

## CHAPTER 89A

### SUSTAINABLE FOREST RESOURCES

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This chapter, as added by Laws 1995, chapter 220, sections 78 to 87, is repealed by Laws 1995, chapter 220, section 141, paragraph (b), effective June 30, 1999. See Laws 1995, chapter 220, section 142.

#### 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 heterogeneous 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. 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

#### 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, policies, programs, or activities of the commissioner or other statutory authorities related to managing and protecting state's forest resources.

**History:** 1995 c 220 s 79

### 89A.03 MINNESOTA FOREST RESOURCES COUNCIL.

Subdivision 1. **Membership.** The Minnesota forest resources council has 13 members appointed by the governor. Council membership must include one representative from each of the following:

- (1) an organization representing environmental interests within the state;
- (2) an organization representing the interests of management of game species;
- (3) a conservation organization;
- (4) an association representing forest products industry within the state;
- (5) a commercial logging contractor active in a forest product association;
- (6) 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 agricultural woodlot owner;
- (10) the department;
- (11) a county land commissioner who is a member of the Minnesota association of county land commissioners;
- (12) the United States Forest Service unit with land management responsibility in Minnesota; and
- (13) a labor organization with membership having an interest in forest resource issues.

Subd. 2. **Purpose.** The council shall 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 their mitigations as recommended in the generic environmental impact statement on timber harvesting.

Subd. 3. **Council meetings.** The council shall establish procedures for conducting its meetings in accordance with section 471.705 that include provisions for seeking and incorporating public input.

Subd. 4. **Council officers and staff.** The council shall elect a chair from among its members. The council may employ an executive director and administrative assistant. 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.** By January 1, 1997, the council shall prepare a report to the governor and legislature on the status of the state's forest resources, and strategic directions to provide for their management, use, and protection. Information generated by the reporting requirements in this chapter must be incorporated in the council's report. To the extent possible, the council's report must also identify the activities and accomplishments of various programs that directly affect the state's forest resources.

Subd. 7. **Review of forest resources plan and assessment.** The council shall undertake a review of the forest resource management plan and forest assessment requirements contained in section 89.011, and report to the commissioner no later than July 1, 1996, on the appropriateness and effectiveness of these requirements, including recommendations for enhancing existing forest resource planning processes. The council shall review draft statewide and district forest resource planning documents, and incorporate the findings, including any recommendation, of such reviews in its biennial report specified in subdivision 6.

**History:** 1995 c 220 s 80

#### 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 council shall seek input from and consult with the partnership.

**History:** 1995 c 220 s 81

#### 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. Best management practices previously developed for forest management must be incorporated into the guidelines. The council shall periodically review and, when deemed necessary, update the guidelines.

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

monitoring programs established in section 89A.07 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 shall incorporate the recommendations as part of the council's biennial report required by section 89A.03, subdivision 6.

**History:** 1995 c 220 s 82

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

**Subdivision 1. Framework.** The council shall 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 can occur, 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 shall establish regional forest resource committees. The regional committees must:

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

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

**Subd. 3. Regional committee officers and staff.** Each regional committee shall elect a chair from among its members. The council shall ensure regional committees have sufficient staff resources to carry out their mission as defined in this section.

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

**History:** 1995 c 220 s 83

### **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.

**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. Comments must also be directed to the organization administering the certification program.

**History:** 1995 c 220 s 84

### 89A.08 RESEARCH ADVISORY COMMITTEE.

**Subdivision 1. Establishment.** The council shall appoint a forest resources research advisory committee. 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

#### **89A.09 INTERAGENCY INFORMATION COOPERATIVE.**

Subdivision 1. **Establishment.** The commissioner shall coordinate the establishment of an interagency information cooperative. Members of the cooperative must include:

- (1) the department;
- (2) the land management information center;
- (3) the Minnesota association of county land commissioners;
- (4) the United States Forest Service; and
- (5) other organizations as deemed appropriate by the commissioner.

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

#### **89A.10 CONTINUING EDUCATION; CERTIFICATION.**

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

**History:** 1995 c 220 s 87