

CHAPTER 89A

SUSTAINABLE FOREST RESOURCES

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89A.01 DEFINITIONS.

[For text of subs 1 to 10, see M.S.1998].

Subd. 10a. **Peer review.** "Peer review" means a scientifically based review conducted by individuals with substantial knowledge and experience in the subject matter.

[For text of subs 11 to 13, see M.S.1998].

History: 1999 c 231 s 114

NOTE: This section, as added by Laws 1995, chapter 220, section 78, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.02 POLICY.

It is the policy of the state to:

- (1) pursue the sustainable management, use, and protection of the state's forest resources to achieve the state's economic, environmental, and social goals;
- (2) encourage cooperation and collaboration between public and private sectors in the management of the state's forest resources;
- (3) recognize and consider forest resource issues, concerns, and impacts at the site and landscape levels; and
- (4) recognize the broad array of perspectives regarding the management, use, and protection of the state's forest resources, and establish processes and mechanisms that seek and incorporate these perspectives in the planning and management of the state's forest resources.

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

History: 1999 c 231 s 115

NOTE: This section, as added by Laws 1995, chapter 220, section 79, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.03 MINNESOTA FOREST RESOURCES COUNCIL.

Subdivision 1. **Membership.** The governor must appoint a chair and 15 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) 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 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.

Subd. 2. **Purpose.** The council must develop recommendations to the governor and to federal, state, county, and local governments with respect to forest resource policies and practices that result in the sustainable management, use, and protection of the state's forest resources. The policies and practices must:

- (1) acknowledge the interactions of complex sustainable forest resources, multiple ownership patterns, and local to international economic forces;
- (2) give equal consideration to the long-term economic, ecological, and social needs and limits of the state's forest resources;
- (3) foster the productivity of the state's forests to provide a diversity of sustainable benefits at site-levels and landscape-levels;
- (4) enhance the ability of the state's forest resources to provide future benefits and services;
- (5) foster no net loss of forest land in Minnesota;
- (6) encourage appropriate mixes of forest cover types and age classes within landscapes to promote biological diversity and viable forest-dependent fish and wildlife habitats;
- (7) encourage collaboration and coordination with multiple constituencies in planning and managing the state's forest resources; and
- (8) address the environmental impacts and implement mitigations as recommended in the generic environmental impact statement on timber harvesting.

Subd. 3. **Council meetings.** At a minimum, meetings of the council and all of the committees, task forces, technical teams, regional committees, and other groups the council may establish must be conducted in accordance with section 471.705. Except where prohibited by law, the council must establish additional processes to broaden public involvement in all aspects of its deliberations.

Subd. 4. **Council staff.** The council shall employ an executive director who shall have the authority to employ staff. Technical expertise that will enable the council to carry out its functions must be provided to the council by those interests represented on the council.

Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059. Section 15.059, subdivision 5, does not govern the expiration date of the council.

Subd. 6. **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 year. The report must describe the progress and accomplishments made by the council during the preceding year.

Subd. 7. [Repealed by amendment, 1999 c 231 s 116]

History: 1999 c 231 s 116

NOTE: This section, as added by Laws 1995, chapter 220, section 80, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.04 PARTNERSHIP.

It is the policy of the state to encourage forest landowners, forest managers, and loggers to establish 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 and landowners 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.

History: 1999 c 231 s 117

NOTE: This section, as added by Laws 1995, chapter 220, section 81, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.05 TIMBER HARVESTING AND FOREST MANAGEMENT GUIDELINES.

Subdivision 1. Development. The council shall coordinate the development of comprehensive timber harvesting and forest management guidelines. The guidelines must address the water, air, soil, biotic, recreational, 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 and, if deemed necessary, update the guidelines. 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.

Subd. 2. Economic considerations. Before the implementation of timber harvesting and forest management guidelines, new site-level practices and landscape-level programs, the council shall analyze the costs and benefits of new site-level practices and landscape-level programs. When the analysis concludes that new landscape-level programs and site-level practices will result in adverse economic effects, including decreased timber supply and negative effects on tourism, opportunities to offset those effects must be explored. The council shall also:

(1) identify and quantify forest and timberland acreages that will no longer be available for harvest; and

(2) encourage public resource agencies to provide sustainable, predictable supplies of high-quality forest resource benefits, including timber supplies that are consistent with their multiple mandates and diverse management objectives. These benefits should be provided by public resource agencies in proportion to their forest land's capability to do so.

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. 3. Application. The timber harvesting and forest management guidelines are voluntary. Prior to their actual use, the council must develop guideline implementation goals for each major forest land ownership category. If the information developed as a result of forest resources, practices, compliance, 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.

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.

History: 1999 c 231 s 118.

NOTE: This section, as added by Laws 1995, chapter 220, section 82, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

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

Subdivision 1. **Framework.** The council must establish 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.

Subd. 2. **Regional forest resource committees.** To foster landscape-based forest resource planning, the council must establish 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 with existing public and private landscape planning efforts in the region;

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

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

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

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

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) the council will establish time lines for additional regional landscape committees and activities as staffing and funding allow.

Subd. 3. **Regional committee officers and staff.** The council chair may appoint a chair from the regional committee participants. The council must include in its budget request sufficient resources for each regional committee to carry out its mission as defined in this section.

Subd. 4. **Report.** Each regional committee must report to the council its work activities and accomplishments.

History: 1999 c 231 s 119

NOTE: This section, as added by Laws 1995, chapter 220, section 83, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.07 MONITORING.

[For text of subds 1 and 2, see M.S.1998]

Subd. 3. **Effectiveness monitoring.** The commissioner, 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.

[For text of subd 4, see M.S.1998]

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

History: 1999 c 231 s 120, 121

NOTE: This section, as added by Laws 1995, chapter 220, section 84, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.08 RESEARCH ADVISORY COMMITTEE.

[For text of this section, see M.S. 1998]

NOTE: This section, as added by Laws 1995, chapter 220, section 85, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.09 INTERAGENCY INFORMATION COOPERATIVE.

[For text of this section, see M.S. 1998]

NOTE: This section, as added by Laws 1995, chapter 220, section 86, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.

89A.10 CONTINUING EDUCATION; CERTIFICATION.

It is the policy of the state to encourage timber harvesters and forest resource professionals to establish continuing education programs within their respective professions that promote sustainable forest management. The council shall, where appropriate, facilitate the development of these programs.

History: 1999 c 231 s 122

NOTE: This section, as added by Laws 1995, chapter 220, section 87, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 2001. Laws 1995, chapter 220, section 142, as amended by Laws 1995, chapter 263, section 12; Laws 1996, chapter 351, section 1; and Laws 1999, chapter 231, section 191.