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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2165

02/25/2014 Authored by Dill

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to natural resources; updating the Minnesota Sustainable Forest
1.3 Resources Act; amending Minnesota Statutes 2012, sections 89A.02; 89A.03,
1.4 subdivisions 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1,
1.5 2, 4; 89A.07; 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; proposing
1.6 coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota
1.7 Statutes 2012, sections 89A.05, subdivisions 2a, 4; 89A.06, subdivision 2a.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 89A.02, is amended to read:

1.10 **89A.02 POLICY.**

1.11 It is the policy of the state to:

1.12 (1) pursue the sustainable management, use, and protection of the state's forest
1.13 resources to achieve the state's economic, environmental, and social goals;

1.14 (2) encourage cooperation and collaboration between public and private sectors in
1.15 the management of the state's forest resources;

1.16 (3) recognize and consider forest resource issues, concerns, and impacts at the
1.17 site level and landscape ~~levels~~ level; and

1.18 (4) recognize the broad array of perspectives regarding the management, use,
1.19 and protection of the state's forest resources, and establish and maintain processes and
1.20 mechanisms that seek and incorporate these perspectives in the planning and management
1.21 of the state's forest resources.

1.22 Nothing in this chapter abolishes, repeals, or negates any existing authorities related
1.23 to managing and protecting the state's forest resources.

1.24 Sec. 2. Minnesota Statutes 2012, section 89A.03, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The governor must appoint a chair and ~~15~~ 16 other members to the Minnesota Forest Resources Council. The Indian Affairs Council will appoint one additional member. When making appointments to the council, the governor must appoint knowledgeable individuals with an understanding of state forest resource issues who ~~fairly~~ reflect a balance of the various interests in the sustainable management, use, and protection of the state's forest resources in order to achieve the purpose and policies specified in subdivision 2 and section 89A.02. The council membership ~~appointed by the governor~~ must include the following individuals:

(1) two representatives from organizations representing environmental interests within the state;

(2) a representative from an organization representing the interests of management of game species;

(3) a representative from a conservation organization;

(4) a representative from an association representing forest products industry within the state;

(5) a commercial logging contractor active in a forest product association;

(6) a representative from a statewide association representing the resort and tourism industry;

(7) a faculty or researcher of a Minnesota research or higher educational institution;

(8) a representative from an association representing family forest woodlands who is an owner of nonindustrial, private forest land of 40 acres or more;

(9) an owner of nonindustrial, private forest land;

(10) a representative from the department;

(11) a county land commissioner who is a member of the Minnesota Association of County Land Commissioners;

(12) a representative from the United States Department of Agriculture Forest Service unit with land management responsibility in Minnesota;

(13) a representative from a labor organization with membership having an interest in forest resource issues;

(14) an individual representing a secondary wood products manufacturing organization; ~~and~~

(15) a chair; and

(16) an individual representing the Minnesota Indian Affairs Council.

Sec. 3. Minnesota Statutes 2012, section 89A.03, subdivision 6, is amended to read:

Subd. 6. **Biennial report.** The council must report to the governor and to the legislative committees and divisions with jurisdiction over environment and natural resource policy and finance by February 1 of each odd-numbered year. The report must describe the progress and accomplishments made by the council during the preceding ~~year~~ two years.

Sec. 4. Minnesota Statutes 2012, section 89A.04, is amended to read:

89A.04 PARTNERSHIP.

It is the policy of the state to encourage forest landowners, forest managers, and loggers to ~~establish~~ maintain a partnership in which the implementation of council recommendations can occur in a timely and coordinated manner across ownerships. The partnership shall serve as a forum for discussing operational implementation issues and problem solving related to forest resources management and planning concerns, and be responsive to the recommendations of the council. This partnership shall also actively foster collaboration and coordination among forest managers, landowners, and ~~landowners~~ loggers in addressing landscape-level operations and concerns. In fulfilling its responsibilities as identified in this chapter, the partnership may advise the council. Nothing in this section shall imply extra rights or influence for the partnership.

Sec. 5. Minnesota Statutes 2012, section 89A.05, subdivision 1, is amended to read:

Subdivision 1. **Development and revision.** The council shall coordinate the development and periodic revision of comprehensive timber harvesting and forest management guidelines based on the information derived from forest resources, practices, implementation, and effectiveness monitoring programs, and other information deemed appropriate by the council. The guidelines must address the water, air, soil, biotic, recreational, cultural, and aesthetic resources found in forest ecosystems by focusing on those impacts commonly associated with applying site-level forestry practices. The guidelines must reflect a range of practical and sound practices based on the best available scientific information, and be integrated to minimize conflicting recommendations while being easy to understand and implement. ~~By June 30, 2003, the council shall review the guidelines and identify potential revisions. If deemed necessary, the council shall update the guidelines by June 30, 2005. Changes to the guidelines shall be peer reviewed prior to final adoption by the council. By December 1999, the council must undertake a peer review of the recommendations in the forest management guidelines adopted in December 1998 for protecting forest riparian areas and seasonal ponds.~~

Sec. 6. Minnesota Statutes 2012, section 89A.05, subdivision 3, is amended to read:

Subd. 3. **Application.** The timber harvesting and forest management guidelines are voluntary. ~~Prior to their actual use,~~ The council must develop and periodically assess guideline implementation goals ~~for each major forest land ownership category that will~~ sustain forest resources. If the information developed as a result of forest resources, practices, ~~compliance~~ implementation, and effectiveness monitoring programs conducted by the department or other information obtained by the council indicates the implementation goals for the guidelines are not being met and the council determines significant adverse impacts are occurring, the council shall recommend to the governor additional measures to address those impacts. The council must incorporate the recommendations as part of the council's biennial report required by section 89A.03, subdivision 6.

Sec. 7. Minnesota Statutes 2012, section 89A.06, subdivision 1, is amended to read:

Subdivision 1. **Framework.** The council must ~~establish~~ maintain a framework that will enable long-range strategic planning and ~~landscape~~ coordination to occur, to the extent possible, across all forested regions of the state and across all ownerships. The framework must include:

(1) identification of the landscapes within which long-range strategic planning of forest resources can occur, provided that the landscapes must be delineated based on broadly defined ecological units and existing classification systems, yet recognize existing political and administrative boundaries and planning processes;

(2) a statement of principles and goals for landscape-based forest resource planning; and

(3) identification of a general process by which landscape-based forest resource planning occurs, provided that the process must give considerable latitude to design planning processes that fit the unique needs and resources of each landscape; reflect a balanced consideration of the economic, social, and environmental conditions and needs of each landscape; and interface and establish formats that are compatible with other landscape-based forest resource plans.

Sec. 8. Minnesota Statutes 2012, section 89A.06, subdivision 2, is amended to read:

Subd. 2. **Regional forest resource committees.** To foster landscape-based forest resource planning, the council must ~~establish~~ maintain regional forest resource committees. Each regional committee shall:

(1) include representative interests in a particular region that are committed to and involved in landscape planning and coordination activities;

(2) serve as a forum for landowners, managers, and representative interests to discuss landscape forest resource issues;

(3) ~~identify and~~ implement an open and public process whereby landscape-based strategic planning of forest resources can occur;

(4) integrate its ~~report~~ landscape planning efforts with existing public and private ~~landscape land management~~ planning efforts in the region;

(5) facilitate landscape coordination between ~~existing regional landscape planning efforts of~~ land managers in the region, both public and private;

(6) identify and facilitate opportunities for public participation in ~~existing~~ landscape planning and coordination efforts in ~~this~~ the region;

(7) identify sustainable forest resource goals for the landscape and ~~strategies~~ objectives to achieve those goals; ~~and~~

(8) periodically recommend that the council undertake revisions of the region's landscape plan; and

~~(8)~~ (9) provide a regional ~~perspective~~ perspectives to the council with respect to council activities.

Sec. 9. Minnesota Statutes 2012, section 89A.06, subdivision 4, is amended to read:

Subd. 4. **Report.** By November 1 of each even-numbered year, each regional committee must report to the council its work activities and accomplishments.

Sec. 10. Minnesota Statutes 2012, section 89A.07, is amended to read:

89A.07 MONITORING.

Subdivision 1. **Forest resource monitoring.** The commissioner shall ~~establish~~ maintain a program for monitoring broad trends and conditions in the state's forest resources at statewide, landscape, and site levels. The council shall provide oversight and program direction for the ~~development and~~ implementation of the monitoring program. To the extent possible, the information generated under the monitoring program must be reported in formats consistent with the landscape regions used to accomplish the planning and coordination activities specified in section 89A.06. To the extent possible, the program must incorporate data generated by existing resource monitoring programs. ~~The commissioner shall report to the council information on current conditions and recent trends in the state's forest resources.~~

Subd. 2. ~~Practices and compliance~~ Implementation monitoring. The commissioner shall ~~establish~~ maintain a program for monitoring ~~silvicultural practices~~ and application of the timber harvesting and forest management guidelines at statewide,

landscape, and site levels. The council shall provide oversight and program direction for the development and implementation of the monitoring program. To the extent possible, the information generated by the monitoring program must be reported in formats consistent with the landscape regions used to accomplish the planning and coordination activities specified in section 89A.06. The commissioner shall report to the council on the nature and extent of silvicultural practices used, and compliance with the implementation of the timber harvesting and forest management guidelines.

Subd. 3. **Effectiveness monitoring evaluation.** The ~~commissioner~~ council, in cooperation with other research and land management organizations, shall evaluate the effectiveness of practices to mitigate impacts of timber harvesting and forest management activities on the state's forest resources. ~~The council shall provide oversight and program direction for the development and implementation of this monitoring program. The commissioner shall report to the council on the effectiveness of these practices.~~

~~Subd. 4. **Other studies and programs.** The council shall monitor the implementation of other programs, formal studies, and initiatives affecting Minnesota's forest resources.~~

Subd. 5. **Citizen concerns.** The council shall ~~facilitate the establishment of~~ administer a public concerns registration process to accept comments from the public on ~~negligent~~ timber harvesting or forest management practices.

Sec. 11. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The council chair shall appoint a Forest Resources Research Advisory Committee and a chair of that committee. ~~Notwithstanding section 15.059, the council does not expire.~~ The committee must consist of representatives of:

(1) the College of Natural Resources Food, Agricultural and Natural Resource Sciences, University of Minnesota;

(2) the Natural Resources Research Institute, University of Minnesota, Duluth;

(3) the department;

(4) the ~~North Central Forest Experiment~~ Northern Research Station, United States Department of Agriculture Forest Service; and

(5) other organizations as deemed appropriate by the council.

Sec. 12. Minnesota Statutes 2012, section 89A.08, subdivision 2, is amended to read:

Subd. 2. **Purpose.** The purpose of the advisory committee is to ~~foster the identification~~ identify and ~~undertaking of~~ initiate priority forest resources research activities by encouraging:

(1) collaboration between organizations with responsibilities for conducting forest resources research;

(2) linkages between researchers in different disciplines in conducting forest resources research; ~~and~~

(3) interaction and communication between researchers and practitioners in the development and use of forest resources research; and

(4) communication with the legislature on funding the council's priority forest resources research activities.

Sec. 13. Minnesota Statutes 2012, section 89A.08, subdivision 3, is amended to read:

Subd. 3. **Research assessment.** The advisory committee shall periodically undertake an assessment of strategic directions in forest resources research. The assessment must be based on input provided by administrators, researchers, practitioners, and the general public, and include:

(1) an assessment of the current status of ~~forestry~~ forest resources research in the state;

(2) an identification of important forest resource issues in need of research;

(3) an identification of priority forest research activities whose results will enable a better understanding of site-level and landscape-level impacts resulting from timber harvesting and forest management activities; and

(4) an assessment of the progress toward addressing the priority forest resources research needs identified.

The forest resources research assessment must be made widely available to the research community, forest managers and users, and the public.

Sec. 14. Minnesota Statutes 2012, section 89A.09, is amended to read:

89A.09 INTERAGENCY INFORMATION COOPERATIVE.

Subdivision 1. **Establishment.** The dean of the ~~University of Minnesota, College of Food, Agricultural and Natural Resources~~ Resource Sciences, University of Minnesota, ~~shall be~~ is encouraged to ~~coordinate the establishment of~~ maintain an Interagency Information Cooperative. ~~Members of the cooperative that~~ must include members from:

(1) the ~~University of Minnesota, College of Food, Agricultural and Natural Resources~~ Resource Sciences, University of Minnesota;

(2) the ~~University of Minnesota,~~ Natural Resources Research Institute, University of Minnesota, Duluth;

(3) the department;

(4) the Minnesota Geospatial Information Office;

- (5) the Minnesota Association of County Land Commissioners;
 (6) the United States Department of Agriculture Forest Service; and
 (7) other organizations as deemed appropriate by the members of the cooperative.

Subd. 2. **Purpose.** The purposes of the cooperative are to:

- (1) coordinate the development and use of forest resources data in the state;
 (2) promote the development of statewide guidelines and common language to enhance the ability of public and private organizations and institutions to share forest resources data;
 (3) promote the development of information systems that support access to important forest resources data;
 (4) promote improvement in the accuracy, reliability, and statistical soundness of fundamental forest resources data;
 (5) promote linkages and integration of forest resources data to other natural resource information;
 (6) promote access and use of forest resources data and information systems in decision-making by a variety of public and private organizations; and
 (7) promote expanding the capacity and reliability of forest growth, succession, and other types of ecological models; and
~~(8) conduct a needs assessment for improving the quality and quantity of information systems.~~

Subd. 3. **Report.** By November 1 of each even-numbered year, the information cooperative shall report to the council its accomplishments in fulfilling the responsibilities identified in this section.

Sec. 15. Minnesota Statutes 2012, section 89A.10, is amended to read:

89A.10 CONTINUING EDUCATION; ~~CERTIFICATION~~.

It is the policy of the state to encourage timber harvesters and forest resource professionals to ~~establish~~ maintain continuing education programs within their respective professions that promote sustainable forest management, including the Minnesota Logger Education Program and the University of Minnesota Sustainable Forests Education Cooperative, respectively. ~~The council shall, where appropriate, facilitate the development of these programs.~~

Sec. 16. **[89A.105] IMPLEMENTATION.**

Implementation of this chapter is subject to biennial appropriations of the legislature.

9.1 Sec. 17. Minnesota Statutes 2012, section 89A.11, is amended to read:

9.2 **89A.11 REPEALER SUNSET.**

9.3 Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08;
9.4 89A.09; 89A.10; 89A.105; and 89A.11, are repealed June 30, ~~2017~~ 2021.

9.5 Sec. 18. **REPEALER.**

9.6 Minnesota Statutes 2012, sections 89A.05, subdivisions 2a and 4; and 89A.06,
9.7 subdivision 2a, are repealed.

89A.05 TIMBER HARVESTING AND FOREST MANAGEMENT GUIDELINES.

Subd. 2a. **Review.** In reviewing the guidelines, the council must consider information from forest resources, practices, compliance, and effectiveness monitoring programs of the department. The council's recommendations relating to revisions to the forest management guidelines must be subject to peer reviewers appointed by the council. The council must consider recommendations of peer reviewers prior to final adoption of revisions to the guidelines.

Subd. 4. **Monitoring riparian forests.** The commissioner, with program advice from the council, shall accelerate monitoring the extent and condition of riparian forests, the extent to which harvesting occurs within riparian management zones and seasonal ponds, and the use and effectiveness of timber harvesting and forest management guidelines applied in riparian management zones and seasonal ponds. This information shall, to the extent possible, be consistent with the monitoring programs identified in section 89A.07. Information gathered on riparian forests and timber harvesting in riparian management zones and seasonal ponds as specified in this subdivision shall be presented to the legislature by February 2001 and in subsequent reports required in section 89A.03, subdivision 6.

89A.06 LANDSCAPE-LEVEL FOREST RESOURCE PLANNING AND COORDINATION.

Subd. 2a. **Regional forest committee reporting.** The council must report annually on the activities and progress made by the regional forest committees established under subdivision 2, including the following:

(1) by December 1, 1999, the regional committee for the council's northeast landscape will complete the identification of draft desired future outcomes, key issues, and strategies for the landscape;

(2) by July 1, 2000, the council will complete assessments for the council's north central and southeast landscape regions;

(3) by July 1, 2001, the regional committees for the north central and southeast landscapes will complete draft desired future outcomes, key issues, and strategies for their respective landscapes; and

(4) by June 30, 2002, all remaining landscape regions must complete assessments and by June 30, 2003, desired future outcomes and strategies for all remaining regions except the northern, east central, metropolitan, and prairie regions. By June 30, 2004, the northern region must complete desired future outcomes and strategies, and by June 30, 2005, the east central region must complete desired future outcomes and strategies.