

Minnesota Forest Resources Council Public Concerns Registration Process 2006 Annual Report

Overview

This is the eighth 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 where 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;
- *2006 Minnesota Forest Resources Management Directory*, published by MLEP and the Minnesota Forestry Association;
- *Sustaining Minnesota Forest Resources: Minnesota Voluntary Site-Level Forest Management Guidelines*, DNR and MFRC (new addition, July 2005).

Activities during 2005-2006

The MFRC renewed an agreement with the consultant, Bruce ZumBahlen, to provide service to the PCRCP effective September 26, 2005. One registered concern was received during the period September 26, 2005 to June 30, 2006. Since its inception in 1998, the PCRCP has received a total of 21 concerns that have been investigated.

Following is an activity summary for the fiscal year ending June 30, 2006 based on the consultant's bi-monthly reports to the MFRC.

September 26 – October 31, 2005

There were no concerns registered during this period.

November 1, 2005 – December 29, 2005

There were no concerns registered during this period.

January 1 – February 28, 2006

There were no concerns registered during this period, although the MFRC office was consulted by someone who was looking into registering a concern. However, as February ended, there were no registered concerns referred for investigation.

During this reporting period, the consultant provided assistance in finding a private forest landowner to serve on the Certification Board of the Minnesota Master Logger Program. Also, the consultant also dealt with a question on removal of a slash pile on a timber sale almost five years old. The slash pile is now considered to be located in a riparian area of an intermittent stream leading to a tributary of a designated trout stream.

March 1 – May 21, 2006

One concern was registered during this period. The MFRC office was contacted in mid-February by an individual looking into the registering a concern, but the concern wasn't referred to the consultant until March 8.

The concern was mainly over damage to trees on private land that had been designated to be reserved during a timber harvest. The concern also stated a failure by the logger to comply with a number of stipulations in the timber sale contract. Because of conflicting information, the consultant decided it best to visit the site in question after consulting with the MFRC office. The bi-monthly report for this period was delayed in order to include the findings of the investigation.

May 22 – June 30, 2004

There were no concerns registered during this period.

Descriptive Information on Registered Concerns

Registered Concern, Itasca County

The registrant's concern came from noting the damage to pine trees that had been reserved during a harvest of aspen, birch and some hardwoods on a 3 acre site adjacent to a county road. The registrant also thought alleged violations of conditions stipulated in a timber sale contract were issues for the PCRCP to address.

The registrant was informed that the PCRCP is not intended to resolve issues over whether a contract's stipulations were followed. However, a few of the alleged violations indirectly touched on areas addressed in the FMG's: leaking fluids from a skidder left on site, failure to fell trees along a roadway called for in the timber sale, as well as the injured trees setting the stage for infestation by bark beetles that could cause the demise of the injured trees. .

The investigation concluded that the small amount of leaking hydraulic and lubricant fluids would not lead to contaminating the soil. Further, the trees left along the county road were in compliance with the FMG's. Damage to residual timber is not addressed in the FMG's, though silviculture considerations (e.g. protecting residual trees from damage) are fundamental in carrying out any timber harvest. Based on an assessment of risk, most the injured trees did not appear to have enough damage to set the stage for rot or to attract bark beetles.

The consultant deemed that no informational material needed to be sent to those associated with the timber sale. The report on the concern was deemed sufficient.

Appendix A

Public Concerns Registration Process Log

Date	Description of Concern	Location	Type of Communications and Materials Sent
March, 2006	Logging damage to reserved pine trees left in a harvest of aspen and birch, leaking fluids from equipment left on the site, and failure to cut trees left along a county road.	MFRC North Central Landscape Region, Itasca County	None – the report on the concern was sufficient.