

Minnesota Forest Resources Council Public Concerns Registration Process 2005 Annual Report

Overview

This is the seventh 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;
- *2005 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 2004-2005

The MFRC renewed an agreement with the consultant, Bruce ZumBahlen, to provide service to the PCRP effective August 1, 2004. One registered concern was received during the period August 1, 2004 to June 30, 2005. However, this annual report summarizes the results of investigating two registered concerns. As reported in the previous PCRP Annual Report, a concern received June 18, 2004 was still in the process of being investigated as the 2004 annual report was being prepared. The results of that investigation are included in this annual report. Since its inception in 1998, the PCRP has received a total of 20 concerns that have been investigated.

Following is an activity summary for the fiscal year July 1, 2004 through June 30, 2005 based on the consultant's bi-monthly reports to the MFRC.

August 1 – August 31, 2004

There were no concerns registered during this period. However, work was completed during this period on a concern registered June 18, 2004 that could not be completed by the end of the previous fiscal year. The concern was over timber cut in trespass by mistake on federal lands managed by the Superior National Forest.

The forester responsible for the harvest of company owned lands adjacent to the federal lands and the loggers retained by the company to cut the company's timber were very knowledgeable on the Voluntary Site-level Forest Management Guidelines (FMG's). At issue is whether the forester and the loggers had a pre-harvest conference on site before work began that could have prevented the trespass from occurring.

The pre-harvest conference did occur, but 1 ½ miles away from the intended harvest site because roads to the site had not been snowplowed. But, the site had been visited by one of the loggers a couple of years before; maps had been provided to the logger and the foresters instructions to the loggers seemed to be clear enough. Yet, a trespass occurred.

Attempting to access the intended timber sale by snowmobile, the loggers became confused. In the process, they found a small patch a timber on what they thought was company owned land and requested to harvest that site, too. Instead of waiting for the company forester to take a look at the requested timber, the loggers appeared to use extremely poor judgment and began to harvest the timber before the company forester found them and determined that they were cutting federal land by mistake. The company forester promptly reported the trespass.

In this case, no educational materials were provided beyond the report's findings given that the loggers and forester were very familiar with the FMG's. The report's recommendations stressed the need for a pre-harvest conference on site can not be over emphasized and cited the particular page in the FMG's.

September 1 - October 31, 2004

There were no concerns registered during this period.

November 1, 2004 – December 31, 2004

There were no concerns registered during this period.

January 1 – February 28, 2005

There were no concerns registered during this period, though the MFRC office was consulted by someone who was reluctant to register a concern out of fear of being identified. Based on information provided by the MFRC office, an article "Got a Problem with Some Timber Management You've Seen?" appeared in the January 2005 issue of *Minnesota Forests*, the Minnesota Forestry Association's bi-monthly newsletter, as one means to increase visibility of the PCRFP.

March 1 – May 15, 2005

One concern was registered during this period over a highly visible timber sale on DNR and Department of Transportation (DOT) lands in southeast Minnesota along a state highway. Another individual had previously contacted the MFRC office about this same site, but failed to register the concern.

The main concern was over the aesthetics of harvesting a site adjacent to a recreational trail and a state highway considered to be very scenic. In the process of the investigation, it was also found that little attention had been paid to the riparian management guidelines in the FMG's and that the logger was not familiar with the FMG's. The investigation also concluded that better

communications between the logger, logging subcontractors, and the foresters involved could have lessened the impacts from the harvest.

May 16– June 30, 2004

There were no concerns registered during this period.

Descriptive Information on the Registered Concerns

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 was primarily over whether the FMG's were followed that call for the forester and logger to have an on-site meeting prior to commencing a timber harvest. The timber intended to be harvested was on forest industry land.

The pre-harvest conference did occur, but 1 ½ miles away from the site because the roads had not been snowplowed. The loggers were somewhat familiar with the area having worked in the area previously. In the process of looking for access to the intended harvest area by snowmobile, the loggers became confused. They found another patch of timber that they thought was on company owned land and requested that the patch be added to their timber sale contract. Before the company forester could look at the requested timber, the loggers started to harvest the requested patch. As soon as the forester found the loggers cutting off of the company land, the forester stopped the cutting and promptly reported the trespass to the Superior National Forest.

Registered Concern, Houston County

This concern was registered after the local DNR office had fielded a number of calls complaining about a very visible timber harvest. The MFRC office had also been contacted previously over this site, but the individual was reluctant to register the site out of fear of being identified. Eventually, another individual registered the concern.

The concern was over a timber sale on DNR and DOT lands that was adjacent to a recreational trail and a state highway considered by many as very scenic. In the process of investigating the site, it was found that little heed had been paid to the riparian management guidelines in the FMG's. Additionally, the logger and logger's subcontractors had little or no knowledge of the FMG's.

Letters were sent to the DNR forester, the logger, and the DOT forester. The DOT forester and the logger also received a copy of the FMG's. Mitigation to lessen the visual impact from the harvest has been taking place since the concern was registered; the timber sale's expiration date is June 30, 2005.

Appendix A

Public Concerns Registration Process Log

Date	Description of Concern	Location	Type of Communications and Materials Sent
June, 2004	Failure for the forester and logger to meet on site before beginning the timber harvest.	MFRC Northeast Landscape, Cook County	The forester and logger received the report that stressed the importance of meeting on site before harvest commences to prevent situations like this from happening again.
March, 2005	Visual quality of harvesting timber on DNR and DOT lands adjacent to a recreational trail and a state highway	MFRC Southeast Landscape, Houston County	Letters stressing the need for better communications between the parties involved and paying attention to the riparian management guidelines were sent to: <ul style="list-style-type: none"> • The logger along with a copy of the <i>Voluntary Site-level Forest Management Guidelines</i> • The DNR forester • The DOT forester along with a copy of the <i>Voluntary Site-level Forest Management Guidelines</i>.

