

Standard 2

MAKING SURE YOU COMPLY WITH THE LAW

As a forest **landowner**, you have a lot of flexibility in managing your land. However, everything you do must comply with all relevant federal, state, and local laws, regulations, and ordinances. **Standard 2** outlines what is expected of you as a landowner.

Seek Help

You are not expected to know every aspect of every law, but you *are* expected to seek the help you need to comply with the laws and regulations that govern your forest-management activities. Wonder what is legal or not? Ask! Here is where professionals—your forester, a consulting wildlife biologist, hydrologist, geologist, or other expert—will be your closest allies. (See **Performance Measure 2.1**.)

Performance Measure 2.1

Landowners shall comply with all relevant federal, state, county, municipal laws, regulations and ordinances governing forest management activities.

RESOURCES

Your state's forestry agency will be able to tell you which laws apply in your state and point you to places you can go to get further information and guidance: www.mylandplan.org/your-state-forestry-agency

The Cooperative Extension System (CES), a program of the U.S. Department of Agriculture, may offer courses or technical publications to help you comply with forestry laws. To learn about CES in your state, go to: <http://nifa.usda.gov/partners-and-extension-map>.

Many State Tree Farm Committees also offer training sessions and field days to help you learn to navigate the legal requirements associated with owning your Tree Farm. The ATFS website has links to your state committee at: www.treefarmssystem.org/state-tree-farm-programs.

www.MyLandPlan.org, the American Forest Foundation's website for woodland owners, provides additional information on finding the help you need to comply with federal and state laws and regulations: www.mylandplan.org/find-help

INDICATOR 2.1.1

Landowner shall comply with all relevant laws, regulations, and ordinances and will correct conditions that led to adverse regulatory actions, if any.

Show Your Good-faith Efforts to Remedy Problems

As a forest landowner, you are required to comply with all applicable laws and regulations whether or not your land is certified by ATFS. The Standards recognize that even the best forest stewards sometimes make mistakes. Over a lifetime of managing your woodlands, there may be instances in which a mistake may occur. In the event of an inadvertent legal violation, under ATFS, you must demonstrate that you are taking the steps necessary to correct the issue. Under Standard 2, a willful pattern of non-compliance with laws and regulations is not acceptable.

INDICATOR 2.1.2

Landowner should obtain advice from appropriate qualified natural-resource professionals or qualified contractors who are trained in, and familiar with, relevant laws, regulations, and ordinances.

Demonstrating Compliance

Many laws and regulations—federal, state, and local—govern forest-management activities. It is important for you, as a **landowner**, to seek advice from professionals who know and understand natural-resource laws (for example, best management practices for protecting water resources, or regulations governing pesticide application). Be sure to carefully document the steps you have taken to comply with relevant laws, and include this documentation in your **management plan**.

STANDARD 2:
Compliance with Laws

Forest-management activities comply with all relevant federal, state, and local laws, regulations, and ordinances.

Addressing regulations in California

Claire McAdams Humboldt County, California

Stretching along 100 miles of Pacific coastline just south of the California-Oregon border is Humboldt County, known as California’s “Redwood Coast.” Mountainous, forested, and largely rural, the county includes more than 1.5 million acres of public and private forestland, which yield 20 percent of all forest products produced in California. It is the place where Claire McAdams and her family manage McAdams Ranch, an operation begun in the 1930s by Claire’s great-grandfather, a mill owner.

As a fourth-generation family timber owner, Claire McAdams manages nearly 1,000 acres tucked, “behind the first set of hills and before the first set of mountains,” which trap the area’s famous fogs that nourish her Tree Farm’s redwoods and Douglas firs. Two other branches of the family each own contiguous parcels of approximately the same acreage, and family members jointly manage all 3,000 acres under one plan.

It is an enterprise that comes with many challenges. California’s regulatory structure is notoriously complex and changes frequently. The regulatory

vehicle that McAdams and her family have chosen to manage their Tree Farm is a non-industrial timber-management plan, or NTMP.

“Our NTMP demands that we do sustainable forestry and uneven aged management—a decades-long, open-ended plan,” says McAdams. “This management vehicle, one of several options under the Forest Practice Act of California, puts us under the scrutiny and oversight of several agencies. We use it because it allows us to freeze the regulatory rules for forest practice, giving us some regulatory certainty. That’s important in California because those rules change frequently and get more and more strict.”

Tree Farmers who have been able to use the NTMP in California tend to be small- to mid-sized Tree Farms. It is an expensive route to take, with much bigger up-front expenses than timber-harvest plans that call for harvest-to-harvest management over a five- to seven-year time period. “Basically,” McAdams says, “We agree to grow more than we cut, decades into the future. It’s a guaranteed way to have sustainability, and our NTMP is part of our long-term planning for keeping our forest in trees.”

