

Minnesota Forest Resources Council Public Concerns Registration Process 2004 Annual Report

Overview

This is the sixth annual report of the Public Concerns Registration Process (PCRP) since it began serving the citizens of Minnesota in January of 1998. The Minnesota Forest Resources Council (MFRC) established the process 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.

The Process

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 tentatively registered when the completed “Form” is returned to the MFRC office or the concern is filed via the MFRC web site. MFRC staff determines whether the registered concern falls within the scope of the PCRP. If there is some uncertainty whether the concern is within the scope of the program, the MFRC staff will contact the citizen by phone as well as a neutral consultant retained by the MFRC to investigate concerns. If the concern is determined to be valid, the concern is officially registered and forwarded to the consultant for further investigation.

Investigation Protocol

Concerns are investigated under a protocol revised in April 2001 that was further revised in March 2004. 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.

Field Investigations

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 where 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.
- Significant consideration in deciding on whether a field investigation or on-site visit is necessary will be given to photographs of the site or detailed first-hand observations from the site.

If a field investigation is warranted, the consultant will request the landowner's permission to conduct a site visit. If permission is granted, the consultant will invite MLEP staff to accompany the consultant during the site visit.

Confidentiality

The revised protocol includes 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 parties involved with the timber harvest or forest management activity are to be referred to as follows:

- Concern registrant
- Landowner (private or corporate); public agencies shall be identified by agency (e.g. DNR, USDA Forest Service, etc.)
- Forester, logger, land manager, or other appropriate title (not names or their gender). 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).

Reports on Registered Concerns

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
- 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.

Education

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;
- *2004 Minnesota Forest Resources Management Directory*, published by MLEP and the Minnesota Forestry 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 2003-2004

The MFRC renewed an agreement with the consultant, Bruce ZumBahlen, to provide service to the PCRP effective August 15, 2003. Two registered concerns were received during the period August 15, 2003 to June 30, 2004. The second concern was received June 18, 2004 and is still being investigated as this annual report was being prepared. The results of that investigation will be included in the 2005 annual report.

The MFRC also received two other concerns that were determined to be outside the scope of the PCRP. Since its inception in 1998, the PCRP has received a total of 19 concerns that have been investigated.

Following is an activity summary for the fiscal year July 1, 2003 through June 30, 2004 based on the consultant's bi-monthly reports to the MFRC.

August 15 – September 9, 2003

A potential concern was registered over a DNR timber sale that was harvested during the summer despite being advertised as “winter access” timber sale. The MFRC requested the consultant to conduct a preliminary assessment of the concern to see whether it was within the scope of the PCRP. The assessment revealed that the site in question was on sandy soil and the sale's harvest regulations did not specify that the timber had to be harvested in the winter. The registrant was informed that no further investigation was needed.

September 10 - October 31, 2003

There were no concerns registered during this period. However, a logger appealed to the MFRC to determine whether the application of the Voluntary Site-Level Forest Management Guidelines (FMG's) on a DNR timber sale were appropriate. MFRC staff conducted the investigation without the consultant's involvement and reported the findings to the MFRC.

November 1, 2003 – January 5, 2004

There were no concerns registered during this period. However, the MFRC staff and the consultant conferred on how to address a complaint over a decision to not look further into a situation that a citizen had attempted to register as a concern during a previous reporting period.

January 6 – February 29, 2004

Two concerns were addressed during this period. One concern was registered Dec. 31, 2003 that should have been attributed to the previous reporting period had the consultant been aware of it. The Dec. 31st concern was over visual quality and filling a wetland associated with a DNR timber sale and subsequent development of a heliport on part of the timber sale. Investigation of that concern found that Minnesota's Wetland Conservation Act standards on filling wetlands were not breached.

However, the construction of the heliport adjacent to the wetland was the most serious issue since it appeared that there had been no attempt to minimize soil disturbance within the 50-foot filter strip called for in the FMG's. A letter was sent to the forester in charge of the site with references to the FMG's along with a recommendation that the heliport site should not be used for the application of pesticides because of its proximity to the wetlands.

The second concern was registered January 27th. Work on that concern was delayed until late February after the consultant's return from vacation. After an initial phone call with the citizen who filed the concern, further investigation was postponed until photos and additional information on the sites in question could be obtained.

March 1 – April 30, 2004

No concerns were registered during the reporting period. An attempt to determine whether the January 27th concern was within the scope of the PCRCP and needed further investigation was frustrated by refusal of the county land manager to provide information on the sites in question.

May 1 – June 30, 2004

There was one registered concern in mid-June that came about from timber cut in trespass on USDA Forest Service land. That concern is being investigated as this annual report was being prepared.

During this reporting period, information was finally received from the county land manager on the concern registered on January 27th. Based on that information and an assessment of the photos furnished by the citizen, it was determined that no further investigation of this concern was warranted. The citizen was informed of that determination.

Descriptive Information on the Registered Concerns

Registered Concern, Cook County

The registrant filed a concern over the wetland impacts and visual quality on a DNR timber sale and subsequent development of a heliport located on a heavily used travel route to the Boundary Waters Canoe Area. The timber sale was made to salvage damage from July 4, 1999 windstorm. While direct impacts to the wetlands adjacent to the sale were minimal, the most serious issue was with the extensive soil disturbance that resulted from developing the heliport within the 50-foot filter strip adjacent to the wetland.

A letter was sent to the DNR forester with references to the FMG's and a recommendation not to use the heliport site for pesticide applications since an accidental spill could have serious consequences on the adjacent wetlands.

Registered Concern, Lake County

The registrant's concern came about from a public notice of timber cut in trespass on USDA Forest Service land. The concern is that the FMG's were not followed that call for the forester and logger to have an on-site meeting prior to commencing timber harvests. This concern is being investigated as this report is being prepared and the findings will be reported in the 2005 PCRCP annual report.

Appendix A

Public Concerns Registration Process Log

| Date | Description of Concern | Location | Type of Communications and Materials Sent |
|----------------|---|--|---|
| December, 2003 | Visual quality and wetland impacts from a DNR timber sale and heliport | MFRC Northeast Landscape, Cook County | Letter to DNR forester on filter strips with references to the <i>Voluntary Site-Level Forest Management Guidelines</i> and a recommendation to not use the heliport for pesticide applications |
| June, 2004 | Failure for the forester and logger to meet on site before beginning the timber harvest | MFRC Northeast Landscape, Lake County | Investigation not completed at the time of this annual report. Communications and materials sent will be reported in the 2005 PCRCP annual report. |