

# Minnesota Forest Resources Council Public Concerns Registration Process 2003 Annual Report

## *Overview*

The Public Concerns Registration Process (PCRP) began serving the citizens of Minnesota in January of 1998. Created by the Minnesota Forest Resources Council (MFRC), the process was established to accept “comments from the public on negligent timber harvesting and forest management practices” (Minnesota Statutes 89A.07, Subdivision. 5). The PCRP allows citizens to register concerns about timber harvesting or forest management practices that they have observed. The MFRC worked closely with other environmental and forest management organizations to develop the process. The process is not punitive and the names of the parties involved are dealt with in a confidential manner. The focus of the PCRP is to inform and provide education to the involved parties. The involved parties are made aware of Minnesota’s *Voluntary Site-Level Forest Management Guidelines* and other information to help them protect Minnesota’s forest resources.

Citizens observing a practice that they object to or have concerns over, whether on public or private lands, initiate the process by calling MFRC’s 1-888-234-3702 phone number or by registering the concern on the web at <http://www.frc.state.mn.us>. If the citizen contacted the MFRC by phone, the MFRC office sends an information packet to the citizen requesting them to complete a “Public Concerns Registration Form.” The concern is officially registered when the completed “Form” is returned to the MFRC office or the concern is filed via the MFRC web site. The concern is then forwarded to a consultant retained by the MFRC to investigate the concern.

Concerns are investigated under a protocol revised in April 2001. The location of the concern and other information regarding the landowner are determined. The person who performed the forest management activity and the natural resource professional that supervised or was responsible for management of the property in question are also determined. If it involves a logger, the Minnesota Loggers Education Program (MLEP) is contacted to check on the logger’s status. If the concern involves a forester, their status with the Society of American Foresters is also checked. The concern also is reported to the organization that manages the property. For example, if the concern were over a harvest on state forestland, the Director of the Division of Forestry in the Minnesota Department of Natural Resources (DNR) would be informed.

During the investigation, any individual that may have information that relates to the concern or site in question may be contacted. The consultant attempts to ensure that those contacted provide accurate information by verifying the information with others knowledgeable about the site in question, the participants involved, or the particular practice that generated the concern. There are times when it becomes necessary for the consultant to personally visit the site that generated the concern.

The revised protocol established measures to ensure the confidentiality of the registrant of the concern and other parties involved. Specifically, in the report to the MFRC that is generated after each investigation, the key people associated with a timber harvest or forest management concern are to be referred to as follows:

- concern registrant
- landowner (private or corporate); public agencies shall be identified by agency (e.g. DNR, US Forest Service, etc.)
- forester, logger, land manager, or other appropriate title (not names). If more than one employee from the same agency or company is referenced, they shall be referred to numerically (e.g. forester #1 with the DNR).
- other categories as necessary (e.g. concerned neighbor).

In September 2002, the MFRC established criteria to conduct a field investigation of a concern when the MFRC staff or PCRCP consultant feels that one or more of the following criteria justify an on-site visit:

- It is difficult to discern an accurate location or description of the area of the concern. This may result if there is no documentation of the activity, the parties involved will not make documentation available, or there are widely conflicting accounts of the situation that cannot be resolved with the parties.
- The harvest or forest management concern occurs on a visually sensitive site. This may apply to sites that are adjacent to heavily used recreation areas and travel routes.
- The concern is about a practice(s) that appears to be egregious – the degree of the issue may need to be validated on site. This may apply when application of site-level forest management guidelines have flexibility, and local factors that determine appropriate application should be assessed.
- The concern occurs in an area where timber harvesting and forest management are especially controversial. Investigation of the site may be considered necessary to alleviate any potential concerns about possible actions or inaction. This may be applicable in situations here high profile individuals raise a concern, or a concern is about a site that has high public visibility.

After the concern is investigated, the consultant prepares a report that is sent to the MFRC office. From there, copies of the report are sent with a cover letter to the involved parties. This report follows the protocols above and includes the following information:

- Front page
- Confidentiality measures
- Description of the concern(s)
- Description of the site
- Timber harvesting/forest management guidelines or BMP's that would have applied
- Permits/ordinances/laws/contractual obligations violated
- Contacts with the landowner, logger or other forest practitioner, and forester or other natural resource professional.
- Findings

Information regarding the identities of the people contacted in regards to a registered concern is transmitted to the MFRC staff as part of a “Concern Summary” separate from the report. Requests for identities must be made directly to the MFRC.

As determined by the consultant, educational materials about forest management in Minnesota are also sent directly by the consultant to the involved parties specifically matched to their needs. The consultant has obtained a number of publications that are available to address some of those information needs, including but not limited to:

- *Managing Water and Crossing Options* – Forest Management Practices Fact Sheet Series by the DNR and the University of Minnesota Extension Service (MES);
- *Protecting Water Quality and Wetlands in Forest Management (BMPs)* by the DNR;
- *Visual Quality Best Management Practices for Forest Management in Minnesota* by the DNR;
- Tree Management fact sheets (for individual species, e.g. aspen, birch) by the DNR;
- Timber Stand Improvement Fact Sheets by the DNR;
- *Marketing Timber from the Private Woodland*, by the MES;
- *2003 Minnesota Forest Resources Management Directory*, published by MLEP and the Minnesota Forest Association;
- Minnesota Forest Resources Council Vision brochure, 1998;
- *Sustaining Minnesota Forest Resources: Minnesota Voluntary Site-Level Forest Management Guidelines*, DNR and MFRC (new addition, June 1999).

### **Activities During 2002-2003**

The MFRC renewed an agreement with the consultant, Bruce ZumBahlen, to provide service to the PCRCP effective August 15, 2002. Three registered concerns were investigated during the period August 15, 2002 to June 30, 2003. One of the concerns required a field visit by the consultant based on the criteria established by the MFRC in September 2002. Since its inception in 1998, the PCRCP has received a total of 17 concerns.

Following is an activity summary for the fiscal year July 1, 2002 through June 30, 2003 based on the consultant's bi-monthly reports to the MFRC.

#### *August 15 – September 3, 2002*

A concern over severe rutting from a timber harvest was registered with the MFRC on July 19, 2002. No action was taken to investigate the concern until a PCRCP consultant agreement was renewed August 15, 2002. The MFRC office approved the consultant visiting the site in question because of the egregious nature of the concern.

#### *September 4 - October 31, 2002*

There were no concerns registered during this period. However, the MFRC office did receive a complaint that ultimately was determined not appropriate for the PCRCP to investigate. The consultant also provided information to another individual on how to register a concern that the individual decided not to pursue.

#### *November 1 – December 31, 2002*

There were no concerns registered during this period.

#### *January 1 – March 3, 2003*

There were no concerns registered during this period.

*March 4 – May 16, 2003*

A concern was registered in April over a number of issues with a DNR timber sale that involved the cutting of designated old-growth white cedar. The bi-monthly report for this period was delayed so that it could incorporate the completion of the investigation and report on the matter.

*May 17 – June 30, 2003*

There was one registered concern in May over rutting on a DNR timber sale that was investigated during this reporting period.

### ***Descriptive Information About Registered Concerns***

#### ***Registered Concern, Mille Lacs County***

The registrant filed a concern over severe rutting from a timber harvest on private land. Based on the photographs provided by the registrant, the PRCP consultant visited the site to measure the degree and extent of the rutting. While on the site, the consultant noticed that residual oak were dying from either compaction of the trees' roots systems caused by the rutting or insect and disease problems.

The logger was the landowner. A set of educational fact sheets related to water crossings were provided along with information on oak wilt along with advice to monitor site for further damage.

#### ***Registered Concern, Cook County***

The registrant had concerns over a number of issues related to a DNR timber sale that involved the cutting of a portion of a designated old-growth white cedar stand. Cutting in the old-growth cedar stand was the main issue, but this and other issues were outside the scope of what the PCRCP is intended to address.

The two loggers involved with the timber sale were provided with copies of the "*Voluntary Site-Level Forest Management Guidelines*" (FMG) since neither one appeared to be familiar on use of the FMG.

#### ***Registered Concern, Cook County***

Another concern was registered in Cook County on a different DNR timber sale that involved ruts that occurred in wetlands during a harvest of black spruce damaged by windstorms.

A letter explaining the significance of the rutting was sent to the logger along with references to the appropriate pages in the FMG on ways to mitigate future problems.

## Appendix A

### Public Concerns Registration Process Log

Date	Description of Concern	Location	Type of Communications and Materials Sent
July 2002	Severe rutting from skidding during the spring on private lands.	FRC Landscape #5 (East Central), Mille Lacs County	The logger/landowner received: <i>Forest Management Practices Fact Sheets – Managing Water Series</i> and <i>Crossing Options Series</i> ; and <i>Oak Wilt in Minnesota</i> .
April 2003	Cutting of old-growth white cedar associated with a DNR timber sale.	FRC Landscape #1 (Northeast), Cook County	The loggers were sent copies of the <i>Voluntary Site-Level Forest Management Guidelines (FMG)</i> .
May 2003	Rutting in wetlands on a DNR timber sale.	FRC Landscape #1 (Northeast), Cook County	The logger was sent a letter explaining the significance of the rutting with references to appropriate pages in the FMG.