographic or ownership scope of the assessment and are de facto "no go" areas. Grasslands experts corroborate this assessment.
Sources	US Forest Service. Ulex europaeus. 2025. https://www.fs.usda.gov/database/feis/plants/shrub/uleeur/all.html#STATES/PROVINCES US Forest Service. 2025. Calluna vulgaris. https://www.fs.usda.gov/database/feis/plants/shrub/calvul/all.html#DISTRIBUTION%20AND%20OCCURRENCE Massachusetts Natural Heritage and Species Program. 2016. Sandplain Heathlands. https://www.mass.gov/files/documents/2016/08/no/sandplain-heathland-fs.pdf National Park Service. 2016. Heathlands and Grasslands. https://www.nps.gov/caco/learn/nature/heathlands-and-grasslands.htm NatureServe. 2025. Northern Atlantic Coastal Plain Heathland and Grassland. https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.802851/Northern_Atlantic_Coastal_Plain_Heathland_and_Grassland
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)	Clean Water Act State BMPs
Sources	American Forest Foundation (AFF). 2021. Risk Based Approach (RBA) for Achieving Conformance with The Netherlands SDE+ Sustainability Requirements. Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ National Council for Air and Stream Improvement (NCASI). 2012. Assessing the effectiveness of contemporary forestry best management practices (BMPs): focus on roads. Research Triangle Park, NC. National Council for Air and Stream Improvement, Inc., Special Report No. 12–01. UN Environment Programme (UNEP). 2022. Summary for Policy Makers of the Global Peatlands Assessment – The State of the World's Peatlands: Evidence for action toward the conservation, restoration, and sustainable management of peatlands. https://wedocs.unep.org/20.500.11822/41222 US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	The US Clean Water Act (CWA) is the dominant Federal regulatory mechanism for protection of wetlands, including peatlands, which is further articulated at the State level through the implementation of BMPs. Specifically, Section 404 of the CWA regulates the discharge of dredged or fill material and specifies activities must not convert wetlands to uplands and/or new uses (EPA, 2020). The rigorous and longstanding enforcement of the CWA suggests conversion of any wetland to dried alternative ecosystems is likely to have occurred before its enactment in 1972, and well before the 2008 cut off specified by the SBP requirements The CWA is rigorously enforced, like all laws in the US. The US Environmental Protection Agency (EPA) has regulatory authority for the CWA generally. As it relates to Section 404 (the CWA section addressing wetlands), violations fall into two broad categories: failure to comply with the terms or conditions of a Section

	404 permit or discharging dredged or fill material to waters of the US without a permit. In either case, since 1989, the EPA and US Army Corps of Engineers (ACE) share authority for oversight. Under their agreement, ACE, as the Federal agency that issues permits, has the lead on ACE-issued permit violation cases. For unpermitted discharges, EPA and ACE determine the appropriate lead agency based on criteria their agreement.
Sources	American Forest Foundation (AFF). 2021. Risk Based Approach (RBA) for Achieving Conformance with The Netherlands SDE+ Sustainability Requirements. Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
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	EPA and ACE consider a wide variety of factors when identifying enforcement action for 404 violations. These factors include the amount of fill, the size of the water body (acres of wetlands filled and the environmental significance), discharger's previous experience with Section 404 requirements, and discharger's compliance history. In most instances, EPA and ACE prefer to resolve Section 404 violations through voluntary compliance or administrative enforcement. There is, however, a long-documented history of criminal enforcements (EPA, 2024). Fines for violations of Section 404 of CWA range from $2,500 to $50,000 per day and up to six years in prison (EPA, 2024).
Sources	Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
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)	Clean Water Act State BMPs
Sources	Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ UN Environment Programme (UNEP). 2022. Summary for Policy Makers of the Global Peatlands Assessment – The State of the World's Peatlands: Evidence for action toward the conservation, restoration, and sustainable management of peatlands. https://wedocs.unep.org/20.500.11822/41222 US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	Experts agree that peatlands are a subset of wetlands. Within the identified geographic scope, peatlands tend to be associated with histosol soils, which meet the definition for peatland (areas with soils containing at least a 40cm deep layer of peaty material in the first 80cm of the soil). According to the US Department of Agriculture's (USDA) Illustrated Guide to Soil Taxonomy V2.0, 2015, "histosols are formed in thick accumulations of organic matter from decaying plant material. The organic-dominated layers are typically at least 40 cm thick and commonly much thicker." As such, this definition for histosols in the US aligns with the EU definition for peatlands. Further, review of the literature and consultation with experts confirmed that peatlands are terrestrial wetland ecosystems. The US Clean Water Act (CWA) is the dominant Federal regulatory mechanism for protection of wetlands, including peatlands, which is further articulated at the State level through the implementation of BMPs. Specifically, Section 404 of the CWA regulates the discharge of dredged or fill material and specifies activities must not convert wetlands to uplands and/or new uses (EPA, 2020). The rigorous and longstanding enforcement of the CWA suggests conversion of any wetland to dried alternative ecosystems is likely to have occurred before its enactment in 1972, and well before the 2008 cut off specified by the SBP requirements.

	In addition, as required by the CWA, implementation and enforcement of Best Management Practices (BMPs) at the State level, which has been widely found to be effective, significantly reduces the risk of the sourcing biomass from wetlands, generally, but especially from those converted after January 1, 2008. Experts and stakeholders note in other analyses, while there is little new silvicultural drainage, some trees are grown in existing ditches and canals. These water features are heavily regulated.
Sources	Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.
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 CWA is rigorously enforced, like all laws in the US. The US Environmental Protection Agency (EPA) has regulatory authority for the CWA generally. As it relates to Section 404 (the CWA section addressing wetlands), violations fall into two broad categories: failure to comply with the terms or conditions of a Section 404 permit or discharging dredged or fill material to waters of the US without a permit. Fines for violations of Section 404 of CWA range from $2,500 to $50,000 per day and up to six years in prison (EPA, 2024). Previous analyses of land use histories, such as the American Forest Foundation's (AFF) Risk Based Approach (RBA) report most wetland conversion occurred in the 1940s and 1950s and, particularly, dredging of wetland areas was greatly reduced following passage of the CWA in 1972 (AFF, 2021).
Sources	Environmental Protection Agency (EPA). 2024. Enforcement under CWA Section 404. Access: https://www.epa.gov/cwa-404/enforcement-under-cwa-section-404 Environmental Protection Agency (EPA). 2024. Criminal Provisions of Water Pollution. Access: https://www.epa.gov/enforcement/criminal-provisions-water-pollution National Association of State Foresters (NASF). 2019. "Protecting the Nation's Water, State Forestry Agencies and Best Management Practices. https://www.stateforesters.org/newsroom/protecting-the-nations-water-state-forestryagencies-and-best-management-practices/ UN Environment Programme (UNEP). 2022. Summary for Policy Makers of the Global Peatlands Assessment – The State of the World's Peatlands: Evidence for action toward the conservation, restoration, and sustainable management of peatlands. https://wedocs.unep.org/20.500.11822/41222 US Fish and Wildlife Service (FWS), US Department of the Interior. 1979. Classification of Wetlands and Deepwater Habitats of the United States.

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 laws that make this requirement in the US.
Sources	NA
Step 2: Description of enforcement and monitoring	
Description of the practical implementation of the law(s)	NA
Sources	NA
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	NA
Sources	NA
Is the legal framework effective?	☐ Yes ✓ No, Level B route is required

8 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

9 Public consultation report

Stakeholder	Comment	Response
-	No comments received	-
-	-	-
-	-	-
-	-	-
-	-	-