

Lake Superior State
Forest Sustainable
Forest Management
Pilot Project

REPORT

6



Public Participation in Forest Management Planning in the Lake Superior State Forest: Finding the Right Pathway

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1. Introduction

The Lake Superior State Forest Sustainable Forest Management Pilot Project generated some very interesting discussions about public participation. It is clear that all of the members of the Lake Superior State Forest (LSSF) stakeholder groups and Michigan Department of Natural Resources (MDNR) staff have a good understanding of the commitment of time and money that is required to respond to the public's aspirations for the LSSF. This report describes the results of our discussions with LSSF stakeholders, including the input we received at workshops held June 25-26, 1998 (Workshop I), October 21-22, 1998 (Workshop II) and February 8-9, 1999 (Workshop III) in Newberry, Michigan. It also presents the recommended text for the public participation section of the LSSF planning guide (Callaghan *et al.* 1999) proposed by the LSSF SFM Project.

2. Discussions with LSSF Stakeholders

Prior to Workshop I, the staff of MDNR had described the history of public participation in the Upper Peninsula. They had also described new cost-effective approaches of engaging the public. Against this background, we assembled a survey for Workshop I. Tables 1 and 2 summarize the responses that we received. The left column in each table describes various approaches to public consultation in a few words. Rather than providing minute detail, the survey was intended to get a general sense of the acceptability of each approach. It is worth revisiting some of the discussion around each of the approaches.

2.1 Stakeholder Committees

Of particular interest was the notion of formal or informal stakeholder committees. The interest in this issue stems from Natural Resource Commission Policy 1033, "Public Involvement in Activities of Department" which states:

"Citizen advisory committees shall be used in all cases where programs and activities are particularly sensitive to public opinion or impinge on citizen activities and philosophies ..."

Table 1. Summary of how Workshop I participants ranked various approaches to public participation for stakeholder groups (1 = low priority; 5 = high priority).

Approach	Priority ranking							
	"0"	1	2	3	4	5	?	Not ranked
Formal stakeholder group (membership)		2	4	3	1	13		
Informal stakeholder group (loose network)				4	9	19	1	
Mailing list			2	3	11	14		
Seminar/presentation series	2	2	2	11	7	3		
Field trips to sites of interest				2	21	7		
Other suggestions								
Seminars-advisory group					1			
Special interest workshop/groups						3		
Internet chat rooms					1			1
E-mail list								3
Videos and pamphlets								1
Focus group								1

Table 2. Summary of how Workshop I participants ranked various approaches to public participation for the general public (1 = low priority; 5 = high priority).

Approach	Priority ranking										
	"0"	1	2	2 ^{1/2}	3	3 ^{1/2}	4	4 ^{1/2}	5	?	Not ranked
Open house and presentation			6		6	2	7	1	11		
Internet site			5	1	1		9		7		
Toll-free number/Voice mail	1	5	3		8		13		3		
Staff visits to clubs and associations					2	2	11		17		
Field visits to sites of interest			4		6	1	11		1		
Media	3	2	5		3		11		7	1	
Workbook	1	4	4		4		1			7	
Voice mail	3	1	1		3		2				
Other suggestions											
Public TV/Radio ("Ask the DNR")							1		4		2
NRW							1				
Telephone poll		1			1						
Internet chat rooms					1		1				
Personal contact									2		
Issues									1		
Supporting documents for various projects (pamphlets, drafts, reports, etc.)							1				
Videos on selected issues (public)					1						
Advisory committee									5		
A "friends" group											2
Dinner meetings					1						
St. Park Ind. Project							1				
K-12 school presentations							2		1		4
News release (Interest article)					1		2		3		
Marketing/Publicity - contract to create a campaign to solicit input							1		1		
Talks in parks											1
Internet workbook							1				
Face-to-face meetings									2		1
Informal organization					1						
Mail survey					1						
Information packages							1				1

From an auditor's point of view this is a nice direct statement. This policy adequately addresses the factors raised by the Canadian Standards Association (CSA), including convenience to the public and timeliness (CSA 1996a). It also meets the Forest Stewardship Council (FSC) standards.

The implications of this statement are critical, and must be examined carefully. Is a citizens advisory committee (CAC) a formal body of people or a loose network? Does it have "membership" with attendance requirements, as with a formal group, or casual attendance requirements, as with a loose network of people? Although both approaches seemed to have fairly strong support (Table 1), there were some underlying concerns about the formal group. For this important concept we have summarized the comments made during discussions at Workshop I (Appendix 1) and Workshop III (Appendix 2).

A major concern raised at Workshop I was the issue of ultimate responsibility. There is no point in leading people into believing that they will be making decisions when the real responsibility lies with elected representatives through the public service. A formal advisory group may have misconceptions about the power it holds. This may cause frustration when the group decides one thing but the government decides differently.

At Workshop III, some participants felt that a CAC was too restrictive and gave the appearance of a closed meeting. After discussion, the CAC concept was modified to encourage members of the public to attend any or all meetings. This is consistent with the CSA, which requires a commitment on the part of some members of the public for continuous attendance throughout the planning process. CSA also requires that resource managers ensure a balance of perspective at meetings. The modified meetings still meet these requirements. There was also reaction to the name "Citizens Advisory Committee", as had been the case during previous discussions. It was suggested that a group of people attending these meetings does not have to be given a name, such as CAC; the meetings can simply be referred to as "public meetings". Section 3 of this report contains an excerpt from the proposed planning guide (Callaghan *et al.* 1999) that outlines the suggested terms of reference for public meetings.

2.2 Other Public Participation Ideas

Mailing lists were thought to have some potential, especially with e-mail becoming more popular. Mailings could be sent out on a quarterly basis.

One possibility would be to solicit comments through a mailing list by using pre-addressed stamped envelopes.

Field trips were thought to be useful for addressing special issues or contentious sites. It is helpful to have on-site discussions of issues so that there is better feedback.

Special seminars were considered too time-consuming to prepare for the value received. They may work better with larger groups from the general public than with smaller stakeholder groups.

Other suggestions included videos and focus groups. Several people mentioned special-interest workshops. Rather than just focusing on the stakeholder groups, special workshops could be provided for particular sites of interest.

2.3 Reaching Out to the General Public

There was a great deal of enthusiasm for this particular topic. All public servants and members of stakeholder groups said they enjoyed talking with the public, and suggested many new ideas. The difficulty will be in deciding which approaches to use, and which are the most cost-effective.

The big-ticket item in public consultation is often the open house. It requires preparation of displays, and a great deal of staff time before, during and after the open house. The results can be disappointing unless there is an inspired attempt to get the public to attend. The participants in Workshop I were all well aware of the risks. Their range of experience explains the wide split in opinion about the value of open houses (Table 2). Neither CSA nor FSC prescribes open houses as a requirement. The split opinion about their worth probably means that a decision should be made at the time of planning. There may be circumstances that would make an open house cost-effective.

Internet sites as a means of soliciting input were popular, although one group felt that the public was still not connected enough to warrant the expense and staff time. On the plus side, the Internet has a wide audience, and the information is available at any time.

Telephone systems got mixed reviews. Voice mail was almost universally dismissed. However, a well-advertised toll-free number is useful and is being

developed by MDNR. Toll-free or not, there had better be a real person who answers the phone, according to our workshop participants!

Visits to interest groups, clubs and workplaces were seen as very useful. The topic can be very focused and the speaker can present more technical and appropriate information. Some people who gave this approach a lukewarm review felt it was very time consuming, presumably because the message has to be tailored to individual needs.

Site visits were less favored but still seen as useful. Respondents felt that they were logistically difficult, and might not generate a good turnout. But there were many very favorable comments, too. If they are handled well, site visits are hard to beat. Managers using this technique should be prepared to spend some preparation time.

As far as TV, radio and newspapers were concerned, the reviews were split. Both cost and quality were seen as important factors. If these media are used just to advertise meetings, they have limited value. There were some advocates of the "Ask the DNR" approach (on PBS), which sounds like it has some promise.

The workbook idea was a new one, and not well explained during the workshop. Many people did not understand the concept. Regardless, those who did were not very enthusiastic. According to survey participants, the workbook generates a lot of input of doubtful quality, and a great deal of work for staff.

There were many other suggestions. The most frequent were personal contact, K-12 school presentations, and news releases.

3. Pulling it Together

The enthusiasm for getting the message out was apparent. Indeed, all of the participants at the workshops, both inside and outside of MDNR, have, as you would expect, a great interest in talking about forests. There will be no shortage of ideas when it comes time to engage the public in the planning process. At that time, enthusiasm must be guided by some basic principles to ensure that the public is genuinely engaged and that its message filters up through MDNR. The proposed planning guide (Callaghan *et al.* 1999) suggests how to achieve these goals.

The CSA and FSC standards provide some general suggestions for engaging the public. MDNR policy gives some general guidance. Chapter 7, Section F of the MDNR Operations Inventory Manual (MDNR 1995), included in Appendix 3, provides guidelines for public participation and an appeals process. Even the results from Workshop I on criteria and indicators provide some help. The challenge is to balance these conditions and still leave some flexibility for the planning team. In some planning systems, the process is prescribed explicitly, even down to the number of days in advance of a public meeting that advertisements must appear in newspapers. This prescriptive approach has the effect of stifling the creativity of professional staff, sometimes producing rather lackluster public engagement. However, it does guarantee a minimum standard.

The following text from the proposed planning guide (Callaghan *et al.* 1999) uses the combined requirements of CSA, FSC and Michigan policy for public participation and attempts to balance creativity with some assurance of minimum standards.

Planning Guide Section 3. Role of the Public in Forest Management Planning

The purpose of public participation in the State Forest planning process is to ensure that forest planning is open and accessible to everyone with a concern about the State Forest. The forest managers must ensure that those people:

- are made aware that planning is being undertaken,
- have reasonable opportunity to make their views known,
- can see that their views were fairly considered in the process, and
- can see that the plan is being implemented.

The means of reaching this goal are to:

- draw up a detailed schedule for public input from start to finish of the planning process,
- prepare a list of people and groups likely to have an interest in the forest plan,
- create a brief communications plan outlining how the MDNR has ensured that all ownership types, ages, cultural backgrounds and organizations were at least informed that forest planning was being undertaken,
- set up a three-level consultation process (as described in Section 6.2), and
- document communication efforts and public response.

Planning Guide Section 6.2. Public Consultation

This section provides guidance for the participation of the general public and other stakeholders in State Forest management planning. It is based on input from workshops held with LSSF stakeholders in 1998 and 1999. It also reflects some of the recommendations of McDonough and Thorburn (1997) and the guidelines for public participation outlined in the MDNR Operations Inventory Manual (MDNR 1995), which are found in Appendix 2. It

meets all of the CSA requirements (CSA 1996a and 1996b). This system was modified during the final LSSF stakeholder workshop in February, 1999, to encourage a less formal structure of the public meetings than required by CSA¹.

The following framework for public consultation gives the managers of the State Forest flexibility, but requires that they meet some performance targets. It is a three-level consultation process consisting of broad-, medium- and fine-scale consultation.

6.2.1 Broad Scale - Media-based Information

Broad-scale consultation consists of media-based information intended for the general public. The purpose is to gather input, although some will be "light" and probably not well informed. However, it will generate some high-quality original issues and sensitize all interested parties to the process at hand.

Several techniques for broad-scale consultation were identified at the LSSF stakeholder workshops² as being likely to succeed in the Upper Peninsula. These include mail-outs, toll-free numbers, Internet sites, etc. The response from the public should meet a prescribed level of awareness (e.g., 100 phone calls, letters or e-mails based on a certain percentage of the population). Some experience may be needed to develop the actual measure.

6.2.2 Medium Scale - Focus Groups

Medium-scale consultation consists of focus-group workshops. The purpose is to solicit issues, test responses and gain support for the process, particularly in some outlying areas of the State Forest that may not have easy access to the public meetings required at the fine-scale level. Focus groups will likely consist of a variety of forest users (stakeholders), including people from the general public and non-government organizations (NGOs), but not representatives.

Facilitated meetings should be held to discuss planning issues, present general information, and record the group's responses. MDNR staff or consultants should serve as facilitators. This gives the planning team the opportunity to ask specific questions with which it may need help. Again, a target should be set to engage a certain number of people. The target must be determined on the basis of a reasonable representation of interests, an appropriate percentage of the population, and an appropriate number of the State Forest communities. These meetings should be held in several geographic areas.

¹ At the stakeholder workshop in February, 1999, some participants felt that the CSA requirements were too restrictive and gave the appearance of a closed meeting. After discussion, the terms of reference were modified to encourage members of the public to attend any or all meetings. This is consistent with the CSA, which requires a commitment on the part of some members of the public for continuous attendance throughout the planning process. CSA also requires that resource managers ensure a balance of perspective at meetings. The modified terms of reference still meet these requirements. There was also a reaction the name "Citizens Advisory Committee" (CAC), a comment that has occurred before. It was suggested that a group of people attending the public meetings does not have to be given a name, such as CAC, to meet the terms of reference.

² See also Clark, T., C. Howard, and A. Hayes. 1999. Public Participation in Forest Planning in the Lake Superior State Forest: Finding the Right Pathway. Report #6 from the Lake Superior State Forest Sustainable Forest Management Pilot Project. 23p.

6.2.3 Fine Scale - Public Meetings

Fine-scale consultation consists of public meetings. The purpose is to review and comment on the broad- and medium-scale input, as well as issues involving the state's interests. The terms of reference for these meetings are described in Section 6.2.4.

A series of open meetings should be held to review and comment on forest objectives, management alternatives, and responses from other public consultation. The purpose of these meetings will be to provide advice to the planning team and the district supervisors.

These meetings will be open and attendance will be encouraged from a wide cross section of the public. However, to provide continuity, and to ensure that substantive comments are provided to the planning team, it is important that some individuals make the commitment to attend all or most of the meetings. The district supervisors may invite some people for the purpose of providing certain perspectives.

A successful outcome is measured by the group itself. A group that feels well-informed and well-connected to the decision makers is an indication that this fine-scale consultation has been successful. This should be documented.

6.2.4 Terms of Reference for Public Meetings

- The district supervisors must ensure a wide range of perspectives from individuals and groups with diverse interests in the forest, such as: forest-based, tourist, and other businesses, anglers, hunters, naturalists, local governments, trappers, trade unions, woodworkers, independent loggers, educators and the general public.
- The meetings will take place primarily during the preparation of the forest plan, but also occasionally during the term of the plan in order to review progress or consider major amendments.
- The minutes of the meetings should record opinions about the adequacy of the forest plan objectives and alternatives presented by the planning team.
- The meetings should provide an opportunity to record local knowledge and verify and improve the map of significant values within the State Forest.
- The meetings should provide an opportunity for the planning team to seek advice on optimal tradeoffs when necessary.
- The participants at these meetings may develop their own rules of procedure regarding chair, number of meetings, agenda, etc., although for practical purposes the planning team will normally set the agenda and run the meetings. In any case, participants must acknowledge the needs and timelines of the planning process that the planning team must meet.
- The MDNR should provide office support. District supervisors may decide to provide reasonable out-of-pocket expenses to certain people if attendance is a financial burden (e.g., if they must travel significant distances or if they require overnight accommodation).

- The district supervisors should ensure that the planning team provides all of the basic information necessary.
- Reports or minutes should be prepared by the planning team on behalf of the meeting participants. These should be made public and will form part of the consultation documentation for the plan.

These terms of reference should be used at the discretion of the district supervisors, who have signing authority on the forest plan.

6.2.5 Dispute Resolution

Mechanisms for dispute resolution are described in “Guidelines for Public Participation and Appeals” from the MDNR Operations Inventory Manual (MDNR 1995). The pertinent information is also reprinted in Appendix 2 of this guide.

As with any endeavor in which many parties are involved, disagreements are inevitable. When a member of the public objects to some element of the proposed plan there are two avenues of appeal.

The first appeal is to the district supervisors who are overseeing the work of the planning team. It is up to the planning team to ensure that the disputes of which it is aware are brought forward to the district supervisors, to represent both sides of any issue fairly, and to document the implications of all arguments presented. The supervisors must make tradeoff decisions in some situations, but only after the situations have been fully disclosed and discussed at the public meetings.

If the resulting decision is unacceptable to the party involved, a second appeal can be made to the regional level.

6.2.6 Schedule

Figure 6-1 shows where public input is provided throughout the 10-year planning term. (Table 6-1 outlined the timing of the planning process, including public participation.)

6.2.7 Documentation of Public Consultation

Documentation of the methods and results of public consultation will be of great importance because of the need to maintain accountability in the face of the flexibility of this process. Documentation should include:

- a general description of the communication methods used,
- number and type of meetings with the public or interest groups,
- copies of all letters from the public or interest groups,
- public meeting attendance, minutes, and reports,
- copies of advertisements, or “hard copy” from electronic or other media,
- an evaluation of the public consultation targets set for the planning team (e.g., if a target of 100 letters, e-mails, or phone calls is set during the planning phase, the district supervisors should comment on this), and
- dispute-resolution activities.

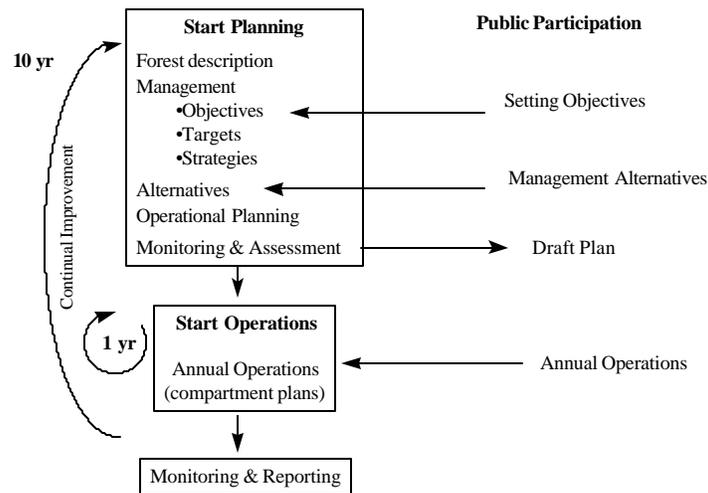


Figure 6-1. Forest management system.

4. Conclusions

Members of the public who have concerns about the LSSF must have the opportunity to make their views known during the forest management planning process. Participants at the workshops emphasized that the opportunity to participate must be extended to all interested members of the public, and not just local citizens.

Generally stakeholders felt that an effective mechanism to ensure that the public's concerns are presented to the planning team is a series of open meetings. Any interested members of the public would be encouraged to attend these meetings. To make the exchange of information really useful, some individuals would attend all or most of the meetings.

For certification purposes, CSA requires that there be two strategies for engaging the public in the forest management planning process (CSA 1996a). One strategy involves consulting with a "...local group of interested or affected parties on an on-going basis". A second strategy involves consulting with "...a broader public to increase awareness and understanding of sustainable forest management and provide a mechanism for soliciting a wide range of input into the development and implementation of the SFM system." The proposed guidelines for public

participation in the LSSF address and satisfy the CSA requirements, while incorporating the specific concerns expressed by the LSSF stakeholders.

References Cited

Callaghan, B., T. Clark, C. Howard, and A. Hayes. 1999. A Forest Management Planning Guide for the Lake Superior State Forest. Report #13 from the Lake Superior State Forest Sustainable Forest Management Pilot Project. 89 p.

Canadian Standards Association. 1996a. CAN/CSA-Z808-96. A Sustainable Forest Management System: Guidance Document. 33 p.

Canadian Standards Association. 1996b. CAN/CSA-Z809-96. A Sustainable Forest Management System: Specifications Document. 12 p.

McDonough, M.H. and M. Thorburn. 1997. An evaluation of, and recommendations for, public participation and citizen advisory mechanisms in the Michigan DNR, Forest Management Division. Michigan State Univ. Dept. of Forestry.

Michigan Department of Natural Resources. 1995. Operations Inventory Field Manual: Chapter 7 (revised December, 1998).

Appendix 1. Additional Comments from Workshop I Participants Regarding a Formal vs. an Informal Stakeholder Group

- Formal groups take ownership and don't leave room for other input.
- If you want people to take the process seriously, then you have to engage them (i.e., give them some decision-making power; if they are just advisory people, stakeholders won't take the process seriously).
 - MDNR pointed out that one has to be careful here because legally, civil servants are responsible.
 - But... stakeholders could give advice publicly and MDNR could respond publicly to increase accountability.
- If it is going to be a formal group, it will have to meet regularly for continuity.
- Concentrate on where to bring people into the process.
 - As manager, you have the responsibility. Bringing the public in at the ground level could create problems. It is better to wait until you have an idea of what the process is going to be.
- If you are going to engage the public, then you have to be prepared for any eventuality.
- Participants at the workshop want to have some sort of stakeholder group.
- Formal membership does not necessarily mean more involved. Informal membership is more open, but does not necessarily mean less involved.

Appendix 2. Comments from Participants in Workshop III

- It was conveyed that a major problem with public consultation was failure to notify the general public. I believe the MDNR web page on the Internet is a good way of communicating with the public, explaining the process and notifying people when the meetings are to be held. Another way would be by contacting constituent groups who may pass along the news to their members.
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- If a citizens advisory group is used, it should include statewide stakeholders as well as local representatives.
 - I have worked with citizens advisory groups and find that there is commitment from various parties that I believe would not be there with just open meetings for the purpose of arriving at a plan.
 - I feel that the citizens advisory group is the best forum for developing a preliminary plan. The plan should then be taken to the general public for comment and possible changes in recommendations to the forest supervisors.
-

- Revisions to public consultation: We hold an open meeting now for reviews and it doesn't work. No one shows up. I think we should stay with the CAC.
-

- Public comments after decisions have been made: We seem to have a lot of this. I don't think it will change. We may be able to address issues better before decisions are made, but will still get comments afterward.
 - Don't drop the CAC.
-

- I think you need to re-evaluate the need for CAC. If you do not have one, you risk general acceptance of the plan and make your planning process similar to the Escanaba River SF planning process -- DNR professionals write the plan and solicit public comment at various points along the way. A CAC will potentially add credibility to the plan and gain acceptance. I think you can have a series of public meetings

along with a CAC and integrate the best features of both into the process.

Suggested changes to address concerns raised about the CAC:

- CAC membership must be open to statewide participation
 - Original personal invitations should go out to locals plus some others across the state.
 - The first CAC meeting should determine which public groups are missing; others should be invited as recommended.
 - CAC meetings should be broadly advertised. Any attendees who want to make a commitment to join the CAC should be allowed to join.
 - Set up a “friends group” to provide input on values, concerns, issues, and a diversity of perspectives on what action the MDNR should take. Input from the “friends group” would then be evaluated by the MDNR with the help of the CAC.
-
- It’s very important to contact the *local* people, the local landowners and business people. In the LSSF area in particular, local people may not be accustomed to being consulted or to commenting on public affairs.
 - The method of selecting members for the CAC is all-important. The CAC must be truly representative, *not* politically engineered; it must be open to *any* interested parties and to individual comments. An advisory group that consists *solely* of *appointed* people is not adequate. The group should also be open to voluntary, self-selected participation by other interested people. The group should consist of *some* appointed as well as “walk-in” participants. The public needs to be *informed* of its right to enter the citizens advisory process. The CAC should be open to *non-*local as well as local citizens. *Continuity* of personnel, at least *some* personnel, is vital.
 - Regarding revisions to CAC: Such revisions are fine, *but* you still need to have a core of people in this group who attend every time and have a long-term commitment. In other words, you still need a “standing committee” component to this advisory group. I think it should still be an *advisory* group, not just a group that airs its views. An impartial facilitator

may be advisable for the group, and an impartial accurate record must be kept and made available to anyone.

- It is very important that some local government officials (township supervisors, etc.) and some local business people (timber products *plus* other businesses dependent on forest values - tourism, recreation etc.) be part of the advisory or input group. These people may need special persuasion to commit to this, but it is vital that they do.
 - The CAC may differ *in part* from one area of the LSSF to another, depending on local participants. People in Newberry, for example, may not have much knowledge of or interest in forest practices in Naubinway.
-

- It is essential that the CAC be non-political, and subject to periodic change of membership.
 - Informing the public is crucial but should be widely based. The local population does not have exclusive right of management.
 - Complexity makes it easy to skip people or groups - what is the protection?
 - Broad-scale consultation should have various citizens conservation groups.
 - The CAC should maintain a mailing list of interested individuals and send them an agenda for each meeting.
 - Getting advice - make it *citizens* not *local* citizens.
-

- The public should always have input directly into the MDNR.
- The public should have an opportunity to comment on how the MDNR is complying with the plan.
 - The public should have an opportunity to comment whenever a decision is made.
 - Notification of any change, decision, etc., should be sent to everyone on the mailing list.

Appendix 3. Guidelines for Public Participation and Appeals from the MDNR Operations Inventory Manual (1995)

F. PUBLIC PARTICIPATION AND "OPEN MEETINGS ACT" GUIDELINES

1. PREMISE

Exchange of information and ideas with the public, and their participation in the review process is important in achieving the best combination of resource conservation and public benefits from Michigan's State Forest lands.

2. OPEN HOUSE

An open house (not a meeting format) will be scheduled in advance of the compartment review where all affected DNR/DEQ Divisions are available as a primary means for interested publics to discuss issues and preliminary prescriptions. Whenever possible, some of the open house hours should be scheduled during usual non-work hours for the general public. We will use the DNR Press Office news release service for the announcement of open houses, whenever time permits. In addition, both the open house and the compartment review will be appropriately announced in advance in the DNR Department Calendar.

3. THE OPEN MEETINGS ACT

The formal compartment review is where final decisions are made relative to prescriptions. It is therefore subject to the Open Meetings Act (PA 267 of 1976), and must be open to the public. Other provisions include:

- a. The minimal action which would meet the requirements of the Act would be to the posting of a notice at least 18 hours in advance indicating the date, time, and place. The notice must be accessible and visible for all 18 hours, therefore would best serve the purpose if posted outside the main office at or in the main entrance.
- b. Any citizen may also request that they be placed on a mailing list to receive notices.

- c. No person can be excluded from the meeting except for a breach of the peace actually committed at the meeting.
- d. Minutes must be kept of such meetings and must contain:
 - 1.) Time, date and place.
 - 2.) Resource Division representatives present.
 - 3.) A record of decisions.

Those requirements are adequately met in the records and forms already provided for in sections C and E.

- e. A person shall be permitted to address such a meeting. However, reasonable guidelines may be established to minimize disruptions, and as appropriate or needed, may include:
 - 1.) Requiring the person to identify himself.
 - 2.) Requiring advance indication of desire to speak.
 - 3.) Specifying time limitations.
 - 4.) Specifying the periods for public comment.
 - 5.) Must remain orderly.

4. THE COMPARTMENT REVIEW

- a. A reasonable effort will be made to give adequate advance notice to all publics with likely interest. In most circumstances this should include:
 - 1.) A printed notice at the facility.
 - 2.) A mailing to those on a mailing list or otherwise expressing interest. The mailing list will be maintained by each Forest Unit Manager.

- 3.) A mailing to all county and township clerk's offices in which affected compartments occur.
 - 4.) A press release by DNR Press Office. A specific local newspaper or two may also be specified if desired. This release may effectively be combined with the open house announcement in most cases.
 - 5.) An announcement in the DNR Department Calendar.
- b. Compartment review packages will be available upon special request, or may be reviewed at the open house or by special arrangement with the Forest Unit Manager.
 - c. Provision will be made to accept oral comments from the public. A record of those offering comment should be maintained. Persons with desired input who do not attend the compartment reviews must submit their written comments at or prior to the date of the open house, in order to be considered. This will provide time for review of both oral and written comments by DNR staff prior to the compartment review, so that all factors are considered, and an appropriate decision may be reached. Any such written comments will be shared with those in attendance at the compartment review either orally or by copy.

5. TIMETABLE

Situations will vary but our goal will be to provide information, notice, and opportunity for review and input according to the following schedule:

- a. At least one and preferably two months in advance of the open house, compartment review packages are provided to pertinent resource divisions and those publics who specifically request them.
- b. At least one and preferably two weeks in advance of the open house, a press release is issued for both the open house and the compartment review. Advisement

of the compartment review date is also made to other parties on the mailing list.

- c. Not less than one week after the open house the compartment review is conducted.

6. DELAYED DECISIONS AND CHANGES IN PRESCRIPTIONS

All public attendees who checked the "advisement box" on the attendance list, and all pertinent county and township clerk's offices, will be advised of any delayed decisions or changes in prescriptions.

7. APPEAL

- a. The public is entitled to appeal the prescriptions made at formal compartment review, as well as delayed decisions, and subsequent significant changes in prescriptions.
- b. The process described below must be followed for all such appeals:
 - 1.) Appeals will be submitted by the appellant directly to the DNR Field Deputy for the Upper Peninsula or Lower Peninsula, as appropriate, with a copy to the Forest Unit Manager where the contested decision was made.
 - 2.) Any appeal must be postmarked not later than 45 calendar days after the compartment review, or 45 calendar days after the date of the memo of advisement for delayed decisions or changes in prescriptions.
 - 3.) An appeal will only be accepted from a person who has participated in the compartment review either through personal attendance, or prior submission of written specific prescription recommendations. An appeal may be dismissed without review when the appellant did not make use of the compartment review process provided.

- 4.) To be accepted, an appeal must state how the decision fails to consider comments previously provided, or how it violates laws, regulations, or policies.
 - 5.) Emergency actions are not subject to normal processes for notification, review, and decision-making, and are not subject to appeal. They include matters affecting public safety or welfare, or significant potential loss of resources, such as salvage after fire, storm, or insect and disease outbreak; or for emergency deer feeding: This does not preclude, however, the desirability of scheduling a mini-review when time permits, nor the need for evaluation of whether there may be more value or less impact in simply allowing the effects of a natural disturbance to remain as is.
- c. Review of Appeal:
- 1.) The DNR Field Deputy will be the sole appeal deciding officer.
 - 2.) The appeal must be decided within 30 calendar days after the closing of the 45-day appeal period
 - 3.) The Field Deputy may at his/her discretion extend the appeal decision date for an additional 30 calendar days by notice in writing to the appellant, and copy to the Forest Unit Manager.
 - 4.) The Field Deputy will render a decision in writing to the appellant and Forest Unit Manager, including the basis for denying or granting the appeal.
- d. The above appeal process constitutes the final administrative opportunity for the public to influence a state forest prescription prior to implementation. The Field Deputy's decision represents the final administrative determination of the Department of Natural Resources. It is the position of the Department of Natural Resources that any filing for judicial review of a decision subject to review under these guidelines is premature and

inappropriate unless a plaintiff has first sought to follow all of the guidelines and opportunities described and provided above.

This report was completed as part of the requirements for a project funded by the Great Lakes Environmental Protection Fund. The objective of the project was to develop a new forest management planning system for the Lake Superior State Forest that meets sustainable forest management standards, specifically those of the Canadian Standards Association and the Forest Stewardship Council.

Project Partners:

Michigan Department of Natural Resources

Mater Engineering, Ltd.

Smartwood

BioForest Technologies Inc.

Craig Howard

Anne Hayes

Brian Callaghan (Callaghan & Associates Inc.)

Tom Clark (CMC Consulting)

Reports generated by this project include:

Project Summary: The Lake Superior State Forest Sustainable Forest Management Pilot Project

An Assessment of the Michigan Department of Natural Resources' Commitment to Sustainable Forest Management

The Lake Superior State Forest: A Description

Michigan Department of Natural Resources Operations Inventory: Survey Results

Roles and Responsibilities for Forest Management Planning in the Lake Superior State Forest

Public Participation in Forest Management Planning in the Lake Superior State Forest: Finding the Right Pathway

Establishing Criteria and Indicators for the Lake Superior State Forest

Workshop I Summary: Values and Indicators of the Lake Superior State Forest

Workshop II Summary: Establishing Targets, Practices and Responsibilities for the Indicators of the Lake Superior State Forest

Modeling Forest Management on the Lake Superior State Forest

Wildlife Habitat Projections for 15 Species in the Lake Superior State Forest

Risk Assessment of Forest Management for the Lake Superior State Forest

A Forest Management Planning Guide for the Lake Superior State Forest

Further information on this report or any of the reports listed may be obtained from:



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