

Irish Environmental and Social Stakeholders

**Comments on the response to “Coillte’s breaches of FSC Principles”
prepared by Soil Association Woodmark (SAW) and titled “Woodmark
Response to RFF-WL Oct 06.doc”**

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Layout of this report

The report layout is divided by each FSC principle and criterion, with the text of each criterion included in this document. Beneath each criterion, is the text of the original report by IESS, “Coillte’s breaches of FSC Principles”, followed by the text of Woodmark’s response, and finally followed by our further comments.

The first part of our report, however, deals primarily with the concluding comments from the Woodmark document.

The principles and criteria throughout are in black font, SAW’s responses are in **green** font and our comments are in **blue**.

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Introduction to our response

“Woodmark has identified a number of areas where further work is required, where further improvements can be made, and where Coillte will need to act prudently in order to avoid non-compliance with FSC requirements.”

While an awareness on the part of SAW that all is far from perfect in the Coillte camp is mildly encouraging, vague comments such as the above characterise the SAW response throughout. Specifics as to the consequences of failure to rectify the issues identified are not given. Neither are any timescales within given actions must be completed. Without such detail the above comment is valueless.

We believe Kevin Jones and SAW are fully aware that this is the case and have taken care to phrase the responses in this way to avoid presenting any real set of actions Coillte must undertake to retain their certification or any deadlines for completion of those actions.

All that is given is a bullet-list of headings under which improvements by Coillte are required:

- *improvements to information management and coherence of management planning;*
- *further improvement to stakeholder consultation and incorporation of community aspirations;*
- *review of best practice in relation maintaining water quality;*
- *review of chemical use;*
- *improved integration of biodiversity management and monitoring into plans and operations;*
- *more systematic landscape design;*
- *further progress with species diversification;*
- *and care to ensure compliance with FSC requirements in relation to property sales. [format changed*

IESS note, with some amusement, that this list does little more than summarise the concerns raised on 22 August in the original “Breaches” document. Considering the work SAW have put into countering those concerns, it is extraordinary to see them then identified in the *same* document as serious outstanding issues. IESS, however, prefer the original version which avoids wherever possible the use of vague phrasing. What of any value can be extracted from the phrase “further progress with species diversification,” for instance?

What constitutes progress in this case, in the eyes of SAW? To what end ought species be diversified? Over what timescales are Coillte required to complete this diversification? What degree of diversification is required within that timescale?

Above all, what are the consequences of failure?

For Soil Association Woodmark this should be the basis for all reasoning in the case of Coillte. Clearly, it is not.

IESS further note in Mr. Jones’s response the continual use of non-specific phraseology such as “received positive comment from”, or “stakeholder input” with no information whatever to show who the positive comment came from, or who the stakeholder might be.

Our understanding of FSC

FSC established its credibility and distinguished its standards as a certification and eco-labelling framework quite overtly as a “performance-based” system, rather than a management system based framework such as ISO or a continuous-improvement program such as the SFI. Soil Association Woodmark’s certification of Coillte despite numerous short-comings flies completely in the face of the performance pillar of FSC’s credibility, and if judged adequate, constitutes a substantial reversal and watering down of FSC as an eco-labelling program.

Throughout the report, Soil Association Woodmark has continually referred to improvement’s in Coillte’s forestry activities, plans for meeting the requirements set down by their certificate and no clear non-compliances with specific criterion. As FSC is a “performance-based” system, it is our understanding that Coillte must demonstrate clear compliance with each FSC Criterion. However, Coillte is certified on the basis that there is “*no clear non-compliance with FSC Criteria*”. Coillte are required to demonstrate compliance with each and every criterion. The burden of proof lies with the body seeking certification, not with those who question this certification.

SAW has issued Coillte’s FSC certificate on the basis that Coillte are *aspiring to improve* and to meet the FSC requirements, but not on the basis that they have *actually* achieved these targets. Despite this Coillte have been certified for six years!

While the primary purpose of IESS here has been to provide SAW with evidence of Coillte’s repeated failure to meet the required standards and thereby to empower SAW to take the necessary action and revoke the Coillte FSC certificate, we feel compelled at this point to also note the clear failure of SAW as a Certification Authority to fulfill their duties.

To allow a person carry out surgery because they aspire to study medicine is plainly ridiculous. Similarly, a murderer is not found innocent in a court of law because they aspire to do not harm at some undefined point in the future.

Why, then, do Coillte retain their certificate for aspiring to improve, especially when both their past record while certified and their ongoing actions demonstrate that this aspiration cannot result in compliance?

In short, certification is a reward for achievement, not a right.

Response to SAW's comments on each Criterion

We will now take SAW's response, principle by principle.

We have included the full text of the FSC Principles and Criteria, the breaches we listed in the original document of 22 August, Kevin Jones's responses of 12 October and finally, the IESS responses to them.

PRINCIPLE #1: Compliance with laws and FSC Principles

Forest management shall respect all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory, and comply with all FSC Principles and Criteria.

Criterion: 1.1 Forest management shall respect all national and local laws and administrative requirements.

Criterion: 1.5 Forest management areas should be protected from illegal harvesting, settlement and other unauthorized activities.

Criteria 1.1 and 1.5: Breaches

1. Coillte have been in court on several occasions for breaches of Irish Law – including illegal felling and illegal dumping – since 2001. They have also been issued with warning letters for illegal activities. For example, in December 2005, Coillte were issued with warning letters by Roscommon County Council regarding the illegal dumping of waste from the demolition of the old visitors centre at Lough Key Forest Park, County Roscommon. The construction waste was dumped in the forest at Lough Key [1]. Other illegal activities were reported in [2, 3, 4, 5].
2. Despite the January 24, 2005 settlement of an Irish High Court case in respect of Coillte's failure to provide information that had been requested under Statutory Instrument 125 of 1998 European Communities Act 1972 (Access to Information on the Environment) Regulations 1998 ("S.I. 125/98") in which Coillte Teoranta voluntarily agreed to be bound by the Directive and its Irish implementing Regulations, Coillte failed to respond to a request for information dated April 25, 2006, which cited the E.U. Directive 90/313/EEC and the Access to Information on the Environment Regulations, 1993 (S.I. No. 133 of 1993) [6]. Coillte demonstrated a lack of respect for both the Irish High Court's decision and for the EU regulation.
3. Even though Coillte were formed as part of State legislation, they have, since their formation on the 1st January 1989, purported to be a private legal entity. However, the European Courts have ruled that Coillte Teoranta is not a private company, it is a State body [7]: *"In the present case, Ireland itself has stated that Coillte Teoranta is and always has been a public undertaking wholly owned by the State...Neither the company's obligation to manage its affairs on a commercial basis nor the fact, alleged by Ireland, that the State does not, in practice, intervene in the company's management can prevail over the finding that the company is wholly owned and controlled by the State and that the State could therefore intervene. It follows that Coillte Teoranta is not private-law legal person for the purposes of Article 2(2)(b) of Regulation No 2080/92."* Despite this ruling from the European Courts, Coillte have continued to operate as a private company. In June 2005, the Freedom of Information Commissioner, Ms. Emily O'Reilly, was told by Coillte that Coillte were a private company. Ms. O'Reilly described Coillte's conduct as *"particularly egregious"* as Coillte *"provided [Ms. O'Reilly] with an incomplete description of its legal status"* and their *"submission [made] no mention whatsoever of the binding judgement of the European Court of Justice in which Coillte's view of its status as a private company was rejected."* [8]

WOODMARK RESPONSE:

Issue – Compliance with the law. Particular reference to Illegal felling; Lough Key Forest park.

Stakeholder input – Prior to the November 2005 evaluation stakeholder comments included queries in relation to Coillte's general compliance with legal requirements, although most of these related to Coillte's legal identity/status (see issue below). One query was raised in relation to the legality of a specific felling in relation to a windfarm.

Audit and Observations – In relation to illegal felling Woodmark noted non-compliances with national legislation in this respect as part of the 2003 audit and a full description is given in the 2003 report. Woodmark consulted with the Forest Service in its role a regulatory authority with specific reference to this issue. The non compliance appeared to have arisen as a result of inadequate internal procedures rather than a deliberate attempt to fell trees outside of the law. In light of the seriousness of the non-compliance Major Condition 2003.3 with a short timescale was raised. Coillte subsequently revised its internal procedures and instructions for felling licence application. These were evaluated by Woodmark as being adequate and an additional follow up audit was carried out (consultation with Forest service, review of new felling licence manual and procedures, review of felling licence applications and inspection of examples of felling sites) demonstrated that the new procedures were being implemented and no further non-compliances were noted. In relation to the specific wind farm site noted by a stakeholder this was followed up at the November 2005 audit and the site found not to be owned by Coillte. In relation to Lough Key, this was a joint venture between Coillte and the County Council to provide a visitor centre. The illegal waste was boulder clay which under more recent legislation required a licence for disposal. Having been informed of this by the County Council, Coillte instructed its contractor to remove the clay to an approved landfill site, this was done and following inspection by the Council the site works were signed off.

Certification Conclusion/ Rationale – Overall Coillte have good systems to achieve compliance with legal and regulatory requirements, with internal systems to monitor new legislation and consider implications for the operation of Coillte; training updates for staff; availability to staff of legislative and administrative requirements. In instances where non-compliances with a national law or administrative requirement have occurred they have demonstrated that they work with the appropriate authorities – i.e. respect the law - FSC Criterion 1.1 requires that “Forest management shall respect all national and local laws and administrative requirements” it does not expect that a forest manager will never be in non-compliance with a law. Overall the conclusion is that Coillte do respect national and administrative requirements.

IESS:

What Soil Association Woodmark here demonstrates is that Coillte had/have inadequate internal procedures to follow the law. They have updated their felling license application mechanism, but this means they were certified for three years without having the mechanisms to properly follow the law regarding legal felling. There is no mention of the illegal felling of several conservation value trees – i.e. Scots Pine. Also, Coillte were and are required to be aware that the dumping of building rubble was illegal unless it went to an approved landfill site. Ignorance of the law is not an excuse for disobeying the law.

This soft approach by Soil Association Woodmark means that they are allowing their certificate holders to operate in breach of the law, by accepting ignorance as an excuse. No law court will accept this. There is no justification for SAW doing so. Further, Soil Association Woodmark makes no mention whatsoever of the FOI commissioner's comments on Coillte.

It is also amazing that SAW will accept and certify organizations that are in breach of the law, which is what SAW are doing when they say that “**it does not expect that a forest manager will never be in non-compliance with a law**”. In essence, this bald statement declares that SAW are content to provide an FSC certificate to an organization that engages in criminal activity. A requirement for

compliance is implicit in the term “law” itself. SAW do not have the authority to dismiss the need for compliance.

WOODMARK RESPONSE:

Issue – Compliance with the law with specific reference to status of legal entity.

Stakeholder input – Several comments were received from stakeholders in relation to Coillte's status as technically being a private limited company, whilst its key shareholders are organs of the state. Many of the comments received were made in the context of land sales. Queries were raised in relation to the Freedom of Information Act. Submissions were received that included the quotes given in the Woodland League August 2006 report.

Audit and Observations – The specific issues raised by stakeholders were raised with the company by Woodmark. Under Irish Law Coillte has been established as and is technically a private limited company (reg no 138108). European Courts have interpreted Coillte's status for different “purposes”. Thus for example for the purposes of procurement it is interpreted as being a contracting authority; for the purposes of Forestry Regulations is interpreted as public undertaking.

In relation to the reference to request for information this was made to the Department of Agriculture and Food.

The Access to Information on the Environment Regulations, 1993 (Statutory Instrument No. 133 of 1993) transposed EU Directive 90/313/EEC guaranteeing EU citizens access to environmental information into Irish Law. In 2001 Coillte received a request for information on the People's Millennium Forests Project. Coillte responded to this request in two ways. First, Coillte asserted, based on legal advice, that the company was not governed by the Directive/regulations and second, Coillte voluntarily provided records from the project as requested.

Despite providing the information a legal action in the High Court was initiated seeking a ruling that Coillte was in fact subject to the regulations. This action continued until January 2005 when Coillte agreed, without conceding that it was subject to the Directive/Regulations, to comply voluntarily with the requirements of the legislation. Coillte chose to comply voluntarily on a pragmatic basis as a new Directive on Access to Environmental Information was due to come into force in February 2005 and it was clear that Coillte would be subject to the new Directive and regulations when implemented.

January 24th is the date on which Coillte voluntarily agreed to comply with the Directive and on which date the High Court action was settled without the Court giving direction on the issue.

The 25th April 2006 request occurred after the Woodmark audit of Coillte in November 2005. Nevertheless Woodmark has requested information from Coillte on the subject. It appears that the request was not made to Coillte but to the Department of Agriculture. As such Coillte suggest that they are not aware of its content and are therefore unable to say categorically how they would respond to it. However, Coillte have indicated that if the information sought required to be released under legislation or if it concerned data that Coillte would ordinarily put in the public domain it would as a matter of course provide the information. Woodmark will review this case further at the next surveillance.

Certification Conclusion/ Rationale – Arguably Coillte could have chosen to accept that they were subject to the EU regulation in 2001, however, the legal advice that they were given suggested that this was not in fact the case and Coillte submitted to due legal process to clarify the position. Arguably Coillte could also have conceded to voluntarily follow the regulations that were due to come into force in February 2005 at an earlier date. Nevertheless Coillte appear to have provided all of the available information in relation to the People's Millennium Forests request that triggered the initial legal action in 2001 some years before Coillte agreed in January 2005 to comply voluntarily with the EU Directive. Coillte further claim that subsequently all requests on other topics falling within the scope of the Access to Environmental Information Directives have been dealt with

in accordance with the legal requirements. There is currently no objective evidence to suggest otherwise.

Given that Coillte did voluntarily provide the information requested in 2001, they are able to demonstrate compliance with the spirit of the regulations and a non-compliance with FSC requirements can not be demonstrated. In relation to the April 2006 request this a) took place after the Woodmark audit of November 2005, and b) was made to an entity other than Coillte. Again there is no clearly demonstrable breach of FSC requirements. Woodmark will therefore follow up on this issue at the next surveillance.

IESS:

Coillte render access to information about its operations virtually impossible. They are NOT under the Freedom of Information Act. Ordinary citizens can NOT get a list of pesticides used by Coillte. Archeological data, environmental data - none of it is available to Irish citizens. Less than 6 months ago the Minister for Finance (one of Coillte's two shareholders) said he had "no plans" to make Coillte Fol compliant.

As to its legal status: Which Coillte is certified by SAW? Coillte the private company under Irish law or Coillte the public entity under EU law?

It appears that Soil Association Woodmark think that Irish Law supersedes EU law, which is not the case. We will also remind SAW that Coillte are certified as a public entity. Further, clarification is needed as to what SAW mean by the statement "European Courts have interpreted Coillte's status for different "purposes",

The 27 October 2005 request for information was responded to on 30 December 2005 by the Department of Agriculture. The 14-page Reply Mrs. James received contained responses from Mr Nicky Stafford of the Forest Service and from Mar Tony Hennessy of Coillte.

Mrs. James, therefore, had no reason to believe that the 25 April 2006 request for information under the Access to Information on the Environment Regulations was 'made to an entity other than Coillte' because Mr. Hennessy of Coillte had responded to the initial (27 October 2005) request for information which she had addressed to the Department of Agriculture.

The correspondence between the Forest Service and Coillte contained in the Reply to the 27 October 2005 request indicated ongoing co-operation between the two bodies in responding to such queries. Mrs. James received a Reply from the Forest Service to one of the questions contained in her 25 April 2006 letter. Coillte did not, however, respond to the 25 April 2006 request.

The above reference to a request for information under the Access to Information on the Environment regulations having been made on the 25 April 2006 specifically refers to a letter sent to the Department of Agriculture by Mrs. Debra E. James requesting clarification of information that had been provided to her in a Reply to a letter she sent to the Department of Agriculture on October 27, 2005 requesting information under the Freedom of Information Acts 1997 and 2003.

This entire response above from SAW is ambiguous, using terms such as "arguably", "could have", "appear", "claim". Did Coillte accept they were subject to the EU regulations? Did they provide all the information requested on the People's Millennium Forests? Is there any evidence, other than Coillte's claims, that "all requests on other topics falling within the scope of the Access to Environmental Information Directives have been dealt with in accordance with the legal requirements"?

Do Woodmark have any evidence, and did they contact anybody other than Coillte, when researching this paragraph? This paragraph is full of Coillte's claims, and their **appearance** to be in compliance. No facts or evidence is actually provided in this conclusion.

Again, Soil Association Woodmark uses the line that there is no evidence to suggest Coillte are in non-compliance. However, Coillte are required to demonstrate that they are in full-compliance with the criteria.

“Compliance with the spirit” is a completely ambiguous and non-specific statement. Either Coillte comply with the regulations, or they do not. It is worth remembering that the EU considers Coillte to be a public entity, and that public entities are subject to the Access to Information on the Environment directives. Failure of Coillte to follow this legislation is a clear breach of this principle.

Criterion: 1.3 In signatory countries, the provisions of all binding international agreements such as CITES, ILO Conventions, ITTA, and Convention on Biological Diversity, shall be respected.

Criteria 1.3: Breaches

1. Coillte claimed EU grants under the Council Regulation (EEC) N° 2080/92, which was earmarked for farmers and private growers. Coillte were involved in this major legal dispute, with serious financial implications, with the European Commission, over the use of the EU grant money. Coillte had drawn down EU grants, to whom payments were made through Coillte's Farm Partnership Scheme. In 1999, the Agricultural Directorate of the European Commission decided that the scheme was not eligible for grants and stopped further payments. In September 2000, it was ruled that 3.8 million Irish punts (€4.8m) in grants already paid would be clawed back, and that more than 30 million punts (€38.1m) due in premium payments to Coillte up to 2013 would not be paid. The EC ruling was to be appealed by the Irish Government, and the appeal was overturned in 2003, but these problems appear to have been completely overlooked by both SGS and Soil Association/Woodmark [7]. This is the same case in which the EC ruled that Coillte are a public entity.
2. Ireland was condemned by the European Commission in 1999 for not having adequate rules to assess new forestry projects [9]. There is evidence of damage to important habitats and water pollution. Irish rules were subsequently changed and the European Commission therefore closed the case. However, the new rules are not always applied correctly so a new case has been opened by the European Commission [10].
3. In 2005, the European Court of Justice (ECJ) condemned Ireland for not having an authorisation system of aerial spraying of forestry plantations with fertilizer in accordance with Directive 76/464/EEC (dangerous substances). Much new forestry is in areas where soil and water are naturally low in nutrients. Aerial spraying can harm the ecology of these areas. The matter has not since been resolved and, in April 2006, the Commission sent Ireland a first warning for not complying with the judgment. [11]
4. A further case in respect of which a Reasoned Opinion (final written warning) was sent this summer by the European Commission inter alia arguing that clearfelling and replanting is not properly controlled under the Habitats Directive, 92/43/EEC, in ecologically sensitive water catchments, notably those hosting the Freshwater Pearl Mussel. Ireland's Heritage Council recently issued a press release warning that this species faced extinction in Ireland. Forestry is one of the main threats, in particular clear-felling and replanting (typically Coillte activities). While there is a limited moratorium with regard to afforestation of deep-peat soils and while work on new safeguards is going on, until now there is no evidence of proper controls being exercised by Coillte. In 2004, there were mortalities of the Pearl Mussel on the Owenriff River in County Galway: upstream clear-felling was implicated although the Irish authorities have yet to produce any formal findings [12]

WOODMARK RESPONSE:

Issue – Compliance with the law with specific reference to EU funded grant assistance.

Stakeholder input – Comments were received from stakeholders at previous assessments.

Audit and Observations – Woodmark raised this issue with Coillte at previous audits. Audit demonstrated that grant money had been paid to Coillte but that following the EC ruling this ceased. The grant monies had been made available to Coillte via the Forest Service which as the regulatory authority had administered the scheme on behalf of the Irish Government. The non compliance with EU regulations in relation to use of EU funding was by the Irish Government (Ministry of Agriculture and Food) and not Coillte who were applying for funds that they had been advised they were eligible to receive.

Certification Conclusions/Rationale – Coillte have not been in non compliance with national or international law in relation to grant money disbursed. The Irish government in its role administering EC funds was the non-compliant entity in respect of EC regulations.

IESS:

Grants were paid because of Coillte Teoranta's misrepresentation of themselves as a private entity. The EU ruled that they are a public entity, and thus not entitled to the grant aid. Representatives of the State are the only shareholders in Coillte. Again, ignorance of the law, in this case EU law, is no excuse. There is a universal responsibility to adhere to EU directives.

WOODMARK RESPONSE:

Issue – Compliance with the law with specific reference to assessment of forestry projects, authorisation of aerial spraying, clear felling and replanting.

Stakeholder input – issues in relation to environmental impact and water quality were raised.

Audit and Observations – Coillte's performance in relation to the environmental impact assessment and water quality issues have been evaluated at successive audits. Corrective actions have been issued (eg 2004.19). However, the EC rulings relate to national administration of forestry regulations by the Irish government, the rulings do not apply directly to Coillte.

Certification Conclusion/Rationale – As it is the Irish Government's responsibility to comply with EC regulation Coillte can not be held responsible for implementing the various EC rulings cited.

IESS:

P&C1.3 requires adherence with international treaties and laws that the state is a signatory to. This includes EU law. Coillte's actions are in contravention of EU Law, whether or not the state is enforcing this law. Do Soil Association/Woodmark stand over this contravention?

Criterion: 1.6 Forest managers shall demonstrate a long-term commitment to adhere to the FSC Principles and Criteria.

Criteria 1.6: Breaches

1. Coillte claimed to the Irish Freedom of Information Commissioner that the land that they manage is private land. They stated, in a letter to the Freedom of Information Commissioner that *"the lands owned by the company are, in law, private property and the transaction which is the subject of the request is a private law transaction between two entities neither of which is subject to the Freedom of Information Acts."* [1.13] When Coillte was initially certified, their lands were described as 'public' [14]. The most recent report by Soil Association on Coillte's certification states that the *"perception [is] that land is "owned" by the people"* [15] i.e public land. Therefore, Coillte's description of their as private property is contradictory to their FSC certificate.
2. Coillte's activities have brought FSC into disrepute. One person, representing several communities stated that *"Since our first complaint in 2001 local people have given up and despaired of any ethical behaviour or adherence by Coillte to FSC principles of consultation. Our local community group has started off enthusiastically in the spirit and belief of public participation and we have ended in regarding the FSC logo as a tool of salesmanship without any meaning. Nobody is interested anymore in wasting time with make-believe-complaint-procedures."* [16]

WOODMARK RESPONSE:

Issue – Public/Private status of Coillte.

Stakeholder input – The issue of the public/private status of Coillte was raised by a number of stakeholders.

Audit and Observation – The issue was raised with the company and is discussed in the report following the November 2005 evaluation. Woodmark clearly notes the tension between the technical status of the company as being a private limited company, owned by the state, and notes the view that some members of the public view Coillte land as state owned land. However these are not mutually exclusive. The Woodmark evaluation further notes that this subject is one of national forest policy and is outside the scope of an FSC evaluation.

IESS:

That Coillte manage public lands is stated in Woodmark's reports, or the perception thereof. They are certified under the assumption that their *"land is "owned" by the people"*, while Coillte continue to say that it is private property. This actually makes their entire certification invalid. (Woodmark felt it necessary to include this information in their report).

Woodmark have failed to mention Monica Muller's letter. They also fail to respond to the fact that Coillte being certified under the *"perception ... that land is "owned" by the people"* has an affect on their certificate. It is not outside the scope of an FSC evaluation, particularly when SAW feel it necessary to mention it in their reports.

Further, Coillte were established as a part of national forest policy in the 1988 Forestry Act, and therefore Soil Association Woodmark are certifying part of the Irish National Forest Policy. This is not outside the scope of the FSC certificate.

Under Coillte's certificate, their tenure is listed as **public** (www.fsc-info.org). This is the basis of their certification. Their claims that they are private is contradictory to their FSC certificate, and IESS find it extraordinary that Soil Association Woodmark, far from questioning these contradictory and patently absurd public/private status claims by Coillte, affirm and endorse them, using the ambiguity as an excuse to allow Coillte avoid censure on very important issues such as grants, land use and water quality.

WOODMARK RESPONSE:

Issue – Coillte have brought FSC's name into disrepute with specific reference to public participation and complaints procedures.

Stakeholder input – The stakeholder comment quoted was previously submitted to Woodmark in 2004. Further stakeholder comment was received prior to the 2005 audit in relation to consultation and handling of complaints – some negative and some positive.

Audit and Observation – Woodmark has, over consecutive audits, reviewed Coillte's performance in relation to public participation, consultation and complaints/grievance procedures. A number of corrective actions and recommendations have been issued eg(2003.1, 2004.1, 2004.2, 2004.3, 2004.4, 2006.6). Coillte have upgraded their procedures since the comment quoted (2004). Other stakeholder comments received have noted improvements to consultation and there have been positive comments in relation to community projects.

Certification Conclusion/Rationale – Woodmark recognises that there is a range of stakeholder opinion in relation to Coillte's performance. Woodmark has issued a number of corrective actions in relation to specific issues raised by stakeholders. Whilst there remains room for improvement by Coillte in these respects it is not considered that the comment received demonstrates overall non compliance with FSC Criterion 1.6 "Foresters shall demonstrate a long term commitment to adhere to FSC Principles and Criteria"

IESS:

The Soil Association Woodmark response fails to demonstrate any improvement in Coillte's public participation and conflict resolution procedures. This is evident in the fact that CARs have been consistently issued on this subject, six of which are listed here.

SAW fail to comment on how “Coillte have upgraded their procedures”, preferring instead to make an unqualified statement. The “other stakeholder comments” and “positive comments in relation to community projects” are also unqualified, as it is not made clear by whom or when these comments were made.

The statement “it is not considered that the comment received demonstrates overall non compliance with FSC Criterion 1.6” is another unqualified statement. The need to issue so many Cars clearly demonstrates non-compliance with this criterion. It also demonstrates a stark lack of any desire on the part of Coillte to become compliant. In any case, as noted previously, Coillte are required to demonstrate full compliance, rather than no non-compliance, prior to being issued their certificate.

PRINCIPLE #2: Tenure and use rights and responsibilities

Long-term tenure and use rights to the land and forest resources shall be clearly defined, documented and legally established.

Criterion: 2.1 Clear evidence of long-term forest use rights to the land (e.g. land title, customary rights, or lease agreements) shall be demonstrated.

Criteria 2.1: Breaches

1. Coillte have claimed that the land they manage is private property [1]. However, Coillte is certified under the modus that Coillte manage 'public lands' [2, 3]. Therefore, Coillte themselves have cast confusion over under what circumstances they have use rights to the lands passed to their control in the 1988 Forestry Act.
2. On the formation of Coillte Teoranta in 1999, land was transferred by the state to the control of Coillte. However, much of this land was previously transferred as a gift to the state, with environmental or social burdens attached – such as the woods at Monivea, Co. Galway, and Saleen, Co. Cork. There is no public place where these burdens on some of Coillte's forests can be viewed. Monivea, for example, was transferred by Lady Kathleen Ffrench to the people of Monivea, with the burden that the trees remained until they "*rot in the ground*". Coillte sought to develop much of this woodland, and it was only that An Bord Pleanala (The Irish Planning Appeals Board) refused them permission that they didn't. This showed a lack of regard for the burden placed on the Monivea wood when Lady Ffrench gifted it to the nation.

WOODMARK RESPONSE:

Issue – Land tenure with specific reference to land at Monivea

Stakeholder input – Woodmark received comments in relation to Monivea and the will of Lady Kathleen Ffrench at previous audits. In response to comments received Woodmark visited the site during the 2003 audit and met with two different stakeholder groups in relation to the proposed development, further detail is provided in the audit report. The 2005 audit included inspection of Coillte land tenure documents and systems for identification of burdens.

Audit and observation – In relation to tenure the land at Monivea this was clearly passed to Coillte upon its formation under the Forestry Act 1998. When Ms Ffrench died, her will was passed on to the office of the Attorney General to decide if it was possible to carry out the wishes of the deceased. In a letter dated December 16th 1938 from the Attorney General to the Department of an Taoiseach, Mr. Justice Gavin Duffy ruled that the gift bequeathed to the Government "did not operate in favour of the Government". The letter went on to state that "it is understood that the latter finding is nothing more than a determination that the government as such took no beneficial interest in the estate". It was recommended in the letter that "the Minister of Lands be invited to make an offer for the purchase of the property, excluding the mausoleum for the purpose of a state forest". In a letter from the Department of an Taoiseach on January 8th 1939, the Government approved this proposal that the carrying out of the wishes in her will "is impractical for want of funds". It also agreed that "the property, excluding the mausoleum, should be sold to the Minister for Lands, for Land Commission, and Forestry Purposes". The Forest Service (known then as the Forestry Division) purchased the land from the Minister for Lands in 1941 for £3951.

Certification Conclusion/Rationale. Criterion 2.1 requires that "Clear evidence of long term forest use rights to the land (e.g. title, customary rights, or lease agreements shall be demonstrated".

Coillte can demonstrate these rights clearly, with the issue in relation to the wishes of Lady Kathleen Ffrench having been subject to due process some decades before Coillte assumed title. In relation to the proposed development Woodmark issued Condition 2004.19 requiring Coillte to strengthen its procedures for assessment of environmental impact and stakeholder consultation in relation to areas being considered for development. In addition a Recommendation to improve availability of information in relation to use rights was issued following the 2005 audit (Rec 2006.7).

IESS:

Soil Association Woodmark fail to respond to the first point in the breaches – that Coillte’s pseudo-public attitude casts confusion as to who holds what rights over their lands AS A WHOLE. They fail also to respond to the fact that Coillte are certified under the assumption they are a public entity, as detailed in both SGS’ and SA’s reports, with particular reference to Criterion 2.2.

A list of all the burdens placed on Coillte lands is necessary to fully evaluate the point being made – Monivea was just one example.

Criterion: 2.2 Local communities with legal or customary tenure or use rights shall maintain control, to the extent necessary to protect their rights or resources, over forest operations unless they delegate control with free and informed consent to other agencies.

Criteria 2.2: Breaches

1. In 1938, Lady Kathleen Ffrench left Monivea Forest to the people of Monivea and the nation in 1938, stating that the woodland be left “*until the trees rot in the ground*”. In February 2005, An Bord Pleanala overturned attempts by Coillte to develop the woodland. Coillte had sought permission for 120 retirement homes, a community care centre, a nursing home, an 80-bedroom hotel and leisure centre [4]. The woodland was and still is used by locals as an amenity, and a petition was circulated prior to the An Bord Pleanala decision in which the vast majority of local people opposed the development. No consent was ever given by the people of Monivea for Coillte to manage and develop the woodland.
2. In 2005, it came to the attention of the Woodland League that Coillte intended to develop Saleen wood. Local people that used the wood regularly opposed this, and the Save Saleen Wood Campaign was organised, and a petition was circulated opposing the proposed development.
3. In 2006, permission was denied by An Bord Pleanala for the development of Lough Key Forest Park. It was proposed to develop this amenity as a private enterprise. The development would have consisted of a 100 bedroom 3-storey hotel, 277 holiday homes, and an 18-hole 72-par golf course as well as all the facilities and amenities, such as parking, tennis courts, etc. The park is under the management of Coillte, and the development was stopped on the foot of objection from An Taisce (Irish National Trust) and Cavan-Leitrim Environmental Awareness Network. There is well documented evidence that the park is and continues to be used by locals and non-locals as an amenity.
4. Recent consultation on Coillte’s management plan for Clare/South Galway consisted of the plans being available to the public for inspection for one day in Scarriff, County Clare, and for one day in Gort, County Galway. This gave the public very limited opportunity to view the plans and formulate comments. This is a general *modus operandi* for consultations on Coillte’s Forest Management Plans

WOODMARK RESPONSE: FSC Criterion 2.2

Issue – Local use rights and development with specific reference to sites at Monivea, Saleen, Lough Key.

Stakeholder inputs – stakeholder comments were received in relation to Monivea and Saleen.

Audit and Observations – Monivea was visited as part of the 2003 evaluation and meetings held with stakeholder groups – Monivea is discussed above.

In relation to Saleen Wood local development plan details were consulted, outline development proposals inspected together with copies of archaeological and ecological surveys of the site. Local Authority planning zones part of the area as having potential for housing development and the local Authority plan identifies part of the area as having potential to locate a water treatment plant. The archaeological survey essentially concludes that development might proceed without damaging archaeological interest provided safeguards are put in place. The Ecological survey identifies that the site is at least in part an old woodland site with adjacent wetland. The wetland being of greatest biodiversity interest and the woodland of some interest though limited by the current range of

species present. It concludes that the ecological quality should not preclude development of the site provided a buffer zone is left adjacent to the proposed Natural Heritage Area and adjacent wetland area.

Whilst the Local Area Plan for Saleen was adopted by Cork County Council in September 2005, there were no clear plans, nor planning applications evident at the time of the audit in November 2005.

Certification Conclusion/Rationale – Monivea is discussed under Criterion 2.1 above. There will be a need to evaluate Saleen further at surveillance visits. In particular with reference to Coillte's evaluation of a proposed development and potential excision in relation to FSC Criterion 6.10 giving due regard to the site as an Old Woodland Site. Note also Conditions 2004.19, 2006.4, 2006.8, 2006.20.

IESS:

Soil Association Woodmark fails to discuss Monivea and Saleen in relation to the context in which they were raised. Neither are discussed anywhere in the SAW response in relation to the rights of the local community to access and preserve their amenities. Specifically, Monivea and Saleen are not discussed in relation to Criterion 2.2 by Soil Association Woodmark. SAW also completely fail to mention Lough Key in relation to people's rights to use it as an amenity. They do not mention the consultations with local people on management plans, which were wholly inadequate.

Overall, Soil Association Woodmark's responses to our concerns raised about Coillte's compliance with this Criterion are completely inadequate, and do not deal in any way with local communities' right to access and preserve their amenities. This, along with the four CARs that have been raised on this subject, shows clearly that Coillte are in breach of this Criterion.

PRINCIPLE #3: Indigenous peoples' rights

The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.

Criterion: 3.1 Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies.

Criteria 3.1 Breaches

1. There is no evidence to suggest that Coillte allows indigenous people in Ireland any control over forestry in their areas. Many disputes arise because Coillte fail to allow local and indigenous people to have input into the management of their forests – e.g. Lough Corrib, Bellanaboy, Saleen, Derrybrien, Loggan Bridge. Coillte's policy of exclusion of local people in the excision of their lands has led to disputes that have raised national and international concerns – e.g. the sale of land to Shell at Bellanaboy.
2. Coillte have a poor policy with regard to public consultation on their Forest Management Plans (See points under Criteria 2.2), allowing a minimal length of time for the public to view and make submissions.

WOODMARK RESPONSE:

Issue – Limited opportunity for local people to input into the management planning process with specific reference to Lough Corrib, Bellanaboy, Saleen, Derrybrien.

Stakeholder inputs – stakeholder comments were received in relation to each of the sites quoted.

Audit and Observations – Both the general issue of consultation on management plans and the site specific comments made were addressed at audit. Lough Corrib is discussed below. Saleen is discussed above.

Bellanaboy was addressed at the 2005 audit and it was noted that the land sale to Shell occurred prior to FSC certification.

Derrybrien was visited during the 2004 audit and a number of Conditions and recommendations made in relation to the conclusions drawn (2004.22, 2004.23, 2004.24, 2004.25 and 2004.26). In response to previous CARs issued Coillte had demonstrated improved procedures for consultation and a number of comments were received from stakeholders in relation to this. Excellent examples were also seen of collaboration with local groups and people in relation to specific projects.

Previous CARs in relation to consultation had been closed out. However at the time of the 2005 audit new District management plans were in preparation for consultation – further Conditions and Recommendations were made in relation to specific aspects of consultation and public input into management planning – eg 2006.4, 2006.8, 2006.20, 2006.22, 2006.23, 2006.25, 2006.26.

Certification Conclusion/Rationale – Overall Coillte have made significant progress in relation to stakeholder consultation, however as new District Strategic plans had not been completed at the time of the audit, a series of conditions/recommendations were made to ensure that the planned consultation on these plans was implemented in compliance with FSC requirements. This will be evaluated at next surveillance.

IESS:

Neither Saleen nor Lough Corrib is discussed anywhere in relation to local people's rights to have input into management plans.

In March 2001, Coillte approved the sale of 250 acres (100ha) of land at Bellanaboy, Co Mayo for the Corrib Gas Project. In December of 2004 the final area of 160ha (395 acres) was sold by Coillte to Shell for €2.75 million, to build the Gas Refinery Terminal at Bellanaboy. Subsequently Coillte granted Shell 'wayleave' permission to build a high pressure raw gas pipeline through 3km of adjacent Coillte land at Aughoose, Co Mayo. The Bellanaboy issue has given rise to a serious

dispute, which could have been avoided had Coillte properly consulted with the community prior to the sale of the land to Shell.

Michael Lowery, Coillte's Chief Executive, stated in a letter to TD Michael Ring (October 13, 2005) concerning the sale of land at Bellanboy: '[Coillte] has developed since 2001 a voluntary code of consultation in the case of all land sales or leases'. The reality is, however, very different. Coillte continues to sell and exchange woodland without any prior notice, much less consultation. Residents of Arklow, Co. Wicklow recently discovered to their horror that Coillte had offered for sale woodland at Ballyraine through Dublin based estate agents who have been promoting the land as 'having excellent road frontage, just 1.6 kilometres from town, close to the Coolgreany road'. Potential purchasers of the land were told that it was zoned for the building of new houses. The closing date for offers was September 25, 2006. Donal Power, of the group Friends of Glenart, described the proposed development as 'the ruination of one of the most beautiful and accessible walkways belonging to the people of Arklow,' and called on those responsible to 'abandon this out of place development and leave the woodlands to the people of Arklow.'

The sentence "examples were also seen of collaboration with local groups and people in relation to specific projects" is not clarified. No examples of such projects are given.

Very few Coillte community projects stand up to *any* form of scrutiny. An example is the Coillte managed Millennium Forests Project. The public, via a massive and hugely expensive PR campaign were led to believe that there would be a tree for every household in the country. Certificates were issued stating this, with numbers issued to each family for 'their' tree. Some years later it transpires, via the pioneering work of an Irish journalist, that thinning requirements mean that less than one in fifty households will have a mature tree! This was known from the outset by Coillte. Despite this, the PR campaign was designed such as to misinform on this point. It is clear in this case that the objective was positive PR for Coillte with minimal expense due to state and private funding, and not the success of a community project.

Criterion: 3.2 Forest management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples.

Criteria 3.2 Breaches

1. The operations of Coillte in the region of Lough Corrib, Co. Galway, is having serious effects on the livelihoods of the local indigenous people. The lake and rivers are facing a severe decline in water quality due to acidification and eutrophication, which has resulted in a drop in fish numbers. Fishing is directly or indirectly a source of income for many indigenous people in the area.

WOODMARK RESPONSE:

Issue – Acidification and Eutrophication of Lough Corrib and its impact on local fisheries and livelihoods.

Stakeholder input – stakeholder comments were received in relation to water quality in Lough Corrib and the Owenriff catchment. Woodmark also met with representative of the Regional Fisheries Board.

Audit and Observations – Woodmark visited the area and met with the local Fisheries Board. Research papers on water quality in forested catchments were consulted. The minutes of the Owenriff Working Group were inspected. Water monitoring records were inspected. It was noted that Lough Corrib is calcareous in nature and there was no evidence of acidification. A Eutrophication event was noted. Damage to freshwater pearl mussel was noted, however there was no evidence of other fish populations being affected nor negative impacts on angling tourism. The issue of eutrophication was recognised by Coillte who as a precautionary measure implemented a moratorium on clear felling in the catchments.

Work is ongoing with the Owenriff Working Group to identify causes, effects and solutions.

It is noted that in addition to forestry, agricultural fertilizer and an increase in septic tanks associated with new housing may be contributing to eutrophication and that the relative contributions of each are unclear but being considered by the Owenriff working group.

Certification Conclusion/Rationale – Coillte's proactive approach to dealing with the issues in relation to water quality in the area are noted, together with their collaborative approach with other interested parties. Coillte's moratorium on clear felling is also noted. Conditions/Recommendations 2006.11, 2006.15, 2006.16 were issued in relation to water quality to ensure that lessons learned are applied throughout the company.

IESS:

IESS point to the 95% of Coillte plantations that are Sitka Spruce (non native exotics), often grown in monoculture plantations in fragile ecosystems such as mountains and bogs, necessitating the overuse of pesticide and fertilizer, much of which is shown to run off into local water ways polluting rivers, lakes and groundwater. Coillte's record is of acidification (of already naturally acid areas such as mountain and bog), and eutrophication of waterways. To say they are 'learning lessons' in this regard is patently not true. They continue their policies uninterrupted by science, experience, or any regard for the health of the people, wildlife and environment of Ireland. Indeed, it is a matter of public record that in 2000, Coillte 'dumped' ten tones of the highly persistent and carcinogenic pesticide, Lindane, in their plantations as the European ban came into force. Further, shortly after being recertified by Soil Association/Woodmark, Coillte requested a special derogation to use another dangerous pesticide with specific toxicity to aquatic organisms, Cypermethrin. The only lessons they seem to have learned are that they can use pesticides and fertilizers, irreversibly destroying waterways in Ireland, and the Soil Association/Woodmark will hand them a 'green', 'sustainable' and 'eco friendly' certificate.

IESS therefore call on the Soil Association, one of the premier organics organisations worldwide, to explain why they are content to continue to permit SAW to use the famous, respected Soil Association badge on documents which confer an eco-friendly certification on an organisation – Coillte – which persists in using types and quantities of both pesticide and fertiliser which operate wholly counter to the fundamental principles upon which the reputation of the Soil Association has been built. Further, we call on the Soil Association to explain why they continue to stand idly by while this is justified in print.

Regarding the Freshwater Pearl Mussel moratorium: The moratorium was suggested by Coillte, and implemented by the State. However, Coillte then chaired the Owenriff Working Group which agreed the conditions of the moratorium.

With regard to Lough Corrib region, there is a fear for the livelihood of local anglers. Soil Association Woodmark would know this if they had consulted with local groups such as the Cara-Mask-Corrib Water Protection Group. The authors of the original report had representatives at a meeting in Oughterard, Co. Galway, at which over 400 local people expressed concern over their livelihoods.

It is important to note FSC does not certify agricultural areas or septic tanks. The only portion of interest in this document is the contribution of forestry, and the only fact of relevance is that Coillte's operations have contributed to the eutrophication in the area of Lough Corrib. Soil Association Woodmark's comments on septic tanks and agricultural areas are irrelevant, and can only be viewed as an attempt to divert the focus away from the negative impacts that Coillte's forestry has on water quality. It must also be noted that Coillte is a state entity, and as such is subject to much higher scrutiny than private companies. Coillte also own nearly 450,000 ha, more than any other entity in the country, and thus have a larger responsibility.

The 2006 Water Framework Directive Report lists forestry as a Source Pressure (Report – A Future for our Waters 2006). It is now ten years since the Kelly-Quinn research was published, showing that freshwater invertebrates are living at the limits of their tolerance to acidification in our uplands where coniferisation has occurred. As the largest grouping of professional foresters in the state,

Coillte must be aware of this. To be aware and to act regardless of the known consequences demonstrates a blatant lack of concern for the environment and for the economic well-being of local communities. A lack of awareness implies a total lack of interest in defining the environmental, social and economic consequences of their operations. Thus, to be unaware also shows they have a blatant lack of concern for the environment and for the economic well-being of local communities. In either case, FSC certification is clearly inappropriate.

The Environmental Protection Agency (Irish Examiner, March 30, 2006) claims to detect a worrying trend of decline in biological water quality – and identified forestry as the likely Primary Source of Pollution.

It is therefore absurd to say that the negative impact of Coillte's operations on the Freshwater Pearl Mussel can not also have a parallel negative impact on other aquatic life as well, as Soil Association Woodmark have done. The Freshwater Pearl Mussel case has been highlighted as it is a Priority Annex 2 Species under the 1992 Habitats Directive, as Soil Association Woodmark appears to have failed to notice. It is naïve on behalf of Soil Association Woodmark to think that Coillte's operations are having no other negative impacts on aquatic life and raises serious questions about the quality of work being undertaken in their name.

The "proactive approaches" taken by Coillte to deal with water quality issues are not described or even outlined, with the exception of the moratorium, whose conditions they control. The only conclusion that can be drawn is that there are no proactive approaches being made, unless attempting to add the deadly chemical Cypermethrin to Coillte's already extensive list of pesticides can be counted as such.

Criterion: 3.3 Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognized and protected by forest managers.

Criteria 3.3 Breaches

1. There is no pre-forestation, pre-felling or pre-reforestation archaeological surveys carried out in Coillte's estate. The total number of archaeological and historical monuments in Coillte's forests cannot be accurately estimated, and their condition is unknown. The Heritage Council of Ireland recommends pre-planting surveys be carried out to identify archaeological sites [1].
2. There are several reported cases where monuments have been allowed to degrade while under the control of Coillte, [2] and [3] as examples. [2] describes a call from the Irish Georgian Society for a mausoleum under control of Coillte that has been allowed to degrade to be passed to the IGS's control. [3] describes in detail the way that Coillte have allowed monuments to degrade in Dartrey Estate, Co. Monaghan.

WOODMARK RESPONSE:

Issue – Lack of archaeological survey information and degradation of archaeological features.

Stakeholder input – Positive comment was received from one archaeologist in relation to Coillte's approach to archaeology.

Audit and Observations – Details of archeological information held by the company were evaluated. Site specific archeological surveys were also inspected. Coillte does have copies of the most recent archeological information available, this is held in GIS format and is superimposed as a layer within management planning systems. Coillte also carry out site specific appraisals of environmental impact prior to implementation of operations – these consider archaeological features. In the event that new features are identified work in the area is stopped and survey implemented by the Forest Service Archaeologist. Coillte general policy is to co-operate with archeological protection bodies and they do carry out some protective/restorative work with local groups, however the cost of active restoration of all features is considered impractical.

Certification Conclusion/Rationale – Overall Coillte have a responsible approach to archaeological features. No clear non-compliance with FSC Criteria is noted.

IESS:

A list of all archaeological sites under the control of Coillte should be made available to the public. Ownership of all such sites lies with the people of Ireland. Soil Association Woodmark do not address the fact that no survey is carried out prior to afforestation/reforestation/felling – they say that this is contained within an environmental impact assessment. Soil Association Woodmark do not address the particular examples listed. Soil Association Woodmark do not address that the Heritage Council found it necessary to call for pre-planting archaeological surveys, nor why the opinion of so respected an authority can be dismissed.

Again, SAW state that there is “no clear non-compliance”. However, the evidence that we have presented clearly shows that there is a question as to whether Coillte are in full compliance with the principles and criteria.

Regarding restoration work, SAW and Coillte must be aware that under Irish law damage to an archaeological monument is a criminal offence. Regardless of cost, knowingly permitting situations to remain unchanged whereby such damage occurs is a breach of the law. Numerous unrectified instances of planting within the “exclusion zone” around such monuments have been recorded. Further, IESS have received witness testimony of at least one instance where a monument – a standing stone – was removed by means of a JCB to facilitate planting. This was reported to Coillte in 2002, ie after their initial certification. Other than a single telephone conversation to collect details of site type and location, no further action has been taken to date, despite an offer to assist in locating the missing stone and restore it to its original position. This is consistent with much of the experience of the Irish archaeological community with Coillte activity. In any case, this demonstrates a lack of regard for Ireland’s archaeological heritage and Ireland’s laws, a lack of regard that warrants revocation of Coillte’s FSC certificate.

Criterion: 3.4 Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations. This compensation shall be formally agreed upon with their free and informed consent before forest operations commence.

Criteria 3.4 Breaches

1. In 2005, Green Party councillor Ms. Deirdre DeBurca reported in a Press Release that Coillte made submissions to the Wicklow County Council Committee on Existing Routes to Amenity Areas/Rights of Way stating that they “did not wish to see public rights of way recognised across their lands because of commercial considerations” [4].
2. Issues with indigenous peoples rights have been recorded in [5] and [6].

WOODMARK RESPONSE

Issue - Comment that Coillte “do not wish to see public rights of way recognised because of commercial reasons”

Stakeholder input – this specific comment has not been previously noted by Woodmark. However there was significant positive comment received from stakeholders in relation to Coillte’s Recreation Policy and its approach to open access on its estate.

Audit and Observations – The specific comment quoted was not evaluated. However Coillte have carried out substantial work on their recreation policy and have adopted an open access approach. The company do not have the right to close public rights of way but may reduce access in other permissive areas during operations for safety reasons. Site visits did not show any evidence of public rights of way being closed or abused.

Certification Conclusion/Rationale – Overall, given the open access approach Coillte do not appear to be in non-compliance with FSC requirements. The specific comment can be addressed at the next surveillance.

IESS:

Whether they have the right or not, Coillte have sought to close rights of way, as is evidenced by the press release from Deirdre DeBurca. This demonstrates a lack of regard for this principle.

Again, in the conclusion, the statement “Coillte do not appear to be in non-compliance with FSC requirements” does **not** equate to “Coillte are in compliance with FSC requirements”.

PRINCIPLE #4: Community relations and worker's rights

Forest management operations shall maintain or enhance the long-term social and economic well-being of forest workers and local communities.

Criterion: 4.1 The communities within, or adjacent to, the forest management area should be given opportunities for employment, training, and other services.

Criteria 4.1 Breaches

1. Coillte contracts out the vast majority of its work regarding felling, afforestation and reforestation. Coillte's decision on the allocation of harvesting contracts has meant that contractors have had to travel great distances to harvest timber. Local employment is not a factor in the allocation of contracts.

WOODMARK RESPONSE:

Issue – Contracting and provision of local employment

Stakeholder input – stakeholder comment was received at previous evaluations and meetings were held with contractors representative body. During the 2005 audit specific comment was received from one contractor in relation to difficulty in finding work in his immediate locality.

Audit and Observation – Meetings have been held with contractors representative body, contract procurement procedures were reviewed, lists of contractors and their locations/work areas assessed, contractors were interviewed on site. About half of Coillte timber sales are standing sales with harvesting undertaken by the buying mills.

Of the harvest implemented by Coillte about 45% is put out to tender and 55% negotiated with local contractors. Records of contracts awarded inspected at District Level demonstrated that the vast majority of contractors were from the area of that District.

It was also noted that Coillte had organised a programme of training for local contractors.

Interviews on site demonstrated that contractors were from the area. One exception was noted of a contractor who could not secure work in the immediate locality but was offered work further afield – this specific case was referred to Coillte staff by Woodmark. Woodmark also noted tension in relation to timber harvesting with a history of gradually falling timber commodity prices and a possible over capacity within the harvesting sector.

Certification Conclusion/Rationale – Overall Coillte does appear to offer contracts to local contractors and the majority interviewed appeared content with current contract arrangements. One exception that was noted was referred to Coillte. Overall no non compliance with Criterion 4.1 was noted.

IESS:

Coillte have a stranglehold on the forestry contractor industry because they own the vast majority of all commercial forestry in Ireland. Contractors are going to say exactly what Coillte want them to say – if they do not, they could very quickly be out of work. IESS have received statements to this effect from members of the forestry contractor community. We note also the recent press release from the Irish Forestry Contractors Association (<http://www.indymedia.ie/article/79450>).

Criterion: 4.2 Forest management should meet or exceed all applicable laws and/or regulations covering health and safety of employees and their families.

Criteria 4.2 Breaches

1. In April 2006, the Irish Times and Irish Independent reported of a dispute between Coillte and 450 of its tree planters. This involved a change in methods of application of pesticide. SIPTU, the union representing the workers, claims that there is significant increased risk to the workers. [1, 2].
2. The uneconomic rates paid by Coillte have led to contractors cutting corners on safety and health just so they can fulfil their financial commitments. Failure to distinguish between

turnover and profit has forced individual sub-contractors to ignore The Code of Practice for Managing Safety and Health in Forestry Operations, Employee Welfare Legislation and the Maximum Weight provisions in the Road Traffic Acts just to remain in business. Added to this is the fact that Coillte acted as financial adviser to many timber harvest and haulage contractors in the purchase of modern equipment through the offer of long-term contracts to harvest timber in Irish forests. Contractors have had to, unwittingly, work long hours for the low rates paid by Coillte to meet the repayments on the machinery Coillte advised them to buy. [3].

WOODMARK RESPONSE:

Issue – Dispute in relation to tree planting and working conditions with reference to pesticides

Stakeholder input – Woodmark was contacted in relation to this issue in 2006, after the audit which was carried out in 2005. Clarification was sought from Coillte and further information received in July 2006.

Audit and Observation – It was not possible to evaluate this issue during the November 2005 audit as submission was not received until 2006. Upon receipt of the submission Woodmark requested clarification from Coillte. On preliminary assessment the issue appears to be centred around union negotiation for improved remuneration and work conditions following the introduction of new working practices. However, the issue requires further investigation at next surveillance.

Certification Conclusion/Rationale – The issue was not considered to require immediate action and will be further evaluated at next surveillance.

IESS:

Was SIPTU contacted by Soil Association Woodmark regarding the issue of the pesticide dipping? We do not have any evidence presented that they were. Is it Soil Association Woodmark's job to examine, audit and assess Coillte's activities, or to justify them? From Mr. Jones' responses it is often unclear. The primary issue here is the health of the workers, no evidence has been shown by Soil Association Woodmark team that this was, or will be, their concern.

WOODMARK RESPONSE:

Issue – Health and safety being compromised by contractors forced to cut corners on economic grounds

Stakeholder input – Comment was received in relation to health and safety and overloading at previous assessments. Positive comment was received in relation to management of health and safety.

Audit and Observation – Health and safety management systems were evaluated at the 2005 audit. Coillte have well developed systems for training, internal audit, and site management of health and safety. There is a dedicated health and safety team. Records of inspections by the national Health and Safety Authority were inspected and no major issues had been identified. Previous evaluations note the issue of overloading and following action by Coillte the associated CAR was closed out following the 2002 audit. Woodmark has evaluated Coillte systems for managing overloading and inspected weighbridge tickets and records and there is no ongoing evidence of systematic overloading.

Certification Conclusion/Rationale – Overall Health and safety management is strength within the company and no non compliance with Criterion 4.2 was noted.

Criterion: 4.4 Management planning and operations shall incorporate the results of evaluations of social impact. Consultations shall be maintained with people and groups (both men and women) directly affected by management operations

Criteria 4.4 Breaches

1. In order to find out when or where Coillte intend to fell trees, local people must check their local Garda (Police) Station for felling licenses on a regular, e.g. weekly, basis for felling licenses issued to Coillte. This is the only requirement under the Forestry Act 1946. Coillte

- do not have any form of proactive advertising or notice of their intention to fell areas, and in general neighbours of the forests that Coillte intend to fell only find out of their intentions when the machines turn up for the felling.
2. Recent consultation on Coillte's management plan for Clare/South Galway consisted of the plans being available to the public for inspection for one day in Scarriff, County Clare, and for one day in Gort, County Galway. This gave the public very limited opportunity to view the plans and formulate comments (See also breach in principle 2.2).
 3. Coillte do not necessarily consult with local communities when issues such as felling or conversion of land to non-forest use arise. Examples of such cases are described in [4] and [5].

WOODMARK RESPONSE:

Issue – Consultation with local communities with specific reference to Clare/South Galway
Stakeholder input – In previous evaluations and prior to the 2005 audit a number of stakeholders indicated dissatisfaction with Coillte's approach to consultation. By contrast prior to the 2005 audit a number of stakeholders also noted improvements to consultation.

Audit and Observation – The theme of consultation has been evaluated at successive audits. Policies procedures and records of consultation have been inspected. Stakeholder comments received by Woodmark have been directly evaluated. A number of CARs have been issued arising from previous evaluations and action in relation to these evaluated. In 2004 and 2005 particular emphasis was placed on consultation in relation to proposed development and land disposals. Coillte have steadily improved their consultation procedures and the establishment of Social and Environmental Panels for each District has been recognised by many stakeholders as a positive step. However progress with consultation has been slow at times, and at the time of the 2005 audit it was not possible to fully evaluate consultation on District Strategic Plans and the more local Forest Management Plans as the process of drafting these was not quite complete, and while a programme for consultation had been planned for 2006, it had not been implemented.

Certification Conclusion/Rationale – Woodmark recognises the improvements to systems for consultation implemented by Coillte and notes that these improvements have been appreciated by some stakeholders. Concern remains that some stakeholders do not feel adequately consulted and in particular with reference to sites where development and excision may be planned. Conditions and Recommendations aim to address these concerns (2006.4, 2006.6, 2006.8, 2006.9, 2006.20, 2006.25, 2006.26). The issue in relation to consultation on the plans quoted (Clare/South Galway) occurred after the 2005 audit and will be evaluated at next surveillance.

IESS:

Soil Association Woodmark here note that Coillte are not fully compliant, and have a history of non-compliance, despite several CARs having been raised in the past. As it stands, consultation has 7 current CARs. At what point do these CARs constitute a failure to adhere to a principle? It is also important to note that the FSC process is built on the concept of genuine consultation.

Soil Association Woodmark fail to respond to the fact that, for felling, Coillte only advertise at local Garda Stations – there is no form of active advertising or consultation when it comes to felling. Clearly, this is a demonstration of a lack of a proactive approach in this matter and an equally clear disregard both for the principle of consultation and for local community interests and concerns.

It is our understanding that Forest Management Plans are the backbones of certification. It is unclear as to how a company can be certified without FMPs being completed. This is particularly important in this case, because much of Coillte's certificate is based on the fact that they plan to implement several elements – an example is that they plan to achieve 10% broadleaves. IESS would welcome an explanation of the rationale (or rationalisation) used by SAW to bypass this concern.

Criterion: 4.5 Appropriate mechanisms shall be employed for resolving grievances and for providing fair compensation in the case of loss or damage affecting the legal or customary rights, property, resources, or livelihoods of local peoples. Measures shall be taken to avoid such loss or damage.

Criteria 4.5 Breaches

1. In 1993, Coillte were paying the forestry contractors IRL£12 (€15.20) per ton. In 2003, this price was down to €12 per ton. The rates currently paid by Coillte are the same as twenty years ago. EU grants were received by the contractors to purchase new modern equipment. This has been used as an excuse by Coillte to continue to reduce the price-per-ton paid to the contractors. The uneconomic rates paid by Coillte are forcing contractors into bankruptcy. With Coillte's near-monopoly of the forestry market in Ireland, there is nothing the contractors can do to get better rates from Coillte. Coillte have a "take it or leave it" policy. [6, 7]
2. The Irish Independent in August 2003 reported that the continually decreasing rates paid by Coillte to forestry contractors were having severely negative impacts on the sector. The Irish Forestry Contractors Association predicted a collapse of the sector [8]. The prices that Coillte are paying for their timber will lead to a collapse in the timber harvest and haulage industry. This will have consequences for the entire forestry industry, as without the contractors, supply to the timber processing plants will run dry. Due to this, the economic future of forestry in Ireland is in doubt.
3. James Bunyan's report [6] described the inappropriate allocation of grants to the contractors for the purchase of modern machinery. Coillte were advisors in the allocation of grants. Approximately one third of the applicants received two thirds of the grants.
4. There are reports of damage done to the walls of an estate by neighbouring Coillte forestry. Lord Waterford's estate in Co. Waterford has suffered damage from trees growing "right up alongside walls". It is estimated that the damage is in the region of €11m. [9]
5. The Gorey Echo reported in March 2006 that Coillte had given access through their forests for a Hudson Concrete Ltd. "super-quarry" at Ballythomas Hill near Gorey. Local people have serious concerns for their health and safety, with the quarry located half a mile from the national school. [10]

WOODMARK RESPONSE: Criterion 4.5

Issue – Rates of pay for contractors

Stakeholder input – Dissatisfaction with rates of pay was submitted at previous evaluations. Coillte budgets were inspected. Contractors were interviewed on site.

Audit and Observation – The system for procurement of Harvesting contracts was evaluated. It was noted that the system employs different methods that allow market forces to operate within the context of the structure of the Irish forest industry. Standing sales assist with setting a market price for timber in Ireland. There is competitive tendering for two to three year contracts, which allows contractors to consider their own medium term cost and income structures and there are shorter term contracts that may be negotiated. Woodmark also notes that there has been a gradual decline in timber commodity prices in Ireland (in common with the UK and other parts of Europe) which has created downward pressure on harvesting costs.

Certification Conclusion/Rationale – FSC Criterion 4.5 is principally concerned with compensation for loss rather than compensation in terms of payment for work. Nevertheless in the context of markets for timber and related services in Ireland no non compliance with FSC requirements is noted.

Coillte are not required to demonstrate no non-compliance. They are required to provide evidence of compliance. Again, we point to the recent press release from the Irish Forestry Contractors Association (<http://www.indymedia.ie/article/79450>).

WOODMARK RESPONSE: Criterion 4.5

Issue – Inappropriate allocation of grants

Stakeholder input – This issue was raised at previous evaluations and meetings held with contractors representative body. The Forest Service was also consulted.

Audit and Observation – The issue of investment in contracting capacity was considered in the 2004 audit report and it was noted that there may be an imbalance between contracting capacity and available harvest volume. The grants available to support the growth of the forest harvesting sector were available prior to FSC certification and were administered by the Forest Service. Subsequently Coillte has been working with contractors to introduce 2-3 year contracts to provide continuity of work, combined with shorter negotiated contracts to provide flexibility.

Certification Conclusion/Rationale – This issue occurred prior to FSC certification and is outside the scope of this FSC audit.

The issue occurred prior to the issue of Coillte's certificate, it is agreed. However, the effects of this issue continue to be felt by the contractors, well into Coillte's certificate, and there has been little or no substantial effort from Coillte to rectify the situation.

WOODMARK RESPONSE: Criterion 4.5

Issue – Compensation for damage with specific reference to Lord Waterford property

Stakeholder input – No previous stakeholder input had been received on this subject

Audit and Observation – This site has not been visited by Woodmark as the issue was only raised through the August 2006 report submitted by Woodland League/Rainforest Foundation/FERN. The issue was referred to Coillte for comment. Feedback suggests that Coillte recognise the damage caused by trees and windthrow to the wall quoted, that they have employed a contract engineer to deal with the issue and are spending circa 50,000 Euro per annum on repair. This issue will be further investigated by Woodmark at next surveillance.

Certification Conclusion/Rationale. On the basis of the preliminary evidence provided it would appear that at least some degree of compensation for loss or damage as required by FSC criterion 4.5 is being provided. However it is not possible to reach a full conclusion without further investigation. The issue will therefore be further investigated at next surveillance.

Unquantified statements, such as this conclusion, do nothing but fudge the issue. "at least" and "some degree" are nonspecific statements. If it is not possible to reach a full conclusion, there is no justification for responding as if that evidence exists, pending evidence to the contrary. The obligation is on Coillte to provide that evidence in order to earn certification. The obligation is on SAW to ensure that evidence is provided, and to not issue a certificate until it has been provided.

Criterion 4.5

Issue – Community concern over quarry and impacts upon health and safety

Stakeholder input - No previous stakeholder input had been received on this subject

Audit and Observation – This site has not been visited by Woodmark as the issue was only raised through the August 2006 report submitted by Woodland League/Rainforest Foundation/FERN. It is noted that the article quoted is dated March 2006 (after the November 2005 audit by Woodmark).

Audit and Observation – Not yet audited

Certification Conclusion and Rationale – No conclusion drawn. Evaluate at next surveillance.

Soil Association Woodmark says the site has not yet been audited, and yet any trees that were extracted from the site had the FSC logo stamped on them. This is perhaps evidence of an inadequate audit. The authors of the original breaches document found this information via a detailed media search. Do SAW not complete a detailed media search prior to issuing/reissuing certificates? Are Coillte not obliged to bring to the attention of SAW details of any grievances/conflicts concerning their forests?

PRINCIPLE #5: Benefits from the forest

Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits.

Criterion: 5.1 Forest management should strive toward economic viability, while taking into account the full environmental, social, and operational costs of production, and ensuring the investments necessary to maintain the ecological productivity of the forest.

Criteria 5.1 Breaches

1. Coillte's uneconomic rates paid to forestry harvest and haulage contractors are forcing individual contractors into bankruptcy [1]. If Coillte continues to drop the price-per-ton paid to contractors, the forestry harvest and haulage sector will collapse [2]. This will cause an economic collapse of the entire forestry sector, as the supply to the timber processing plants will dry up.
2. Coillte have stated that there is no market for hardwoods that are grown in Ireland [3]. They state that all broadleaves within the Coillte estate are considered environmental and have no economic value. This is despite the fact that Coillte in Dunderum import hardwood from the UK to meet the demand.
3. In a recent newspaper article [4], Coillte state that their forestry operations are barely economically viable. The Dept. of Finance states in its report [5] essentially that Coillte are unable to grow or maintain their forestry operations in the absence of grant-aid. Coillte's forestry operations are only viable in conjunction with their land sales.

WOODMARK RESPONSE:

Issue – Uneconomic rates of pay to contractors – discussed under Criterion 4.5 above.

IESS:

Soil Association Woodmark has failed to discuss an issue in relation to the Criteria it was raised against. They do not mention the overall economic impact of the uneconomic rates being paid to the contractors. They do not mention the predicted sector collapse. See again the recent IFCA press release (<http://www.indymedia.ie/article/79450>).

WOODMARK RESPONSE:

Issue – Market for hardwoods

Stakeholder input – Comment was received at previous evaluation in relation to promotion of greater diversity of timber supply.

Audit and Observation – The issue of diversity of forest products was considered at the 2005 audit. There is a heavy reliance on a limited range of species and products, although there is well established demand for the products being produced.

Certification Conclusion/Rationale - it was concluded that Coillte could make greater effort to grow broadleaves (whether economic or not) and that greater use of lesser known species could be made. Recommendations 2006.10 and 2006.19 were made.

IESS:

Soil Association Woodmark again sidestep the important fact. CARs have been raised, and yet Coillte continue to state that broadleaves are uneconomic, and that they cannot increase their broadleaf planting ratio. Coillte in this case clearly argue from the basis of a precedence of economic interests over both social and environmental interests. IESS are aware of strong evidence demonstrating that even the economic case here is invalid. Thus, an invalid economic case is being used to overthrow valid environmental and social concerns.

The "well established demand" is for low grade timber products IESS understand both from independent sources and from Coillte itself that the world market for low grade timber such as Sitka

spruce is already glutted, and subject to further downturn. While Coillte have continuously (and abrasively) argued against hardwoods for the 18 years of their existence, if they *had* used some of the millions given to them by the EU for the cultivation and development of broadleaf forests, Ireland would now have a rich, and beautiful, resource. Meanwhile Ireland continues to import hardwoods that could be grown here to satisfy our own demands. One of the more striking examples being the ongoing importation of ash from Britain to supply the Irish demand for hurleys. Ash grown for this purpose operates on a rotation period considerably shorter than that for even Sitka spruce, and the wood commands a price markedly higher than any spruce timber can. Soil Association Woodmark also fail to address the fact that Dundrum Saw mill imports hardwoods.)

WOODMARK RESPONSE:

Issue – economic viability of forestry in Ireland

Stakeholder input – Stakeholder comments received in relation to economic viability suggest an over-emphasis on economic performance and query the extent to which property sales have supported recent profit levels. The article quoted in the Woodland League/Rainforest Foundation/FERN report was published in 2006 after the November 2005 audit and has not been previously consulted.

Audit and Observation – The issue of economic viability of forestry in Ireland and the issue of land disposals were investigated at previous evaluations and the 2005 audit. The subjects are discussed in previous reports. Company accounts, financial reports and budgets were inspected. Forestry in terms of timber production has been under pressure with gradually reducing commodity prices. There is little or no formal recognition by the relevant ministries of the wider economic benefits that forestry may provide as Coillte has been explicitly established with a commercial remit. Property sales have become an integral part of the commercial activity of the company.

Certification Conclusion/Rationale – FSC Criterion requires that forest managers “strive toward” economic viability, there is no evidence to suggest that Coillte is not attempting to achieve this. The wider question of the methods by which the company uses to achieve this, and whether or not greater emphasis should be placed on non-timber or non-market benefits is an issue of national forest policy that is outside the scope of an FSC assessment.

IESS:

It is our understanding that the forestry operation of a company has to be economically sustainable to be compliant. Forestry operation does not include land sales, whether or not that has become an integral part of the company’s operation or not. In the absence of grant aid, Coillte has ceased all afforestation. Woodmark essentially admit here that Coillte are not an economically viable entity, and therefore under Principle 5, should not be certified.

To put it another way, Soil Association / Woodmark is certifying a company that has managed the millions and millions of Euro grant aided to it by European tax payers so badly that it now has a useless/uneconomic resource (thousands of low grade trees), that have hugely polluted and damaged the Irish environment.

It is also important to note that it does not matter whether or not there is “formal recognition by the relevant ministries of the wider economic benefits that forestry may provide”. It is Coillte’s duty, under this principle, to achieve economic viability from their forestry operations.

There is strong evidence to support the contention that Coillte do not “strive toward” economic viability. Coillte fail bluntly to investigate other products from their land – for example, hardwoods. They solely rely on a single product – Woodmark themselves admit this.

The methods that Coillte use to achieve short-term economic viability are well within the scope of an FSC assessment. They must achieve economic viability while adhering to all other principles and criteria.

Coillte's land sales are often in conflict with local communities wishes, and to state that this is outside the scope of an FSC audit is particularly egregious. Coillte is a forest body, managing the forests of Ireland for the people of Ireland; that they have turned themselves into what is in effect an auctioneering outfit because of years of financial mismanagement is tragic.

Criterion: 5.2 Forest management and marketing operations should encourage the optimal use and local processing of the forest's diversity of products .

Criterion: 5.4 Forest management should strive to strengthen and diversify the local economy, avoiding dependence on a single forest product.

Criteria 5.2 & 5.4 Breaches

1. Coillte's decision on the allocation of harvesting contracts has meant that contractors have had to travel great distances to harvest timber. Local employment is not a factor in the allocation of contracts.
2. Access by local communities is restricted to, at best, recreational access. Local communities are not given the opportunity to access Coillte forestry for the use of non-timber forest products.

WOODMARK RESPONSE:

Issue – Failure to use local contractors. This is discussed under Criterion 4.1 above.

WOODMARK RESPONSE:

Issue – Restricted public access to forest and no opportunity to collect non timber forest products.

Stakeholder input – Stakeholder consultation suggested that provision of access within Coillte forests is a strength and that the recent Recreation Policy is appreciated.

Audit and Observation - Coillte have adopted an open access policy and there is no evidence of substantial restriction of access. Some non timber forest products are harvested (eg moss, foliage, fungi) although the 2005 audit notes that there is little systematic information on such products.

Certification Conclusion/Rationale – There is no substantial evidence to suggest restriction of access, however the company could do more to evaluate and develop its use of lesser used tree species and non-timber forest products. Recommendation 2006.10 was made.

Criterion: 5.5 Forest management operations shall recognize, maintain, and, where appropriate, enhance the value of forest services and resources such as watersheds and fisheries.

Criteria 5.5 Breaches

1. Ireland is in the European Court for the damage done by Coillte to waterways in or near their forests. This has in areas such as the Lough Corrib region, led to a severe decline in fish numbers and water quality.

WOODMARK RESPONSE:

Issue – Impact upon water quality and fisheries

This is discussed under Criterion 3.2 above. Conditions/Recommendations 2006.11, 2006.15, 2006.16 were issued in relation to water quality.

IESS:

This is not discussed in reference to Criterion 5.5.

PRINCIPLE #6: Environmental Impact

Forest management shall conserve biological diversity and its associated values, water resources, soils, and unique and fragile ecosystems and landscapes, and, by so doing, maintain the ecological functions and the integrity of the forest.

Criterion: 6.2 Safeguards shall exist which protect rare, threatened and endangered species and their habitats (e.g., nesting and feeding areas). Conservation zones and protection areas shall be established, appropriate to the scale and intensity of forest management and the uniqueness of the affected resources. Inappropriate hunting, fishing, trapping and collecting shall be controlled.

Criterion: 6.3 Ecological functions and values shall be maintained intact, enhanced, or restored, including:

- a) Forest regeneration and succession.**
- b) Genetic, species, and ecosystem diversity.**
- c) Natural cycles that affect the productivity of the forest ecosystem.**

Criteria 6.2 & 6.3 Breaches

1. Lough Corrib is a candidate Special Area of Conservation (cSAC), site code 000297 and is a Natural 2000 site and as such, any activities (whether or not the activity occurs either within or without the site) which adversely impinges on the integrity of the site, is in breach of the Habitats Directive 92/43/EEC. The activities of Coillte in the area have led to the decline of the water quality of the lake, due to acidification and eutrophication.
2. Ireland is in the European Court over the pollution of the Owenriff River, which feeds into Lough Corrib. Clearfelling and replanting are not properly controlled under the Habitats Directive, 92/43/EEC, in ecologically sensitive water catchments, notably those hosting the Freshwater Pearl Mussel. [See principle 1.3]

WOODMARK RESPONSE:

Issue – Impact upon water quality with specific reference to Lough Corrib.

This is discussed under Criterion 3.2 above. Conditions/Recommendations 2006.11, 2006.15, 2006.16 were issued in relation to water quality

IESS:

Soil Association Woodmark once again fails to discuss the point in the context in which it was raised. Is it standard practice within SAW or the wider SA organization to cherry-pick issues in this manner? The issue here is clear and the lack of any appropriate response suggests that no such response is possible.

WOODMARK RESPONSE:

Issue – Impact upon water quality with specific reference to Owenriff catchment

This is discussed under Criterion 3.2 above. Note that it is the Government of Ireland (eg in terms of regulation by National Parks and Wildlife Service and The Forest Service) that is responsible for control of activity. Coillte are proactively working with authorities to evaluate the issue of water quality and identify appropriate modifications to forest management.

Conditions/Recommendations 2006.11, 2006.15, 2006.16 were issued in relation to water quality.

IESS:

Coillte's activities have led to the European Court interjection. Coillte's activities are in breach of EU law, whether the government are controlling the organization or not.

Criterion: 6.6 Management systems shall promote the development and adoption of environmentally friendly non-chemical methods of pest management and strive to avoid the use of chemical pesticides. World Health Organization Type 1A and 1B and chlorinated hydrocarbon pesticides; pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain beyond their intended use; as well as any pesticides banned by international agreement, shall be prohibited. If chemicals are used, proper equipment and training shall be provided to minimize health and environmental risks.

Criterion: 6.8 Use of biological control agents shall be documented, minimized, monitored and strictly controlled in accordance with national laws and internationally accepted scientific protocols. Use of genetically modified organisms shall be prohibited.

Criteria 6.6 & 6.8 Breaches

1. In April 2006, the Irish Times and Irish Independent reported of a dispute between Coillte and 450 of its tree planters. This involved a change in methods of application of pesticide. SIPTU, the union representing the workers, claims that there is significant increased risk to the workers. [1, 2].

WOODMARK RESPONSE:

Issue – Tree planters and Chemical use
This is discussed under Criterion 4.2 above.

IESS:

Soil Association Woodmark fails to discuss this issue in relation to Criterion 6.6 & 6.8. It is discussed in 4.3 in relation to workers rights. It should be discussed here in relation to chemical usage. As pesticide use by Coillte is the focus of a current derogation request and as the method of application of this pesticide – by means of ‘dipping’ – is the source of concerns among tree planters and their representing union, simply ignoring this issue in the context of Criterion 6.6 and 6.8 is simply unacceptable. Once again, it is clear that SAW see their role as apologists providing PR services for their client. Nowhere in the description of a Certifying Body is the provision of this service mentioned. Considering the specific issue at hand, IESS also find it extraordinary that the Soil Association permit their forestry certification subsidiary to continue to act in this manner. It is bizarre to say the least to see a division of the Soil Association ignoring an issue such as unnecessary toxic pesticide use and, when not simply ignoring it, defending it.

IESS wish to establish whether the Soil Association has any comment to make on this serious matter other than “I don’t know”. That, too, is unacceptable.

Criterion: 6.9 The use of exotic species shall be carefully controlled and actively monitored to avoid adverse ecological impacts.

Criteria 6.9 Breaches

1. There is no evidence that Coillte is controlling its use of exotic species. Coillte currently have over 95% exotic species in their forests [3]. Coillte recently justified this by stating that broadleaves are not economically viable in Ireland [4]. However, Mr. Tony Lowes states that “Coillte in Dundrum is importing hardwoods from UK to fulfil demand” [5]. The economic reasons for not growing broadleaves is unjustified.

WOODMARK RESPONSE:

Issue – Controlling use of exotic species.

Stakeholder input – In relation to tree species choice in plantations stakeholder comments were received in relation to the proportion of broadleaf and conifer being planted. In relation to non tree exotic species one comment was received in relation to rhododendron.

Audit and Observation – Species composition is discussed under Criteria 10.3 and 10.4 below. In relation to non native invasive species, Rhododendron/laurel was noted as a problem on some sites in the west.

Certification Conclusion/Rationale. Recommendation 2006.17 was made.

IESS:

Woodmark again sidestep the real issue: the tree selection in Coillte's plantations includes 95% foreign exotic species. Coillte own 350,000 ha of plantations (~80% of their 438,000 ha estate). This means that there are ~330,000 ha of foreign exotic species in Coillte's estate. Thus just under 5% of the land mass of Ireland is covered with foreign exotic species.

Bringing in the subject of Rhododendron control, and laurel control, in the context of Coillte's overwhelming choice of sitka spruce, which is what is being discussed, would be laughable if it did not once again demonstrate Soil Association Woodmark's rather extraordinary stance, ie. justifying Coillte. We were given to believe their job was to act as a Certifying Body auditing Coillte.

Criterion: 6.10 Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:

- a) entails a very limited portion of the forest management unit; and**
- b) does not occur on high conservation value forest areas; and**
- c) will enable clear, substantial, additional, secure, long term conservation benefits across the forest management unit.**

Criteria 6.10 Breaches

1. Saleen Creek which starts in Saleen Wood is an SPA (Special Protected Area). Coillte intended to develop the woodland [6]. The development involved the rezoning of 10ha (24 acres) for housing.
2. There is no evidence that Coillte's land sales or attempted land sales have been beneficial to the conservation of the Forest Management Unit[s]. Some of the sales and attempted sales are described in [6, 7, 8, 9, 10, 11]

WOODMARK RESPONSE:

Issue – Land disposal with specific reference to Saleen Wood.

Saleen wood is discussed under Criterion 2.2 above

Certification Conclusion/Rationale –There will be a need to evaluate Saleen further at surveillance visits. In particular with reference to Coillte's evaluation of a proposed development and potential excision in relation to FSC Criterion 6.10 giving due regard to the site as an Old Woodland Site. Note also Conditions 2004.19, 2006.4, 2006.8, 2006.20.

IESS:

Soil Association Woodmark sidesteps the issue yet again. How many inconvenient issues have now been effectively ignored in this response because they do not suit the SAW position? We listed several cases where land sales or attempted land sales did not benefit the FMU in terms of "clear, substantial, additional, secure, long term conservation benefits", but SAW fail to address this in any meaningful way. They do not mention breach 6.10.2 at all, which describes six sales or attempted sales. Perhaps this is simply a reflection of an overall blasé approach to conditions in Ireland on the part of SAW? While the consequences of Coillte's ongoing operations are serious, widespread and show little sign of ending there is no justification whatever for Coillte's Certification Body simply ignoring awkward questions from stakeholder representatives. IESS request that SAW identify where in the description of duties of an FSC Certifying Body the CB is permitted to ignore serious concerns from stakeholder representatives.

PRINCIPLE #10: Plantations

Plantations shall be planned and managed in accordance with Principles and Criteria 1 - 9, and Principle 10 and its Criteria. While plantations can provide an array of social and economic benefits, and can contribute to satisfying the world's needs for forest products, they should complement the management of, reduce pressures on, and promote the restoration and conservation of natural forests.

Criterion: 10.2 The design and layout of plantations should promote the protection, restoration and conservation of natural forests, and not increase pressures on natural forests. Wildlife corridors, streamside zones and a mosaic of stands of different ages and rotation periods, shall be used in the layout of the plantation, consistent with the scale of the operation. The scale and layout of plantation blocks shall be consistent with the patterns of forest stands found within the natural landscape.

Criteria 10.2 Breaches

1. Coillte currently plants over 94% exotic species. Less than 6% of Coillte's forests are native, and much less than this is dedicated to natural forest regeneration/conservation/protection [3].
2. Photos in the area of Lettercrafoe Lough, Co. Galway, which feeds into the Owenriff river, clearly show felling and replanting on the shores of the Lough and streams that run into the Lough [1].
3. Forest management has included the sale and development of natural and semi-natural woodlands under the control of Coillte, e.g. Saleen, Monivea, Loggan Bridge.

WOODMARK RESPONSE:

Issue – Proportion of area that is native and areas where there is promotion of natural forest regeneration/conservation/protection.

Stakeholder input – A number of stakeholder comments were received raising concern in relation to promotion of natural values, management of old woodland sites and biodiversity. Prior to the 2005 audit some stakeholder comment was received noting improvements to biodiversity management.

Audit and observation – These issues have been evaluated at successive audits and a number of CARs issued in the past. It is noted that at the time when Coillte was established the state vested in it responsibility for management of commercial forests, responsibility for the management of woodland of nature conservation value was vested in the now National Parks and Wildlife Service. Following previous CARs Coillte has evaluated and surveyed all Districts to identify areas of Biodiversity value. This work was completed in 2005. In each district at least 15% of the land areas has been identified as having biodiversity as a principle objective of management. Coillte has also developed policies in relation to old woodland sites and low impact silvicultural systems.

Certification Conclusion/Rationale - Woodmark has identified a number of issues that require further attention to ensure that the work to date is followed through in terms of detailed management plans and action on the ground. Weaknesses in some policies were also noted. Conditions and Recommendations issued 2006.12, 2006.13, 2006.24, 2006.27, 2006.28, 2006.29.

IESS:

It does not matter how or under what circumstances Coillte were established. If they failed to adhere to the principles and criteria of the Forest Stewardship Council, then they should not be issued an FSC certificate.

The numbers speak for themselves. Less than 6% of Coillte's estate is native, and none of this is necessarily managed for biodiversity – e.g. Coillte have stands of native Scots Pine managed for specifically economic reasons. Coillte's plantations of foreign exotic species not only fail to protect/restore/conservate native forestry but are actively destructive to the environment and to the

surrounding water courses. Coillte's idea of managing 15% of their estate for biodiversity is a commendable one and we totally support it. This is, however, irrelevant to the criteria in which it was raised. The fact is that the majority of Coillte's operations do nothing to support the protection, conservation or restoration of native woodlands.

Criterion: 10.3 Diversity in the composition of plantations is preferred, so as to enhance economic, ecological and social stability. Such diversity may include the size and spatial distribution of management units within the landscape, number and genetic composition of species, age classes and structures.

Criterion: 10.4 The selection of species for planting shall be based on their overall suitability for the site and their appropriateness to the management objectives. In order to enhance the conservation of biological diversity, native species are preferred over exotic species in the establishment of plantations and the restoration of degraded ecosystems. Exotic species, which shall be used only when their performance is greater than that of native species, shall be carefully monitored to detect unusual mortality, disease, or insect outbreaks and adverse ecological impacts.

Criteria 10.3 & 10.4 Breaches

1. Coillte's certificate requires that >10% of plantations consist of broadleaves [2]. In 2005, 4.6% of Coillte's estate consisted of broadleaves [3]. The following table shows the amount of afforestation and reforestation since 2002, as well as the amount of broadleaves planted [3, 4]:

	2002	2003	2004	2005
<i>Afforestation/Reforestation (ha)</i>	10,006	10,752	9,903	8,370
<i>Broadleaves Planted (ha)</i>	559	554	760	629
<i>% Broadleaves</i>	5.6%	5.2%	7.6%	7.5%

Coillte's current ratio of broadleaves fails to meet the required 10%, and their planting ratios ensure that this target will never be met. I.e., for the 10% target to be met, they need their afforestation and reforestation ratio to be above 10% broadleaves. In the Woodmark Forest Certification Public Report of Coillte Teoranta 2006, it is stated that Coillte 'aims' to have 10% broadleaves, whereas the percentages above show that this cannot be the case under the current planting ratios.

WOODMARK RESPONSE:

Issue – Species proportions

Stakeholder input – there has been consistent stakeholder concern expressed that species proportions do not include sufficient broadleaf content. Prior to the 2005 audit a small number of stakeholders noted that there had been an increasing use of broadleaf species.

Audit and Observation-

A Major CAR19 on species proportions was raised by SGS in August 2000 and subsequently downgraded to minor status in April 2001.

Further actions have included:

- Progress with addressing CAR19, which is closely dependant on actions to close out CAR03 on restructuring and CAR15 on FMU plans, was assessed by SGS in December 2001 and May 2002.
- Coillte established a Species Diversification Project Group to evaluate species composition of each FMU, ground truth estimates of current species composition, prepare revised plans across a selection of FMUs, and make adjustments to the species selection process for each FMU for the period 2002-2005.
- May 2002 assessment, SGS confirmed the introduction of revised species proportions requirements into its adapted standard for Ireland. This was in response to stakeholder comments

received (further details on the specific changes can be found in SGS's May 2002 report). Coillte expressed concerns that it had not been sufficiently consulted on these changes and that they would also be uneconomic to achieve. In response, it was agreed that Coillte would carry out an analysis of the impacts of the new requirements in the SGS standard, as part of its close-out for CAR19. It was also recognised that the company's strategy for close-out of CAR19 would require amendments in response to the altered species proportions requirements.

- At its Spring 2003 monitoring visit, Woodmark devoted significant time to addressing species proportions requirements. This in part reflected the importance of the issue, which has been the source of much controversy in the debate over forestry and certification in Ireland. Species proportions thresholds had also been raised as an issue by the FSC requiring further investigation and clarification.
- Summary data on species composition for 2000 and 2002 by FMU for the Coillte estate were seen, and tables of current and projected species composition for individual FMUs were also sampled in each district. The average composition of FMUs across the Coillte estate was - Primary Species 51.7%, Secondary Species 23.8%, Broadleaves 4.9% and Open Space 19.6% (data based on gross area).
- The principal reason for non-compliance was shown to be failure to meet the minimum threshold for broadleaves (only 5 of the 36 FMUs met the minimum 10% threshold). At the same time, only one FMU (305 Mullaghareirk) exceeded the maximum limit for a Primary Species. All FMUs were shown to include at least 5% open space, and 26 included 15% or more.
- Coillte was about to embark on a project to develop 20 year forest design plans for all blocks in the entire estate. This was scheduled to be completed by the end of 2005. The design plans were anticipated as bringing all existing plans together, timber, biodiversity, recreation, restructuring, landscape into a new IT based integrated planning system. Restocking plans would endeavor to ensure that species proportions are moving towards compliance with the Standard with a target of full compliance by the end of the rotation at the latest. The new system has the functionality to be able to analyse the species proportions in proposed plans for the FMUs and report progress. Short falls or excessive proportions were to be highlighted and the plans adjusted accordingly.

The species proportions currently being applied are an amalgamation of requirements from the Woodmark Generic Standard, the UKWAS Standard and the draft IFCI standard.

For 1 species FMU	For 2 species FMU
< 75% Primary Species	< 65% Primary Species
> 10% Broadleaf	> 20% Non-Primary Species
> 15% Open space/biodiversity	> 10% Broadleaf
	> 5% Open space/biodiversity

The May 2004 surveillance visit discussed the approach to species composition and a report "The management of species diversity in the context of SFM with special emphasis on its Economic, Environmental, and Social aspects", dated October 2003. This reports on the findings of the project working group established to review species diversity on the Coillte estate.

Figures (Nov 2002) from the report give Species composition for the forest estate as a whole as:

Conifer	75.3%
Sitka spruce	51.8%
Lodgepole pine	12.5%
Other Conifer	11.0%
Broadleaf	3.7%
Open Space	20.7%

The analysis notes an under-representation of broadleaf as the main challenge for modification of species composition over the estate as a whole.

Coillte carried out an analysis for each FMU and a strategy to modify species composition for the estate as a whole and for each fmU developed. There was a general proposal to diversify all fmus to two species fmus. Strategic targets foresaw a reduction in conifer area of 14,912 hectares (from 75% to 72% of area) and an increase in broadleaf area of 27,254 hectares (increase to 2.5 times the current broadleaf area 4% to 10%). Open space was predicted to reduce from 21% of area to 18%. A consequence of these proposals was that future planting is likely to include around 61.5% Sitka spruce. The proposed increase of 27,254 hectares of broadleaves is noted as a significant area similar in extent to the area of old woodland site within the Coillte estate (26,777ha).

Analysis of species composition for each FMU was carried out from which targets for future planting were developed. In order to implement these species diversity changes specific plans will need to be applied at District level and FMU planting plans adjusted accordingly. This process will link into the District Strategic Management Planning and IPS system processes.

Analysis and proposals were based at the FMU level, FMUs were under review and due to change which required further work in relation to how targets would be met. Woodmark accepted analysis at the FMU level and that change would necessarily take time as restocking opportunities arise at the time of felling and subsequent restocking. Linkages to the management planning IP System process were noted. Overall it is considered that Coillte had carried out sufficient work and have adequate plans in place to justify close out of SGS CAR 19. Woodmark will continue to monitor implementation of species diversification policy.

In addition Woodmark recognised the value of maintaining or introducing species diversity at site level for all sites. Recommendation 2004.14 was therefore made. In response Coillte revised its guidelines in relation to promotion of species diversity "Guidelines for the promotion of Species Diversity, including Broadleaves and the Development of Open Space with Biodiversity Interest at all sites" – July 2005

During the 2005 audit it was noted that the District Management process was almost, but not quite, complete. The Integrated Planning system was interrogated. This in effect allows information to be amalgamated from compartment level based upon compartment data and actual plans. The work on the integrated planning system had not been completed making it difficult to evaluate the proposed rate of change of species proportion at local forest level. Draft District Strategic plans review current species proportions and provide targets for increasing broadleaf proportion to a minimum of 10%. This is to be achieved in part by planting with a contribution to be made by reducing conifer content on old woodland sites. (i.e. there is a contribution to species proportion change through other methods in addition to planting). In July 2005 Coillte produced their revised Guideline - "Guidelines for the promotion of Species Diversity, including Broadleaves and the Development of Open Space with Biodiversity Interest at all sites". This policy gives 10% as the target for broadleaf proportion – implementation includes retention and expansion of existing broadleaf cover and retention of individual old trees, planting broadleaves in set back zones adjacent to roads, establishment of broadleaves in riparian areas, conversion of open space to broadleaf (subject to evaluation of existing habitat value). These guidelines are reflected in the content of draft District Strategic plans that quantify targets for change.

During the 2005 audit site development plans (site level plans providing detail of felling and restock) were inspected, and recent restock sites were visited. Internal planting returns were inspected. Whilst not every sub-compartment was being planted with 10% broadleaf, some were being planted with more than 10% and overall the percentage met the target of 10%. Figures reviewed by Woodmark for the percentage of broadleaf at re-planting in the few years prior to 2000 averaged 5.7% per year, the same figure for 2001 to 2005 (post certification) averaged 10.35%.

These figures are at variance to the ones quoted in the Woodland League/Rainforest Foundation/FERN report which suggest a lower average rate of broadleaf planting. One of the sources of these figures is given a March 2006 date which falls after the November 2005 audit date.

Woodmark will again review species proportions at the next surveillance and take into account the new information supplied.

Certification Conclusion/Rationale – It is clear that Coillte have reviewed and adopted their policy in relation to the percentage of broadleaf being planted. This is in direct response to FSC certification requirements. Whilst it will take time to implement the changes as forest stands reach their felling ages, the evidence seen suggests that this is being systematically implemented. Woodmark will continue to review Coillte progress with this requirement and will specifically review the figures supplied by Woodland League/Rainforest Foundation/FERN at the next surveillance.

IESS:

CAR19 was downgraded in 2001 because Coillte, according to their Social and Environmental Report for 2001, planted greater than 10% broadleaves (about 10.3%). We find it particularly egregious that SGS agreed that Coillte could influence their generic standard, by carrying out an “an analysis of the impacts of the new requirements in the SGS standard, as part of its close-out for CAR19”.

However, according to the Coillte 2005 Social and Environmental report, 2001 was the *only* year that they achieved that target.

What is required is that the Coillte estate include >10% broadleaves. What is being presented here is an assertion that planting – not overall estate – has exceeded 10% during this period. Table 6 in the Coillte 2005 S&E report demonstrates clearly that the percentage of the estate under broadleaves of all kinds (including scrub broadleaves) 2000-2005 has only increased from 3.5 to 4.6%. At this rate, it will take many decades before Coillte can claim to have exceeded the paltry required standard of 10% broadleaf cover. Once again we see SAW eager to certify their client for “moving towards” the standard rather than achieving it and the client eager to avoid taking any meaningful action to deserve eco-label certification. At this rate most of the current Coillte staff will have retired before the required level is met. Certification in this instance is ludicrous.

This issue is central to Coillte's ongoing approach to their estate and to social and environmental issues. In particular, the persistence of high levels of sitka spruce results in a requirement for environmentally disastrous fertiliser and pesticide use (including the recent appeal to FSC for permission to use Cypermethrin), results in devastation of the biodiversity of the Irish countryside, results in acidification and eutrophication of soils and waterways, results in low economic returns for Coillte, results in an enormous portion of the public lands of the state being rendered largely useless for amenity and aesthetic purposes, results in an unappealing environment to carry out tourism business, results in serious health concerns for local communities and for contract workers within the estate, results in a need to sell lands in order to turn a profit, results in breaches of legislation and EU directives... in short, the list of outstanding issues identified by Kevin Jones in his conclusion and dealt with at the start of this document exist primarily because the current species mix is as it is and because the efforts being made to address this are bordering on non-existent.

With this in mind it is clear that species mix is the central issue at the heart of almost every problem identified by IESS, by SAW, by numerous reports and NGOs, indeed even by Coillte themselves in some instances.

To certify Coillte despite both a clear failure to achieve the required species diversity and an approach to rectifying this matter which cannot meet the required level for decades is clearly absurd.

Coillte estate does not consist of 10% broadleaves – that is a sad fact that is accepted by all. Their certificate require 10% broadleaves – also a fact accepted by all. Their certificate does not require 10% planting of broadleaves, or a commitment to achieving 10% broadleaves – it requires that their estate actually consist of 10%. At this point we point to the fact that, in the UK, FSC certified

forestry companies are required to prematurely fell and not restock sites that were planted on peatland. Therefore, there is a precedent for companies being forced to prematurely fell their plantations in order to achieve the Social/Environmental requirements of their certificates – i.e. they are not given the time to wait until the next rotation. Therefore, SAW *should* have forced Coillte to prematurely fell enough of their plantations to reach the 10% broadleaf content requirement. Instead, SAW have given Coillte one rotation, i.e. up to 80 years, to achieve this.

Soil Association Woodmark state that “only 5 of the 36 FMUs met the minimum 10% threshold”. Then, under the controversial partial-certification scheme, only the 5 of the 36 FMUs should have been certified. The statement that “only one FMU (305 Mullaghareirk) exceeded the maximum limit for a Primary Species” is irrelevant in this context. Failure to adhere to one requirement is not offset by the ability to nearly adhere to another requirement. It is a sad indictment of the widespread failure of Coillte to meet even the weak the standards required that a ‘near miss’ is used to excuse a blatant failure. Further, it is in no way part of the role of a Certifying Body to attempt to defend certification of a failing client in this way.

Coillte should meet the minimum broadleaf requirement *and* not exceed the primary species limit in *all* of their FMUs.

Soil Association Woodmark state that “Overall it is considered that Coillte had carried out sufficient work and have adequate plans in place to justify close out of SGS CAR 19.” We have demonstrated that Coillte, according to their own reports, failed to meet the 10% broadleaf planting targets and are in no way engaged in activities that can achieve the 10% standard for decades to come. According to different values obtained from the relevant minister, they have consistently failed to meet the planting target of 10% broadleaves. It is seriously doubtful as to whether Coillte can ever actually adhere to this criteria under their current methods of operation. Therefore, CAR19 can not be closed, and must immediately be upgraded to a major CAR.

The last 10 paragraphs or so are all irrelevant, designed to hide the fact that Coillte are failing to meet the 10% requirement, and actually are not demonstrating any commitment at all to meet the 10% requirement. The fact remains – Coillte are in breach here, and are seriously in breach. Coillte do not have 10% broadleaves, and will not meet the 10% requirement within 1 rotation, under current planting ratios figures given by us. Everything else, all their new plans and guidelines, do not change this fact.

There is a serious discrepancy in the numbers provided by Coillte in their S&E report and the numbers we obtained from the relevant Minister. Nonetheless, the requirement is for 10% of the estate to be under broadleaves. Currently it contains only 4.6% and Coillte’s own figures demonstrate that this is improving at a rate of just ~1% per five years.

Criterion: 10.5 A proportion of the overall forest management area, appropriate to the scale of the plantation and to be determined in regional standards, shall be managed so as to restore the site to a natural forest cover.

Criteria 10.5 Breaches

1. There is no evidence to suggest that Coillte is conserving any substantial proportion of its land for the restoration of natural forest cover. Less than 6% of Coillte’s forests are native, and much less than this is dedicated to natural forest regeneration/conservation/protection [3].

WOODMARK RESPONSE:

Issue – Management to conserve/restore natural characteristics

See discussion under 10.2 above. 15% of area identified as having biodiversity management as a principal objective.

Certification Conclusion/Rationale - Woodmark has identified a number of issues that require further attention to ensure that the work to date is followed through in terms of detailed management plans and action on the ground. Weaknesses in some policies were also noted. Conditions and Recommendations issued 2006.12, 2006.13, 2006.24, 2006.27, 2006.28, 2006.29.

IESS:

Is this 15% the open space? What evidence is that there is any proportion of this being “managed so as to restore natural forest cover”?

Criterion: 10.8 Appropriate to the scale and diversity of the operation, monitoring of plantations shall include regular assessment of potential on-site and off-site ecological and social impacts, (e.g. natural regeneration, effects on water resources and soil fertility, and impacts on local welfare and social well-being), in addition to those elements addressed in principles 8, 6 and 4. No species should be planted on a large scale until local trials and/or experience have shown that they are ecologically well-adapted to the site, are not invasive, and do not have significant negative ecological impacts on other ecosystems. Special attention will be paid to social issues of land acquisition for plantations, especially the protection of local rights of ownership, use or access.

Criteria 10.8 Breaches

1. While Coillte have essentially stopped afforestation, their reforestation activities in unsuitable areas has led to consternation, such as in the Lough Corrib area [1]. Coillte's planting of Sitka Spruce and other exotic species requires the use of chemical fertilizers in many areas [3]. Chemical fertilizers are only necessary on sites where the species selected is not suitably adapted for the site.

WOODMARK RESPONSE:

Issue – Suitability of sites for plantation and fertilizer use with specific reference to Lough Corrib
Stakeholder inputs – Stakeholder comment has been received querying the need to use fertilizer. Comments were also received raising concerns in relation to water quality in Lough Corrib.

Audit and Observation – Woodmark has reviewed fertilizer policy within the company and inspected fertilizer application records. Issues at Lough Corrib were also audited and discussed above. The principal fertilizers used are Rock phosphate (generally at replanting), Urea (generally to combat growth check on sites with abundant heather), and Muriate of potash. Most fertilizer applications are single ingredient applications. During the period 1996 to 2004 there was steady decline in total fertilizer application from c 6,900 tonnes to c 1,400 tonnes. The decline is attributed to new forestry standards being introduced, and reductions in use in Salmonid catchments. About 90% of the fertiliser used is Rock phosphate . There has been a reduction in the use of aerial applications, increases in manual or mechanical applications. The Coillte Fertiliser Policy (Sept 2005) notes that use may be further minimised through greater attention to species choice, use of species less reliant on fertilisers for their establishment, the use of nurse mixtures and review of regeneration policy on western blanket peats. In relation to water quality issues and Lough Corrib Coillte's proactive response to resolving issues and reviewing practice are described above.

Certification Conclusion/Rationale – Overall Coillte's approach to fertilizer does not appear to be non-compliant with FSC Principles and Criteria. Note Conditions in relation to water quality.

IESS:

Coillte's overuse of fertilizer led to the moratorium in clearfelling in parts of the west of Ireland. This was due to the environmental, and subsequently social, damage being caused.

SAW state that Coillte have a plan for fertilizer usage, but it is not explained as to whether this plan has been accepted and implement or not.

SAW do not address the fact that the selection of more suitable species would lead to a reduction in the requirement for fertilizer usage

General concluding comments

IESS have demonstrate in their original document that Coillte are in breach of 7 of the FSC principles and 29 of the criteria.

Soil Association Woodmark state that they are aware “that there is strong stakeholder interest in the operation of the company” and that this is reflected in “the amount of stakeholder consultation carried out”. Soil Association Woodmark should then be aware that the standard to which Coillte have been certified has **never** been through a consultation process in Ireland.

SGS, when designing the generic standard for Ireland, used their own generic standard, the UKWAS standard and the so-called Irish Forestry Certification Initiative “Second” Draft Standard. None of these had been produced as a result of stakeholder consultation in Ireland. The IFCI 2nd Draft has never been through public consultation.

Thus the very basis of Coillte’s certification, i.e. the standard to which they are certified, is flawed.

Woodmark further go on to state that “A further observation is that some of the “big issues” raised ultimately relate back to national forest policy and are outside the scope of an FSC process”. It is our contention that if National Forest Policy affects the way that Coillte operate, and causes them to operate in contravention of the FSC principles and criteria, then Coillte should not be issued an FSC certificate, regardless of the reasoning.

Soil Association Woodmark give a list of improvements in Coillte. Most of these “improvements” have been contested in the text of the “breaches” document. Throughout Soil Association Woodmark’s response, there is continual reference to the fact that Coillte have improved their operations because of the requirements of their FSC certificate. The *actual* improvements are minimal – Woodmark seem happy with “plans” for improvement and “aspirations” to improve. Regardless, FSC is a **standard** which a company must achieve in its operations **prior** to being issued a certificate. This is the way every other standard in the world operates, whether it is a quality standard, a standard of production, a safety standard or an environmental standard. It is our contention that the FSC standard is the same. Nowhere in the FSC documentation is there any indication that the FSC standard is to be regarded in any other way. Continual improvement *towards* achieving the level of compliance required from the standard is to be applauded and encouraged, but does **not** equate to *actually* complying with the standard and does *not* deserve a certificate of achievement.

Soil Association Woodmark also list a series of areas in which Coillte require improvement. It is our contention that any one of these broad areas preclude Coillte from achieving their FSC certificate. Further, as there is demonstrated non-compliance in **all** the areas, it is evident that there is no basis for any justification of the current FSC certificate held by Coillte. It is not the job of Soil Association Woodmark to work in conjunction with Coillte in order to achieve FSC certification. It is their job to simply audit Coillte, and remove issue/remove a certificate based on compliances or non-compliances.

These two paragraphs in Soil Association Woodmark’s response provide enough evidence to strongly suggest that Coillte should be decertified. The claimed progresses are weak, and based on aspirations towards improvements and modifications on paper. The areas that Soil Association Woodmark list that need improvement explicitly show that most areas of importance in FSC – e.g. chemical usage, land sale, exotic species control, consultation, water quality – are still a challenge for Coillte after five years of certification, and the best part of eight years seeking certification.

Soil Association Woodmark go on to say that, using Coillte as an example, “real improvements to the standards of forest management can be achieved through FSC certification, and how, with FSC certification, there is an incentive to improve and maintain standards”. This is misleading to customers who buy FSC certified products. Customers buy FSC products based on the belief that

the products are produced from forests that **are** sustainably managed, and not from forests that are committed to at some point in the future (perhaps as much as 80 years) becoming sustainable.

Soil Association Woodmark say that if the FSC certificate were withdrawn, there would be no incentive for Coillte to continue to improve. This is an argument that has been used throughout both the IFCI process, and the process of certification of Coillte. The plain truth of the matter is that a consistent determination on the part of the Certifying Body to enforce a clear set of standards, with the prize being the extremely financially valuable right to display an 'eco-label' on the resulting products is the principle upon which FSC itself is built. IESS have no doubt that Kevin Jones and SAW have a sincere desire to see real improvements in the environmental and social impacts of forestry operations and believe that certification is an effective means to achieve this goal. IESS are of the same mind. Where we differ, it seems, is in the courage of our convictions. We urge SAW to be courageous. In doing so SAW will have the full support of IESS.

While Coillte continue to operate with their farcical FSC certificate, issued by Soil Association Woodmark, there is no incentive for Coillte to improve. Why would there be? Coillte already have their coveted FSC certificate. Soil Association Woodmark have demonstrated that Coillte seriously struggle to meet the more important requirements, and that most of their "improvements" are based on paper and plans to reach targets set by their certificate.

However, if Coillte were to have their certificate removed, they would have to actually *achieve* the requirements set down by the FSC standard. The SAW will finally have been shown to have teeth. There is a large economic benefit to having the FSC certificate. For example, B&Q require at least partial FSC certification in all their timber products. The incentive should be for Coillte to improve their methods of management such that they *deserve* certification.

Further, the document that we sent to Soil Association Woodmark does not detail any of our opinions on how FSC should operate on an international level. We feel that the certification of Coillte is seriously damaging both FSC's reputation internationally and our chances to change the national initiative in a positive manner.

Finally we say once again we are saddened and stunned, that an organization such as the wonderful and venerable Soil Association, a charity, funded through and by the goodwill of the people of Britain, on the sole understanding that it passionately upholds the principles of organic farming (and now forestry), should stand over such a blatantly non-organic body as Coillte, and allow them copper fasten their stranglehold on so much of the most beautiful, wild and fragile landscapes in Ireland. We reiterate our call for Coillte's FSC certificate to be withdrawn.

In conclusion, IESS wish to emphasise in the strongest possible way that we wholly support the principles of the FSC and all organisations and individuals who support those principles. Above all, we wish to emphasise that our ultimate goal is to see Coillte achieve a deserved FSC certification against a strong, consistent standard. We encourage SAW to be a part of the defence and restoration of Ireland's suffering landscape. Be courageous.