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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1560

02/22/2017 Authored by Newberger The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to natural resources; establishing forest management plan for Sand Dunes
1.3 State Forest; proposing coding for new law in Minnesota Statutes, chapter 89.

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

1.5 Section 1. [89.026] SAND DUNES STATE FOREST MANAGEMENT PLAN.

1.6 Subdivision 1. Advisory group. The commissioner of natural resources must establish
1.7 a Sand Dunes State Forest Advisory Group made up of stakeholders, including township
1.8 and county officers or their designees and adjacent landowners, to advise the commissioner
1.9 on implementing the management requirements established in this section for Sand Dunes
1.10 State Forest. The advisory group must meet at least three times per year to review plans and
1.11 make recommendations to the commissioner.

1.12 Subd. 2. Management plan required. The commissioner of natural resources must
1.13 develop a plan and manage Sand Dunes State Forest consistent with the requirements of
1.14 this section.

1.15 Subd. 3. Forest management. When managing Sand Dunes State Forest, the
1.16 commissioner must:

1.17 (1) continue to increase the amount of shade-tolerant species throughout the forest so it
1.18 can be managed as a multiage forest, with priority given to areas around residences and
1.19 areas with high visibility;

1.20 (2) maintain forest diversity with mixed conifer and hardwood species;

1.21 (3) when clear-cutting for regeneration purposes, implement a technique consisting of
1.22 small, six- to ten-acre cuts spread over multiple years and scattered throughout the stand;

2.1 (4) reduce slash by including it as part of timber sales or, if the slash is not marketable,  
2.2 requiring removal and disposal of the slash as part of the timber permit;

2.3 (5) when a timber harvest is anticipated to have a significant negative visual impact,  
2.4 establish advanced regeneration before harvest;

2.5 (6) when a catastrophic event occurs, maintain goals of minimizing cut size and removing  
2.6 slash;

2.7 (7) notify landowners and township officials of the use of any broadcast chemicals within  
2.8 a quarter mile of their property at least one month before the use;

2.9 (8) encourage the use of mechanical site preparation techniques over the use of chemicals  
2.10 and prohibit the use of any chemical that contains a label stating that the chemical can move  
2.11 through sandy soils;

2.12 (9) ensure that trees planted with public funds are allowed to mature to their full economic  
2.13 rotation age before harvesting if harvested for purposes of converting the forest to open  
2.14 land;

2.15 (10) compensate the bond fund for any trees planted with money from the bond fund if  
2.16 they are removed before their economic rotation age is reached; and

2.17 (11) continue to manage the Anoka Sand Plain Subsection with no changes to rotation  
2.18 ages until the next Anoka Sand Plain Subsection planning process.

2.19 Subd. 4. **Habitat and rare features management.** When managing habitat and rare  
2.20 features in Sand Dunes State Forest, the commissioner must:

2.21 (1) include the following in open habitats: lowlands, including wetlands, and uplands,  
2.22 including prairie and savanna;

2.23 (2) include the following in forest habitats: conifer plantations, mixed pine and oak  
2.24 forest, pure hardwood forest, and lowland forests;

2.25 (3) maintain open lowland habitats, enhance them where needed, and monitor the health  
2.26 of species in greatest conservation need in the open lowland habitats;

2.27 (4) delineate the upland open habitats based on acreage goals agreed to by the Sand  
2.28 Dunes State Forest Advisory Group without more than 20 percent of the forest being  
2.29 dedicated to open landscape, with priority given to wetlands;

2.30 (5) establish mineral breaks where it is anticipated that fire will be used as a maintenance  
2.31 tool and monitor these habitats for the health of species in greatest conservation need;

3.1 (6) manage forest habitats consistent with the requirements of subdivision 3 and monitor  
3.2 the habitats for the health of species in greatest conservation need; and

3.3 (7) pursue consistent, long-term funding for ongoing maintenance of established rare  
3.4 features practices.

3.5 Subd. 5. **Prescribed burns.** (a) The commissioner must receive approval from at least  
3.6 90 percent of the residents within a quarter mile of a prescribed burn before conducting a  
3.7 burn in Sand Dunes State Forest.

3.8 (b) Notwithstanding paragraph (a), if a resident located within a quarter mile of a  
3.9 prescribed burn has a health condition that is aggravated by smoke and objects to the burn,  
3.10 the commissioner must not conduct the prescribed burn. The health condition must be  
3.11 documented by a physician.

3.12 Subd. 6. **Roads.** (a) The commissioner must continue to explore opportunities that avoid  
3.13 and reduce the use of township roads by heavy vehicles.

3.14 (b) The commissioner must pursue funding for township road projects when roads are  
3.15 adjacent to Sand Dunes State Forest, to assist the township in upgrading the road to meet  
3.16 higher weight standards.

3.17 (c) The commissioner must ensure dust abatement methods are implemented that are  
3.18 consistent with forest certification requirements.

3.19 Subd. 7. **Recreation.** (a) The commissioner may only remove a tree at a campground  
3.20 when the tree:

3.21 (1) is mature or needs to be removed as part of a conifer thinning;

3.22 (2) needs to be removed because of disease or pest management or poor health; or

3.23 (3) presents a hazard to the public.

3.24 (b) The commissioner must ensure recreation opportunities are dispersed throughout  
3.25 Sand Dunes State Forest.

3.26 Subd. 8. **Fire protection.** The commissioner must work to prevent wildfires in Sand  
3.27 Dunes State Forest and the surrounding area by:

3.28 (1) maintaining fire breaks throughout the forest;

3.29 (2) actively thinning trees to prevent crown-to-crown spread;

3.30 (3) pruning trees along trails and roads to increase accessibility and eliminate ladder  
3.31 fuels;

4.1 (4) reducing slash residue from logging operations;

4.2 (5) maintaining consistent, early fire detection through the use of fire towers, aerial  
4.3 detection, and other technology; and

4.4 (6) working with adjacent landowners upon request to implement strategies identified  
4.5 by the National Fire Protection Association as part of the Firewise Communities Program.

4.6 Subd. 9. **Trust lands.** The commissioner must reduce the overall trust obligations of  
4.7 Sand Dunes State Forest. The commissioner must:

4.8 (1) manage timber on lands with trust obligations for economic return;

4.9 (2) not exchange land in Sand Dunes State Forest for lands outside the forest that have  
4.10 a trust obligation;

4.11 (3) provide public notice and the opportunity for public comment before exchanging  
4.12 land in Sand Dunes State Forest for lands in the forest that have a trust obligation; and

4.13 (4) pursue funding from the outdoor heritage fund and other sources to buy out trust  
4.14 obligations on lands within the forest.

4.15 Subd. 10. **Public involvement.** (a) The commissioner must provide notice and seek  
4.16 public input as required under existing law as well as provide additional opportunities for  
4.17 the public to become informed and provide input on timber sales, burn plans, proposed  
4.18 chemical use, required changes in management direction, and subsection planning processes.

4.19 (b) The commissioner must notify the public of how management decisions affecting  
4.20 Sand Dunes State Forest may be appealed.

4.21 Subd. 11. **Report.** By January 15, 2036, the commissioner must submit a report to the  
4.22 chairs and ranking minority members of the house of representatives and senate committees  
4.23 and divisions with jurisdiction over the environment and natural resources that includes:

4.24 (1) a review of requirements of this section and the results achieved, including:

4.25 (i) rare features management outcomes, including costs, ability to meet population goals,  
4.26 and coordination with staff of the Sherburne National Wildlife Refuge; and

4.27 (ii) forest management outcomes, including timber harvest, regeneration goals, and  
4.28 insect and disease status;

4.29 (2) the status of trust obligations;

4.30 (3) a review of rare features goals in the Anoka Sand Plain Subsection and the outcomes  
4.31 achieved with money from the outdoor heritage fund;

5.1 (4) a review of state policies concerning climate change and progress toward achieving  
5.2 the goals; and

5.3 (5) an assessment of the Sand Dunes State Forest Advisory Group and recommendations  
5.4 on whether the advisory group should be continued.

5.5 Subd. 12. **Sunset.** This section expires January 1, 2037.