

Minnesota Forest Resources Council
Public Concerns Registration Process & Procedures

Revised and approved by MFRC on March 25, 2004

I. Citizen registers a concern regarding a potentially negligent timber harvesting or forest management practice in Minnesota by calling 1-800 number or submitting concern on-line.

1. **Council staff** answers the phone call or *obtains concern submitted online via webpage.*
2. For concerns called in: **Council staff** records as much information from the caller on a standard form as soon as possible including:
 - name, address, and phone number of caller.
 - description of the concern.
 - identity of the landowner, logger, or timber buyer (if available).
 - detailed information on the location of the concern.

Council staff then sends an information packet back to the citizen including:

- detailed information on the Public Concerns Registration Process including reasonable expectations (PCRP brochure).
- a Public Concerns Registration Form to be filled out by the caller.
- a record of the information recorded during the call

OR

For concerns submitted via MFRC's webpage (http://iic.state.mn.us/frc_form/pcrpfom.htm):

Council staff obtains the on-line concern (<http://www.iic.state.mn.us/cgi-bin/pcrp.pl?summary=true>). **Council staff** then sends an information packet back to the citizen including: 1) detailed information on the Public Concerns Registration Process including reasonable expectations (PCRP brochure) and 2) acknowledgement of receipt of the concern and explanation of next steps, 3) copy of the concern information received.

II. If the citizen wants to pursue their concern.

Council staff determines whether the registered concern falls within the scope of the council's Public Concerns Process. This decision tree will be used by Council staff to determine whether a concern should be addressed through the PCRP:

A. Concern includes **ALL** of the following:

- a. The concern pertains to current Voluntary Site Level Guidelines
- b. The concern pertains to a current or recent (last 12 months) forest management activity.
- c. A clear description or map of the location of the concern has been provided or can be easily developed.

If yes, continue to B. If not skip to C.

B. Concern fits **ALL** of the following descriptions

- d. The concern DOES NOT pertain exclusively to management objectives.
- e. The concern DOES NOT pertain exclusively to a legal issue.
- f. The concern DOES NOT pertain exclusively to a contract dispute.

If no, skip to C. If yes, skip to D.

C. Concern is outside the scope of the PCRCP.

If the concern falls outside of the process' scope, **Council staff** will notify the citizen via letter explaining why the process cannot address their concern. **Council staff** files the information in a secure filing cabinet and updates the database to reflect this information. If the concerned citizen responds in writing to disagree with **Council staff's** determination that the concern falls outside the process' scope, **Council staff and neutral contractor** will review any additional information provided by the citizen.

D. Concern is within the scope of the PCRCP.

If the concern falls within the process' scope, **Council staff** forwards all information, including any photographs, to the **neutral contractor** for further investigation. **Council staff** files the information

If there is a debate over whether or not the concern is within the scope of the program, a phone call between the citizen and **Council staff** and the **neutral contractor** will occur to gather additional information to determine relevancy.

III. A neutral contractor confirms details and communicates with potentially responsible parties

1. *After receiving information from council staff the **neutral contractor** identifies:
 - the location and nature of the concern through photos and other documentation (e.g. timber sale sheets, plat maps, public records) collected from complainant and other involved parties.
 - the names, addresses and phone numbers of the landowner, logger, and/or timber buyer
 - the logger's status as an MLEP member.
 - the forester's certification status with SAF.
 - the description and extent of the concern.
2. The **neutral contractor** briefs **Council staff** on the above information. Based on that info, **Council staff** determines if a field investigation/on-site visit by the **neutral contractor** should occur, based on whether at least one of the following criteria exist:
 1. If it is difficult to discern an accurate location/description of the area of concern. This may result if there is no documentation of the activity, the parties involved will not make documentation available, or there are conflicting accounts of the situation that cannot be resolved with the parties.
 2. The harvest/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.
 3. The concern is about a practice(s) that appears to be egregious - the degree of the issue needs to be validated on site. This may apply where application of guideline(s) have flexibility, and local factors that determine appropriate application should be assessed.
 4. 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 MFRC's 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.
 5. Significant consideration in deciding on whether a field investigation/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 **neutral contractor** will request permission from the

landowner for a site visit. If permission is received, the **neutral contractor** will notify and invite MLEP staff to accompany the **neutral contractor** during the visit to the site.

If a field investigation is not warranted, the **neutral contractor** will document the rationale for not conducting the field investigation in the report about the concern.

3. **Neutral contractor** contacts all involved parties to:

- explain that a concern has been registered and what the concern pertains to.
 - call the following contacts in the appropriate land management agency so that agency can look at the concern and formulate a response to the MFRC/citizen:

Land management agency contacts:

Department of Natural Resources—director of relevant division

Counties—land commissioner

Forest Service—national forest supervisor

Forest industry—woodlands manager

American Indian Tribes— natural resource program manager

- explain how the Public Concerns Process works (emphasizing its focus on communication and education and clarifying that no punitive measures will be taken).
- request information from the potentially responsible parties on their understanding of the situation (working with MLEP as appropriate).
- provide information on current BMPs or timber harvesting and forest management guidelines if appropriate (i.e., if concern reflects aesthetics, water quality, wetlands etc.).

This new information may cause the **neutral contractor and/or Council staff** to once again determine whether a field investigation/site visit should occur, based on the five criteria listed above.

4. **Neutral contractor** determines, to the best of her/his ability, whether educational materials will improve compliance with current BMPs or Timber Harvesting and Forest Management Guidelines. If so, the contractor forwards relevant educational materials to all potentially responsible parties.

5. **Council staff** records all of the information gathered into a database, the contents of which will be available to the Council on request, except the identity of the citizen who filed the concern.

6. **Neutral contractor** again contacts the land management agency involved and MLEP to find out how they will respond to the concern and records this in the report to the citizen who registered the concern.

7. **Neutral contractor** sends a report for each concern investigated back to **Council staff** within six weeks of receiving the concern. This report will include a description of the management site, an overview of the actions taken, including responses from the landowner, logger and citizen; maps and/or photos of the site location; description of how the land management agency/landowner/MLEP will respond; and other information pertaining to individual concerns. This report will not contain the names of the complainant, nor any of the involved parties.

8. **MFRC staff** distributes the report and a cover letter to the citizen and all other involved parties, including the logger, MLEP, the forester, the land management agency and the landowner, including any written responses from the land management agency and MLEP, excluding the identity of the complainant and the other involved parties in the concern.

IV. Follow-up

1. In cases where educational materials were sent out, the **neutral contractor** will follow up with a survey or phone call to determine:
 - whether the educational materials were helpful in making decisions pertaining to timber harvesting and forest management practices.
 - potentially responsible party's impressions of the PCRCP.
2. The **neutral contractor** will prepare a summary report to **Council staff** and **MLEP** on a bimonthly basis detailing:
 - the number of concerns investigated.
 - the locations of the concerns throughout the state (broken down by Council landscape-region).
 - outreach and communications efforts made throughout the process.
 - educational materials sent out and how they were received.
 - feedback received on the Public Concerns Process.
 - any insights on improving the Public Concerns Process.

IV. Reporting to MFRC members and the public

1. The **neutral contractor** will write a PCRCP annual report, due no later than June 30th of each year that summarizes the concerns that were investigated during the previous fiscal year.
2. **Council staff** will make copies of the PCRCP annual report available to all MFRC members.
3. **Council staff** will post the PCRCP annual report on the MFRC website

Note: MFRC must comply with the Data Practices Act (Minnesota Statutes Chapter 13.44), which protects the names of individuals who allege violations of state law or local ordinance concerning the use of real property. Therefore, throughout the process, MFRC will keep all names confidential unless available in the public record. Only the MFRC executive director, MFRC staff coordinator and neutral contractor will have information that identifies the parties related to PCRCP concerns.