

CHAPTER 89A

SUSTAINABLE FOREST RESOURCES

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89A.01 DEFINITIONS.

Subdivision 1. **Applicability.** Unless the language or context clearly indicates that a different meaning is intended, the following terms, for the purpose of this chapter, have the meanings given.

Subd. 2. **Advisory committee.** "Advisory committee" means the Forest Resources Research Advisory Committee established under section 89A.08.

Subd. 3. **Biological diversity.** "Biological diversity" means the variety and abundance of species, their genetic composition, and the communities and landscapes in which they occur, including the ecological structures, functions, and processes occurring at all of these levels.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of natural resources or agent of the commissioner.

Subd. 5. **Council.** "Council" means the Minnesota Forest Resources Council established by section 89A.03.

Subd. 6. **Department.** "Department" means the Department of Natural Resources.

Subd. 7. **Forest resources.** "Forest resources" has the meaning given in section 89.001, subdivision 8.

Subd. 8. **Guidelines.** "Guidelines" means the comprehensive timber harvesting and forest management guidelines developed under section 89A.05.

Subd. 9. **Landscape.** "Landscape" means a heterogenous land area composed of interacting sustainable forest resources that are defined by natural features and socially defined attributes.

Subd. 10. **Landscape-level.** "Landscape-level" means typically long-term or broad-based efforts that may require extensive analysis or planning over large areas that may involve or require coordination across land ownerships.

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

Subd. 11. **Regional committee.** "Regional committee" means a regional forest resources committee established under section 89A.06.

Subd. 12. **Site-level.** "Site-level" means efforts affecting operational procedures used in the planning and implementation of timber harvesting and forest management activities on an individual site or local scale.

Subd. 13. **Sustainable.** "Sustainable" means meeting the needs of the present without compromising the ability of future generations to meet their own needs.

History: 1995 c 220 s 78,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 114,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

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: 1995 c 220 s 79,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 115,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

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 chapter 13D. 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: 1995 c 220 s 80,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1998 c 401 s 30; 1999 c 231 s 116,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

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: 1995 c 220 s 81,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 117,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

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 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.

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: 1995 c 220 s 82,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 118,191; 1Sp2001 c 2 s 151; 2002 c 376 s 4; 2002 c 379 art 1 s 108

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) 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.

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: 1995 c 220 s 83,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 119,191; 1Sp2001 c 2 s 102,151; 2002 c 376 s 5; 2002 c 379 art 1 s 108

89A.07 MONITORING.

Subdivision 1. **Forest resource monitoring.** The commissioner shall establish 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 monitoring. The commissioner shall establish 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 timber harvesting and forest management guidelines.

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.

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 a process to accept comments from the public on negligent timber harvesting or forest management practices.

History: 1995 c 220 s 84,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 120,121,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

89A.08 RESEARCH ADVISORY COMMITTEE.

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

- (1) the College of Natural Resources, University of Minnesota;
- (2) the Natural Resources Research Institute, University of Minnesota;
- (3) the department;
- (4) the North Central Forest Experiment Station, United States Forest Service; and
- (5) other organizations as deemed appropriate by the council.

Subd. 2. Purpose. The purpose of the advisory committee is to foster the identification and undertaking of 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.

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 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.

Subd. 4. **Research delivery.** Based on the priority forest resources research activities identified in subdivision 3, the advisory committee shall promote these research needs and the dissemination of findings to the research community, forest managers and users, and the public.

Subd. 5. **Research and practitioner linkages.** The advisory committee shall periodically facilitate forums to increase communications between the individuals and organizations conducting forest resources research and the users of the research.

Subd. 6. **Report.** The advisory committee shall report to the council its accomplishments in fulfilling the responsibilities identified in this section.

History: 1995 c 220 s 85,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108; 2009 c 78 art 6 s 6

89A.09 INTERAGENCY INFORMATION COOPERATIVE.

Subdivision 1. **Establishment.** The dean of the University of Minnesota, College of Natural Resources, shall be encouraged to coordinate the establishment of an Interagency Information Cooperative. Members of the cooperative must include:

- (1) the University of Minnesota, College of Natural Resources;
- (2) the University of Minnesota, Natural Resources Research Institute;
- (3) the department;
- (4) the Minnesota Geospatial Information Office;
- (5) the Minnesota Association of County Land Commissioners;
- (6) the United States Forest Service; and
- (7) other organizations as deemed appropriate by the members.

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;

(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.** The information cooperative shall report to the council its accomplishments in fulfilling the responsibilities identified in this section.

History: 1995 c 220 s 86,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108; 2004 c 241 s 4; 2009 c 101 art 2 s 107

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: 1995 c 220 s 87,141,142; 1995 c 263 s 12; 1996 c 351 s 1; 1999 c 231 s 122,191; 1Sp2001 c 2 s 151; 2002 c 379 art 1 s 108

89A.11 REPEALER.

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

History: 2002 c 379 art 1 s 28; 2007 c 57 art 1 s 75