



Civil association ESTONIAN FOREST AID (EFA)

EFA REPORT

on the non-conformity to the FSC certificate requirements of the SFMC in the local community inclusion process into the management plans of Kose borough forests

Tallinn / Kose

Introduction

On the forests of Kose borough

Kose is a borough at the Harju county, Kose municipality, at the valley of river Pirita. According to the population register, 2034 people live in Kose. A gymnasium, a library, a kindergarten, an art school and a music school are active at the borough.

The forests of the borough have a peculiar landscape and resemble natural forests; they are mostly mixed-stand. The settlement is situated in the floodplain of Pirita river and so there are dozens of springs at the forests, whose water finds its way into Pirita river, which goes on into Tallinn. Near the settlement, Pirita river is more raging and faster-flowing due to the landscape than its usual course, deepening the uniqueness of the area and enhancing the potential of the habitats there as key habitats.

For the residents of Kose, the forests function both as a protective buffer for the settlement and recreational and cultural forests.

Chronology of events

2013: wrecking a spring

- **Seven years ago, the SFMC conducted a clear cutting on the plot 14 of the cadastral unit 33702:002:0588, during which it damaged a spring situated on the plot by driving over it directly and devastating its surrounding environment.**
- According to the [Nature Conservation Act](#) § 37 -- Limited management zones of shores and banks – a spring must have a 50-meter radius protective zone, within which area there must not be larger clear cut areas than 2 ha. Also in the case a spring has not been officially registered, an inventory conducted prior to the logging should identify such specific traits of landscape, basing planning the logging activity on the Nature Conservation Act. It is impermissible negligence failing to notice a spring with a more than 10 meter radius, moreover that the [Köstrioja](#) stream flowing out of the spring has been officially registered at the Estonian Nature Information System (EELIS).
- As a result of the logging that took place years ago the spring is still clogged by the logging activities which took place back then. The locals have repeatedly asked the SFMC to allow them to clean the spring, but the forest master has not granted it, claiming that the state forest managers can handle the situation better than locals (the exchange of letters has been archived and is in the possession of the applicant of that address). Young aspen shoots have started growing in the spring like on the rest of the felling, the estuary to Köstrioja is still blocked by the extraction path that was put in place back then.

2019: clear cuts at the borough

On May 28th 2019 an SFMC inclusion event took place at the Ravila end of the Ravila road – or it is claimed to have happened there. As the informing prior to the meeting was almost non-existent, only 5 locals took part of it, (Virgo Orasi and others from a family directly affected by the loggings and who only found out about the inclusion event by chance. In addition to them, the representatives of the SFMC, Andres Kevvai and Tarmo Tamm participated in the meeting, and members of the municipality government (Merle Pussak, Siiri Kiiver and others). Although less than 0,2 per cent of the region's residents took part of the event, it did not stop the SFMC from recognizing it as a successful inclusion meeting.

Following later events, Kose residents that were in contact with EFA testified numerous times that they had no knowledge of the inclusion meeting in question, claiming that had the information reached them, they would have participated at the inclusion event and voiced their justified opposition to the clear cutting plans.

- **The event was publicly announced only on the municipality's home page and its Facebook page, but not at the municipality's official newspaper.** The deputy municipality mayor Andrus Nilisk also found it insufficient, as he expressed on the Kose municipality hall on 10th of December 2019 at the meeting between the SFMC and the municipality organized on the initiative of the locals. Most of the citizens were surprised by the logging, like various locals also exclaimed at the same meeting.
- Among others, the meeting was attended by a Kose resident (Virgo Orasi) that lives in the immediate vicinity of **plots 10, 11, 12 and 13 of the cadastral unit 33702:002:0588**, who also wished to give his input on the loggings, but his wish was refused – he was being said that the plots in questions do not fall under public interest. Thus the meeting in question was also insufficiently prepared regarding which areas are and which are not objects of heightened public interest.
- In early December, after the first SFMC logging works were started at the Kose borough and around it, a local resident contacted the civil association Estonian Forest Aid, following which the EFA active starting collecting information from the locals and mapping and documenting the situation. After acquainting themselves with the situation and visiting the forests, the EFA active was assured that some of the forests which fell under the SFMC's logging plans fulfill the function of a wind barrier and some are a protective buffer of the protected Rahksoon stream's (currently) unprotected side-streams.
- **On December 5th, the EFA presented the SFMC, the Kose municipality and the auditor company that assesses the FSC-compatibility of forest management, Nepcon OÜ with an address** requesting stopping clear cutting next to the Sinilille, Soone and Võlle-Ravila roads, which are also a direct barrier to many households from wind, highway noise and agricultural pollution, in the name of both themselves and the locals. The launch of a broad-based and FSC-mandated public inclusion process and an impact assessment in planned logging areas which contradict the general planning currently in the confirmation phase.
- **On December 6th the SFMC halted some of the logging that had aroused attention,** but still continued logging some forests. During the removal of the understory which is conducted prior to clear cuts, some of the forest plots had already been damaged.
- Meanwhile the EFA work group was contacted by some other locals (Eleri Lopp-Valdma and others), who directed attention to several areas possessing the characteristics of

key habitats within the borough and around it, which the locals say should also be spared from logging.

- **Prompted by the new information, the EFA made [another address](#) to the SFMC, the Kose borough and the FSC certificate auditing company Nepcon on December 9th**, requesting halting clear cutting also in the high conservational potential forests right next to the Pirita river and forest plots that had been inventoried as key habitats by the SFMC itself.
- **In December, the local residents also started collecting signatures in defense of Kose forests, both on paper and digitally.**
- **On December 10th a meeting between the SFMC, the municipality government and the residents took place at the Kose parish house on the initiative of the locals**, where the representatives of the locals, Virgo Orasi and Eleri Lopp-Valdma presented the signatures collected to support the defense of the forests. In just a few days the locals managed to collect over 500 signatures, and it should be noted that half of those were collected by hand from the residents directly affected by the logging plans. The locals raise the case of a spring they call the Sinilille (Liverwort) spring (later registered as Kõstrioja spring), which has lowered the locals' trust in the SFMC, as they wrecked the spring and failed to fix their error, thus allowing damage to continue. The representative of the locals wished to get a year-long moratorium to undertake additional examinations, but the SFMC did not grant it, finally agreeing that the locals have to specify by December 16th, what they want studied.
- **By December 16th, the locals send the required elaborations.** Although the elaborations were presented on time, the SFMC does not wish to grant the extra time, instead defending the position that clear cuts are the only option for the Kose forests.
- **On December 19th, the question of the inclusion of locals is also discussed at the Kose municipality council**, during which the SFMC forest master holds a presentation whose main message is that the clear cut plans suggested by the SFMC are the sole option for managing the Kose forests.
- **On December 20th, the EFA makes another [address](#) to the SFMC, Nepcon and the Estonian FSC**, proposing an additional overview of the SFMC clear cut plans and listing the contradictions between the inclusion process that took place and various FSC indicators. The SFMC has answered the civic association, but only to reject all arguments and foreclose any actual path of discussion that could satisfy the locals.
- In addition, the EFA applies to the Environmental Board, the Environmental Agency and the Land Board to register the "Sinilille" spring wrecked by the SFMC at the Estonian Nature Information System. Already in the following weeks, the spring is registered by the authorities.
- **On December 30th, Kose residents found the non-profit Kose Municipality Nature Society.** The SFMC is also notified of the newly founded non-profit, to be included into the forest management plans of the Kose borough and the entire Kose municipality area's state lands. The fresh civic association is answered thus: "The SFMC is glad that new civil associations are being formed at Kose municipality that we can cooperate with. We hereby wish you to forward us the evidence confirming that the non-profit Kose Municipality Nature Society has been commissioned by the majority of the Kose community regarding managing forested areas on the territory of the entire borough. The signatures on the petition you have circulated statewide does not qualify as such evidence, as it does not read that the relevant power has in fact been given to that non-profit." (The letter in question has been archived by and is accessible to the EFA.)

2020: the conflict deepens

- **On January 11th 2020 a meeting took place on the edge of Kose forest between the SFMC and the local residents**, in which the SFMC staunchly defends the position of going on with the logging plans they had already introduced. People are offered a chance of marking the retention trees, heritage objects, springs and borders of the logging areas together, but the question of preserving special natural and cultural objects within their environment is sidelined. The local community expresses the position that they do not want clear cuts, but some other logging method, foremost selective logging and continuous cover forestry. This is offered to the SFMC as a compromise.
- The MeP and SFMC supervisory board member, Peeter Ernits, also takes part of the meeting; he makes a proposition that there should be a special management plan compiled for the forests of Kose.
- The head forest master of the SFMC ends the discussion about selective logging with a claim that it is by law not possible to conduct selective logging at the Kose forests under question, but only clear cutting. The locals were unable to reply to that claim, but the Estonian Fund for Nature later found out that the SFMC straight-out lied regarding that issue and the Forest Act allows selective cutting in at least some of the Kose forests, including the one referred to by Andres Sepp while making that claim. (The claim in question has been documented in the media, the Estonian Forest Aid also holds audio and video recordings of the meeting.)
- At the meeting, the SFMC wants to go look at the forest with the locals to pick out the retention trees to be preserved after logging, but the locals wish to go and have a look at the spring that was wrecked by the SFMC six years ago. The SFMC refuses to visit the spring. The locals refuse to come and mark the retention trees at the borough's forests with the SFMC. The locals voice a wish to receive a year-long logging moratorium like in the deal that was made with the locals of Ohtu, to present their own assessments and management plans to help justify the locals' positions and develop a common compromise. The SFMC refuses to grant the year-long logging moratorium. The meeting ends in an adversarial mood and without any kind of deal whatsoever. The SFMC says it will carry on with the clear cutting plans.
- **On January 24th 2020 the locals send a letter to the SFMC about the protocol of the meeting that took place on January 11th**, expressing the position that the SFMC had described the meeting in a subjective manner in the protocol and that the community does not agree to that. By the community's estimate, all propositions made by the community and its representatives and possible compromise solutions had been left out of the protocol. The SFMC has yet to account for the locals' justified additional propositions in the protocol.
- **On February 28th the Kose locals contact the international FSC headquarters.** They are directed to the local Estonian auditor Nepcon.
- The local community has not received any answer from the SFMC about the further plans. The SFMC communicates directly with the Kose municipality government, ignoring the non-profit and the local government. As in the FSC's decision-making processes governing bodies are taken to represent economic interests by default, it can also be seen as a sign of discarding social and ecological interests in favor of crude material interest.
- The worried community of locals has meanwhile noted the drying up of the now registered Kõstrioja spring. There is reasonable doubt that the clogging of the spring mouth and clear cuts around it have contributed to drying up of the spring (Photo documents of the dried-up spring are in the EFA-s command).

- **The situation remains unsolved to this day.** The SFMC has not gone on with the logging, but there hasn't been a signal of the logging being cancelled either. Another meeting is known to have planned between the SFMC and the locals, but the covid-19 emergency has postponed the process.
- **The SFMC is currently communicating with the Kose municipality council about the management plans, avoiding communicating with the local community. The local residents are justifiably worried about the fate of their life environment. The community is still against the clear cutting plans and intensive forest regeneration of the borough forests.**
- **The civil association Estonian Forest Aid protects the locals' right for an alternative management plan for the borough forests, if it's justified and adequate and finds that currently a proper involvement might be endangered due to insufficient preparation by the SFMC and needs further attention by the relevant supervisory institutions.**

On the need of heightened attention to the Kose residents/SFMC inclusion process

The SFMC has failed to include the local community in a respectful and proper manner proven by the following chronological facts:

- **There have been former acts not in line with responsible forest management in clear logging the surroundings of the spring and clogging it by using the Kõstrioja spring as a transport road for wood.** Instead of admitting the deed and trying to make up for it, discussing the matter with the people has been knowingly avoided and their pleas to try and mitigate the situation by themselves (cleaning the spring) rejected.
- **Already in the primary phase of management planning the inclusion was attempted to be conducted hidden from the public eye, without trying to include the wider community in the management plans of forests that are in wide active and passive use to find a suitable compromise.** The SFMC held an inclusion event to inform the community of the logging on May 28th 2019 at 16.00 o'clock at the Ravila end of the Ravila highway, but there were less than 0,2% of the Kose municipality residents present. During the following events the locals repeatedly stressed that they did not know about the logging plans and would have voiced their opposition, if they had known.
- **The locals' arguments about wind protection, recreation area and key habitats were left without any substantial analysis and were dismissed, even though the arguments are justified and adequate, casting a direct suspicion that the clear cutting plans of the SFMC are strongly damaging the locals' life environment.**
- **During the inclusion, the people and the Kose municipality council were repeatedly lied to, as if the law would not allow selective logging at the borough forests, but only clear cutting.**
- **The SFMC has repeatedly implied to Kose residents that it does not recognize them as the representatives of the local community, only taking the municipality council's opinion**

into account. Still, the interested locals have registered themselves as a non-profit for a better chance at inclusion and a lot of locals' signatures have been collected, accounting for at least a fifth of the Kose residents. In our opinion, it is altogether too much to ask for the majority of the populace to be mobilized for their opinion to be taken into account. Also, statewide opinion polling shows an outstanding majority supports a reduction in general logging volumes, and the recently published human development report also points to the degradation of life environment as a problem.

Failures of the SFMC to comply with the FSC criteria as presented in the Nepcon's interim forest management standard for Estonia

- **4.4.3 Large and medium FMO-s: FMO shall demonstrate that input from community participation was considered and/or responded to during management planning and operations.**
Clarification: The SFMC has failed to substantially analyze or take into account the locals' arguments concerning the unsuitability of the clear cuts for the borough. The local community has explained the wind protective, recreational and conservational significance of different forests. The SFMC has failed to refute the locals' arguments, but has not considered them either (the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).
- **4.4.4 Large and medium FMO-s: Areas of special economic, ecological, cultural or spiritual value for local communities shall be mapped and their protection values and management regime shall be documented.**
Clarification: The SFMC did not map the spring feeding Kõstrioja stream, which was later registered thanks to the initiative of the citizens at the Estonian Nature Information System, wrecked the spring during economic activities and has done nothing to this day to mitigate the damage done to the spring and its consequences (the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).
- **4.5.1 FMO shall make all reasonable efforts to avoid losses and damages affecting local peoples, and in resolving grievances related to legal rights, damage compensation and negative impacts.**
Clarification: The SFMC refuses to admit that the planned clear cuts would damage the locals' life environment, thus we can't speak of avoiding damage or just compensation (the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).
- **2.3.2 FMO shall use mechanisms for resolving disputes over tenure claims and use rights that respectfully involve and consider the disputants in process.**
Clarification: The SFMC has not included the citizens in a respectful manner. When organizing the first inclusion event, the broader inclusion of the public was not seen as necessary, although the logging was planned at areas of high public interest. The citizens and the municipality organs were presented false information on legislation, as if Kose forests could only be managed with clear cuts, but not selective cuts (the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).
- **2.3.4 FMO shall demonstrate significant progress achieved to resolve major disputes.**

Clarification: *there has been no progress, as the resistance to clear cuts and distrust towards the activities of the SFMC has only grown, while the SFMC is still unwilling to take the opposition into account, trying to use the municipality council instead of the community to go forward with the clear cutting plans (the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).*

- **5.5.2 FMO shall consider areas important for mushrooms and berry picking; hunting and recreation when planning forest operations.**

Clarification: in the meetings and exchanges of letters, the positions of locals have not been discussed in substance, nor taken into account. The locals regard the forests of the borough as widely used recreational forests also used to forage for berries and mushrooms (*the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings*).

- **6.5.6 FMO shall preserve existing buffer zones along forest edges and favor the development and conservation of wind resistant and viable forest edges (buffer zones) along open landscapes.**

Clarification: The SFMC has repeatedly been presented with elaboration about the wind and agricultural pollution protective function of the forested areas on the edge of the borough that are to be clear cut according to the extant plans, but the SFMC has failed to either analyze or admit the need to preserve those forests as buffer zones (*the signatories of the address have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings*).

- **9.1.2 Large and medium FMO-s: FMO shall carry out an assessment of the FMU sufficient to identify all parts of the FMU that have each of the following attributes:**
- **c) HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems, such as Natura 2000 sites and Woodland Key Habitats;**

Clarification: *during a clear cut 7 years ago, the SFMC wrecked a spring, which is also a key habitat indicator, and founded a wood extraction path over the Kõstrioja spring which flows from the spring, which has not been removed to this day. After those activities, the spring started to overgrow and has dried up for today (see the attached photo evidence). Despite the repeated offers from the populace the SFMC has not allowed the locals to reconstruct the spring, while not taking up any actions to do so themselves: (the signatories of the report have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).*

- **d) HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control), such as areas important for drinking water;**

Clarification: *as the area has a lot of other springs in addition to the wrecked one, those should all be inventoried prior to management planning in order to take them into account, which the SFMC has failed to do to this day.*

- e) HCV5. Forest areas fundamental to meeting **basic needs of local communities** (e.g. subsistence, health);

Clarification: the local community has repeatedly explained that the borough forests are an important area for recreation, which clear cut management would severely damage. The SFMC has not agreed to cancel the clear cuts nor to seek more sustainable management methods offered by the community as a compromise (the signatories of the report have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).

- f) HCV6. Forest areas critical to **local communities' traditional cultural identity** (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

***Clarification:** The SFMC has ignored the locals' explanations on that some of the forests that are planned to be clear cut contain important war heritage, only offering a chance to spare specific objects from logging, while the community also values the environment of the cultural objects situated at the forest (the signatories of the report have documented proof of the exchange of letters and video and audio recordings of the inclusion meetings).*

- 9.1.5 FMO **should be open and willing to cooperate with state organizations and environmental specialists for inventories and protection of HCV forest areas**

***Clarification:** since the start of the inclusion process, the SFMC has not done enough to include the local community nor the public and claims that the non-profit which was created to represent the community is not a valid representative of the local community (proven by the documented exchange of letters by the signatories of the address at hand). Also, the head forest master of the SFMC, Andres Sepp has repeatedly tried to silence Estonian Forest Aid's coordinator at the public meetings, as if the EFA didn't have the right to participate in the inclusion meetings. But the EFA is a non-profit registered as an environmental organization which has monitored the process since it was contacted by the locals and asked the SFMC to include them in the process.*

- 9.2.1 Large FMO-s: **Local stakeholders including environmental NGOs shall be consulted to identify HCVF.**

***Clarification:** at the moment, the SFMC avoids communicating with locals, while conversing with the municipality council instead. Among else, this is proven by a meeting that took place in the Kose municipality council on June 18th, where the SFMC introduces the clear cutting plans, but where the locals are neither invited nor welcome (the signatories have proof in documented exchanges of letters).*

- 9.2.3 Stakeholder consultations should indicate that **FMO consistently considers and protects HCVF values.**

***Clarification:** the communication between the local community and the SFMC has convinced the community in the contrary, as the local community finds that the SFMC does not consider the arguments brought out for forest protection at all and only wants to conduct clear cuts to procure wood for the industry.*

Conclusion

Based on the report at hand, we claim that instead of looking for contact and discussion with the community, the SFMC tries to push for its clear cut plans, using false justifications and other pressure methods when necessary without substantial consideration and analysis of the locals' arguments.

Following from the above we find that changing the Corrective Action Request (NCR 01/20) on inclusion of locals to an Observation (OBS 05/20) to the FSC certificate holder forest management organization SFMC (RMK) **not justified**. The practices described in the report at hand point to a possibility of the SFMC not taking the local community's arguments into consideration. Only a Corrective Action Request can assure that the SFMC will include the Kose community according to the requirements of the FSC certificate. Without a Corrective Action Request and on the continuing of current inclusion practices, the good name of the FSC certification system is increasingly in danger.

The presenters of the report propose re-instating the Corrective Action Request instead of an Observation on the subject of the inclusion of locals, to assure the honest and just functioning of the FSC certificate.

Respectfully

/signed digitally/

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