

Sunset Public Hearing Questions for State Forestry Commission

**Created by Section 11-4-201, Tennessee Code Annotated
(Sunset Termination Date June 2021)**

Enabling Statute and Purpose

- 1. Provide a brief introduction to the commission, including information about its purpose, statutory duties, staff, and administrative attachment.**

According to the Tennessee Code Annotated § 11-4-201, the forestry commission is made up of seven members who are citizens of the state of Tennessee, appointed by the governor and confirmed by joint resolution of the general assembly. Membership consists of two (2) owners of not more than 500 acres of forest land within the state, one (1) owner of 500 or more acres of forest land within the state, one (1) member representing the pulp and paper industry operating in the state, one (1) representing the hardwood products industry operating in the state, one (1) representing a statewide conservation organization, and one (1) member representing the public at large. The commission elects a chair, vice chair, and secretary from its membership. The commission shall meet at least four times a year.

According to T.C.A. § 11-4-201(g)(1) the commission is to “place first and foremost the welfare of the state’s forest resources in the commission’s planning and decisions, and to encourage the multiple development and use of the state’s forest resources to the benefit of all the citizens of Tennessee, including, but not limited to, the creation of a comprehensive long-range forest resource plan to integrate the Division’s efforts and to implement and encourage full utilization of Tennessee’s forests and other related resources with sound conservation principles.” (g)(2) states that the commission has authority to formulate and recommend state forestry policies to the governor. 11-4-201 (h) states the commission shall have and exercise the power, duty and responsibility to formulate and recommend to the governor state forestry programs which shall include fire protection, production and distribution of high quality forest tree seedlings, promotion of reforestation, forest management assistance to landowners, educational programs, distribution of the state’s timber and forest resource information, management of state forests, management of trees in urban areas, forest products utilization, promotion of the development and expansion of markets for forest products, cooperative agreements

with the federal government, and protection of forest soil and water quality and quantity.

T.C. A. § 11-4-201(i) charges the commission to:

- submit to the governor, pursuant to T. C. A. § 11-4-301(a), the names of three qualified individuals for the position of state forester when a vacancy exists in that position;
- approve the annual budget (budget improvement request) of the Division;
- make an annual report to the governor, the commissioner of agriculture, the house committee on agriculture and natural resources, and the senate committee on energy, agriculture and natural resources or their successor committees concerning their activities and accomplishments;
- recommend to protect, conserve and develop resources of the state to the general assembly legislation;
- approve the Division's comprehensive long-range plan for the state's forest resources;
- establish state forestry policies which will enable the Division to manage and maintain programs; and,
- include budget recommendations.

Funding for commission expenses is provided from the Department of Agriculture, Division of Forestry's budget per the travel regulation guidelines by the Department of Finance and Administration. Expenses include reimbursement for travel, meals, and lodging. Members are not reimbursed for their services. The commission does not have support staff per se; the administrative assistant assigned to the State Forester is the primary source for clerical assistance.

2. Do the commission's or the Division of Forestry's statutory responsibilities conflict with or overlap with other state agencies such as the Department of Environment and Conservation or the Tennessee Wildlife Resources Agency?

While management of natural resources is a common denominator among the Division of Forestry, Department of Environment and Conservation, and the Tennessee Wildlife Resources Agency, the Division of Forestry is uniquely charged with implementing and encouraging full utilization of Tennessee's forests and other related resources with sound conservation principles. Specifically, the Division protects, conserves, and enhances Tennessee forest resources by providing management options and services to citizens through leadership and education. It strives to be a trusted resource for facilitating decisions that result in productive, resilient, and sustainable forests.

The Division protects forest resources and provides public safety through wildland fire suppression and prevention, as well as other all-hazard incident response. The Division is uniquely positioned to conserve forest resources through application and demonstration of conservation practices that protect the health and ensure the resiliency of Tennessee's forests and to encourage private woodland owners who, as a group, own the majority of the resource, to implement sustainable forestry practices. The Division enhances forest resources by improving forest health and resiliency through active management (tree planting, riparian buffers, timber stand improvement (TSI), insect/disease control, urban) while promoting active markets for wood products.

3. Section 11-4-201(i)(1), *Tennessee Code Annotated*, requires the commission to make recommendations to the Governor for the job of State Forester. When was the last time such a recommendation was required? Who is currently serving as the State Forester?

T.C. A. § 11-4-201(i) charges the commission to submit to the governor, pursuant to T. C. A. § 11-4-301(a), the names of three qualified individuals for the position of state forester when a vacancy exists in that position. This process was last implemented in 2018 following the retirement of State Forester Jere Jeter.

Gov. Bill Haslam and Agriculture Commissioner Jai Templeton announced the appointment of David Arnold as State Forester and Assistant Commissioner for Forestry on July 19, 2018. At that time, Arnold was a 28-year veteran of the Tennessee Department of Agriculture Division of Forestry. He had previously served as Assistant State Forester, overseeing as much as \$4 million in federal grants annually,

contributing to the development of the Division's short- and long-term strategic and tactical plans, and supporting budgeting, planning, and hiring within the Division. He also supervised the administration of the Division's forest health and sustainability unit, as well as the reforestation unit. Previously to that he served as forest management chief, forest inventory and analysis coordinator, forest products marketing coordinator, and area forester for Union County.

4. Has the commission reviewed and approved the Division of Forestry budget as required in Section 11-4-201(i)(2) *Tennessee Code Annotated*? Has the commission requested improvements as part of the budget request?

Yes, the Commission reviews and approves the Division's budget annually during the regularly scheduled September meeting. During FY 2019 the Commission requested the Division review and identify equipment needs associated with wildland fire suppression. As a result, seasonal positions were increased from four to seven months and needed supplies and equipment was identified and purchased. These purchases were facilitated utilizing internal funding. The Commission continues to review Division needs across all programs annually throughout the year. Their feedback is considered when the Division's annual budget is developed.

5. Has the commission approved the Division of Forestry's "comprehensive long-range plan for the state's resources" as required by Section 11-4-201(i)(5), *Tennessee Code Annotated*? If so, when was the plan revised and what role did the commission play in any revisions? Please attach a copy of the plan.

The Forestry Commission reviewed and approved the Tennessee Forest Action Plan in 2010. This plan was last revised in November 2015. A link to the plan and the Five-year Review can be found at:

<https://www.tn.gov/agriculture/forests/protection/ag-forests-action-plan.html>.

A new edition is in development as required by the USDA Forest Service and expected to be completed by December 2020.

6. Has the commission developed any state forestry policies in the last two fiscal years as authorized by Section 11-4-201(i)(6), *Tennessee Code Annotated*? Please provide copies of recent policies.

The commission has not developed any state forestry policies. The commission is briefed frequently on the programs and policies of the Division of Forestry. The

commission provides valuable guidance on forestry programs and services provided by the Division of Forestry.

7. What recommendations has the commission made concerning state forestry programs in the last two years, pursuant to the commission's powers, duties, and responsibilities stated in Section 11-4-201(h) *Tennessee Code Annotated*?

- Formed a committee to evaluate the Tennessee Department of Agriculture Division of Forestry's response to the 2016 wildfires and to evaluate the impact on the State. The committee and the Commission, working closely with the Division, completed its work and made recommendations regarding the Division's fire suppression capability and preparedness for future wildfires.
- Continued its monitoring of timber sales from state forests and encouraged the Division to increase sales where feasible to both improve the health and quality of the forests and to generate additional revenue for the State.
- Recommended three state forester candidates to Governor Haslam, with David Arnold being selected as the new State Forester and Assistant Commissioner for Forestry.
- Recommended that the East Tennessee Nursery increase marketing efforts and consider employing a marketing person, if cost effective, to ensure that this source of high-quality seedlings is operated as efficiently and economically as possible without sacrificing quantity and quality.

Division of Forestry

8. How does the Division ensure that best management practices are followed in timber harvesting to ensure water quality? How does the Division investigate water quality complaints? What are common causes for water quality complaints?

Division personnel conduct courtesy checks on active timber harvesting operations to ensure utilization of forestry best management practices (BMPs) as well as investigate any issues that may violate water quality laws. Personnel discuss with the logger and/or landowner the benefits of implementing BMPs and also give technical advice about logging practices.

Tennessee implements a non-regulatory BMP program. BMPs are promoted while doing courtesy checks as well as during master logger trainings. Furthermore, if wood harvested from a site is taken to a specific mill that has a forest certification (i.e. SFI or FSC), the harvest site must implement BMPs in order for the mill to accept the wood or else the mill will risk losing their certification.

If a water quality complaint is filed with TDEC, the Division is notified. Upon notification, Division personnel attempt to gain access to the property of the complaint. If access is not granted, the complaint is handed back to TDEC for investigation since the Division has no legal authority to enter someone's property for water quality complaints. If granted access, the harvest area as well as the surrounding area is investigated for BMP utilization. Water sources are located and examined for pollutants (i.e. oil, fuel, sediment, etc.). If pollutants are entering a water source, it then needs to be determined whether the cause can be directly linked to a specific activity (point source vs nonpoint source pollution). If the pollutant can be attributed to the harvesting operation, the Division recommends corrective actions to the logger and/or landowner to remedy the issue in a timely manner depending on the severity of the situation. Progress reports are made to TDEC about the situation. If the situation cannot be remedied by the Division's assistance in a timely manner, the complaint is handed back over to TDEC for possible enforcement actions.

Common causes for water quality complaints include:

- Roads built too close to streams resulting in sediment flowing into the stream
- Soil tracked onto main roads from haul trucks
- Trees/slash left in stream channels
- Equipment driving through stream channels

- People don't like logging so assume that the loggers must be doing something wrong

The Division conducts periodic BMP surveys in cooperation with the University of Tennessee Department of Forestry, Wildlife and Fisheries to determine how frequently forestry BMPs were implemented. The most recent survey was conducted in 2017 and showed an overall BMP implementation rate of 88.5 percent. This is a substantial improvement since the first BMP implementation survey was conducted in 1996 (62.9 percent).

9. What has the Division done to rehabilitate the areas damaged by the wildfires in the Gatlinburg area in 2016? What actions has the Division taken to prevent wildfires? Have they been effective? Does the Division have the needed equipment to fight forest fires?

Since 2016 the Division has invested millions of dollars in hazard mitigation as well as secured special grant opportunities from the USDA Forest Service for Sevier and Cocke Counties. The Division continuously works with TEMA, planning associations, communities, fire departments, National Fire Protection Agency, and holds an annual Fire Adapted Communities Conference. Division personnel work to educate and engage community leaders in development of Community Wildfire Protection Plans containing hazard assessments, action plans and items, and coordinated timelines. In 2019, the Division hired its first Hazard Mitigation Program Specialist to oversee the program.

Prevention and awareness remain key to continuing to reduce the number of wildfires, which have successfully trended down allowing historic reductions in Division personnel and equipment to better align with suppression responsibilities. The Division supports prevention through advertising, publication printing, social media, outreach programs, and a robust burn permit program. Currently, the Division is developing a wildland fire website, which will encompass prevention, mitigation, fire weather, fuels, etc.

Facilities, equipment, and personnel are needed to suppress wildland fire. The Division, with support of the Forestry Commission, continuously evaluates these resources to ensure they are current, appropriate for the job, and maintained at an appropriate level.

- **Facilities** – Division facilities are currently under review to identify those appropriate for demolition, upgrade, or new construction. Capital improvement funding has been used over the last few years to build a new work center in Crossville and to start construction on new work centers at

Natchez Trace (Henderson County) and Chuck Swan State Forests (Union County). Priorities have been set for future constructions as capital improvement funding is available.

- **Equipment** - In 2005, the General Assembly established dedicated reserve funding to replace the Division's entire fleet (112 units) of firefighting bulldozers and transports and 50 pumper units placed in the back of pickup trucks. The spending authority for these funds has been expanded to allow purchase of other needed fire suppression equipment and supplies, including Bambi buckets (water drop buckets) used by the Army National Guard, various other heavy equipment (back hoes, dump trucks, road graders, tractors, and ATVs) to assist with fire related activities, communications equipment and radios, and dispatch/asset tracking software. Federal funds have been used to secure training, Nomex (fire protective clothing), hand tools, additional communications equipment, and remote automated weather stations.
- **Personnel** - The Division currently has 318 full time positions and 150 seasonal positions. Every position within the Division, from the seasonal in the field to the State Forester has some level of responsibility relative to wildland fire suppression. The Division can meet wildland fire suppression responsibilities if these positions remain filled and turnover is reasonably managed. Most years, wildland fire suppression can be successfully suppressed with standing capacity. For those years where standing capacity is exceeded, external resources (other agencies within and out of state) are requested to assist. Regardless of the situation, well trained, motivated, healthy employees are needed to meet the Division's fire suppression mission. Several actions over the last two years have been implemented to ensure the Division's workforce is capable. Cooperation with the Commissioner's office and DoHR has led to Division employee's ability to deploy on out of state assignments as state employees. This allows them to: 1) get training and experience to apply back home, 2) allows some Division payroll costs to be covered by the receiving agency, 3) and supplements employee compensation through overtime opportunities. Division employees also retain cash overtime pay instead of asking them to flex off. Career development is emphasized, offering our employees more training opportunities and encouraging them to be more involved with program and leadership development. Opportunities are sought to implement actions that help with employee recruitment and retention. Hazard pay and early retirement for front line firefighters are also being investigated.

10. What policies describe state fire fighter qualifications? Do all staff meet the qualifications? Does the Division have enough qualified staff to fulfill its responsibilities?

Division firefighter qualifications are defined within national standards through the National Wildfire Coordinating Group and Division of Forestry Fire Operations Handbook. Wildland firefighter qualifications advance from lowest level firefighter to highest level incident commander within the Incident Command System. All Division wildland firefighters complete lowest level of training as part of orientation prior to participating on fires or all hazard incident responses and progress through experience and training. The Division also sponsors the nation's largest wildland fire and leadership academy every January in Bell Buckle, TN.

As described above in the Personnel section of our response to Question #9, the department currently has enough qualified staff to fulfill its responsibilities related to fighting wildfires.

Beyond suppression and response activities, wildland fire management encompasses prevention, fuels or vegetation modification, prescribed fire, hazard mitigation, rehabilitation, monitoring and evaluation, and training fire departments. While currently positioned to meet suppression responsibilities, the Division lacks personnel, supplies, and equipment to meet current and future demand within these other areas of fire management.

11. How does the Division prevent and detect theft of timber from state forests and private landowners? Does the Division investigate arson?

Timber theft is prevented on State Forests through contract provisions and property/boundary line monitoring. Timber sale contracts have provisions for harvesting of any undesignated trees at the rate of \$3,000 per thousand board feet. An additional \$2,500.00 is added per occurrence when undesignated harvesting takes place in retention or stream side management zones. Property/boundary line monitoring occurs frequently to ensure timber is not harvested illegally. A performance bond (7% of sale amount) is also collected and not returned until all contract provisions are met.

Timber theft carries a civil penalty in Tennessee (TCA 43-28-312). If caught, the trespasser can be required to pay damages double or triple the current market value of the timber, according to whether the timber was negligently (accidentally) cut or knowingly (intentionally) cut from the property of another. The Division does not act

as a landowner's agent or counsel in timber theft situations. Rather, landowners are referred to private forestry consultants for these services. Landowners are also encouraged to proactively take steps to prevent timber theft before it happens including establishing clearly marked property boundaries, communicating with neighbors, maintaining an updated timber inventory and value estimate, and personally, or if an absentee landowner having a friend or consulting forester, conduct periodic property inspections. Selling timber through a contract to specify which trees are to be harvested and other sale conditions can also minimize the likelihood of theft. The following resources from the University of Tennessee Department of Forestry, Wildlife, and Fisheries are good references to prevent timber theft.

https://trace.tennessee.edu/cgi/viewcontent.cgi?article=1014&context=utk_agexfor es

<https://extension.tennessee.edu/publications/Documents/pb1607.pdf>

Division personnel do not investigate potential woods arson cases. The Department has an Agricultural Crime Unit (ACU) that investigates and prosecutes all agricultural crimes, including woods arson. Division personnel are involved by informing the ACU of suspicious situations, providing relevant information to ACU special agents, and assisting at potential crime scenes.

12. What services, such as controlled burns, does the Division provide to landowners? Does it charge for these services?

It has long been State and Cooperative Forestry Program policy to encourage private enterprise in private forestry work; so, the Division is obligated to inform landowners of the availability of private vendors and consulting foresters. In many areas, however, forestry service vendors are not available to landowners. In other instances, private vendors are unable or unwilling to take on small or scattered forestry jobs. Therefore, although it is not the intention or policy of the State to compete with private vendors, it is appropriate that Division personnel advise landowners that the Division may also be able to furnish certain vendor services.

In any case, the Division does not seek to serve forest landowner clientele that should more properly be served by the private sector. The Division will not act as landowners' legal agents, provide land surveys, perform timber valuations or appraisals, negotiate timber sales, open bids, handle landowner's money, or make any decision on the award of timber sales.

Where private vendors or consultants cannot or will not provide forestry services, the Division will furnish the following vendor services to landowners.

- Prescribed Burning and Standby
 - Prescribed Burning and Standby Services are provided for purposes such as:
 - site preparation associated with tree planting
 - control undesirable vegetation
 - pine timber stand improvement
 - wildlife and habitat restoration
 - fire dependent forests management
 - fuel reduction
 - warm and/or cool season grass management
 - Rates - minimum Fee of \$420.00; Greater than 10 acres \$420 plus \$42.00 per acre; Greater than 100 acres \$4,200 plus \$32.00 per acre
- Timber Marking
 - Timber Marking Services are provided for purposes such as:
 - sustained yield forestry
 - where a harvest may not be best silviculturally but may be effective in minimizing harm and providing for the future forest
 - Rates - Sawtimber \$8.80 MBF marked; Pulpwood \$30.00 per acre marked
- Firebreak Installation
 - Firebreak installation services are provided for purposes such as:
 - preparation for prescribed burning by the landowner or another vendor
 - protection lines against wildfire
 - Rates - Minimum fee \$250; Greater than 1,200 feet \$250 plus \$0.21 per linear foot
- Tree Planting
 - Tree Planting services are provided for purposes such as:
 - riparian plantings
 - afforestation/reforestation
 - restoration planting
 - wildlife habitat
 - erosion control
 - agroforestry
 - planting standard size bareroot seedlings
 - Rates - hardwood \$132.00 per acre, pine \$88.00 per acre

Other forestry practices, such as non-commercial thinning, cull tree removal, other timber stand improvement (TSI) including vine control, site preparation for natural regeneration of hardwoods, and mid-story removal, are not offered as a vendor service. Division personnel can demonstrate these types of practices by flagging or marking with paint, the trees or vegetation to remove, on up to one acre of the client's property, free of charge. Road closure and rehabilitation services are not offered as a vendor service. Division personnel can offer technical assistance to the landowners, free of charge.

13. What is the status of the timber industry in Tennessee? How does the Division ensure high quality timber? Can timber quarantined due to pests be harvested and sold?

Status of Tennessee's Timber Industry - Tennessee has 14 million acres of forestland, about 52% of the state's land area. These 14 million forested acres are 83% privately owned and comprised of 92% hardwood forest types. Tennessee's forest industry accounts for 3.5% of the state's economy, employs more than 98,000 people, and generates \$24.3 billion in output. This economic activity places Tennessee as a top-ten state in terms of the total forestry jobs, wages and economic activity. Tennessee is also a top-ten state relative to forest industries contribution to the overall economy in the state - i.e. % of gross domestic product (GDP).

Tennessee's forest industry is varied, ranging from multi-billion-dollar papermills employing thousands of people to family owned hardwood sawmills. In many situations forest products processing facilities drive rural economies, providing direct economic effects through local jobs and value-added manufacturing to additional indirect economic activity through supply chain activity, support services, and other economic multiplying activities.

Through the years, the health of our state's forest industry cycles up and down based on the condition of the national and state economy, consumer preferences, and weather. Currently, our state's forest industry is facing three general challenges in remaining viable and growing: 1) access to diverse, competitive, sustainable forest products markets; 2) maintaining a skilled and available work force; and 3) ensuring the logging sector remains healthy for continued supply of wood raw materials.

Markets - Tennessee's forest industry depends on a sustainable supply of wood products to remain viable and growing. The majority of the wood processing facilities rely on hardwood timber for their manufacturing processes. Over the last decade, export markets, especially hardwood export markets, have developed to be a significant economic driver for Tennessee's

forest industry. Tennessee forest products manufacturing facilities have worked hard to engage in the opportunities export markets provide. Forest businesses would struggle to survive without these markets.

Over the last few years several events have come about that are placing tremendous strain on access to the forest products markets our state's forest industries need. The Chinese trade wars severely restricted access to lucrative markets for many of Tennessee's hardwood producing mills, especially for species like red oak that had lost preference and favor in the domestic markets. From 2017 to 2019, Tennessee forest products exports dropped from \$291 million to \$177 million (\$114 million decrease, 39%). Most of this decrease was associated with trade to China (\$105 million decrease). In February, the Chinese phase 1 trade agreement was paving the way for re-access to these markets. The COVID-19 situation has again destabilized market access for forest products industry. This, combined with the general COVID-19 induced economic slowdown, has placed some mills on the verge of closure. In April, the Domtar papermill in Kingsport announced they will go idle for three months due to decreased product demand during the COVID-19 outbreak. The mill laid off 300 employees and stopped purchase of wood chips that drive local logging, sawmill, and forest landowner economic activity. Many of our state's wood using mills are seeking survival strategies to stay in business until market situations improve.

To help address market needs the Department's Divisions of Business Development and Forestry are working with forest industry opinion leaders to identify export market development opportunities, seeking funding for market research and trade mission visits, and providing technical assistance to help mills expand into overseas markets.

Workforce – Tennessee's forest industry is struggling to find non-skilled and skilled labor to meet workforce needs. These needs are not being met for several reasons, including lack of awareness of job opportunities within the forestry sector, many jobs are physically demanding, many jobs are based in rural locations, potential employees do not have the skill set to perform the more complex jobs, and social issues, such as drug use and the opioid crisis disqualify potential employees for consideration.

To help address workforce development needs the Department is partnering with the Tennessee Forestry Association (TFA) and the Alabama Forestry Association (AFA) to secure funding and personnel for a forest industry-based workforce development program. Tennessee's efforts will be modeled after AFAs successful program that has been in place several years.

Logging infrastructure – Loggers are the foundational link in the industries supply chain. They harvest and deliver the raw materials that drive the industry. The workforce challenges are especially prevalent in the logging sector. Work is hard, in many cases not viewed with favor, and current generations have little interest in continuing established family logging businesses. The lack of stability in the logging work force is causing some mills to downsize and/or hold off expansion projects.

The logging sector will be a focus of the Department’s workforce development program. We will partner with TFA, individual mills and logging companies, and other applicable Departments in state government to communicate and develop workforce opportunities with Tennessee logging businesses.

How the Division Ensures High Quality Timber – All programs, from wildland fire prevention and suppression to landowner assistance, are focused on the Division’s mission - to protect, conserve, and enhance Tennessee’s forest resources. Pursuit of this mission will ensure the forests are productive, healthy, and resilient on the landscape. Such forests produce the broadest scope of forest benefits, including wildlife habitat, clean abundant water, places to walk and enjoy, and of course abundant, quality timber. The overwhelming majority of Tennessee’s forests (over 80%) are privately owned. To enhance all forest resources, including timber, strong programs are vital to engaging private forest landowners. The Division has programs with a specific focus to protect, examples being preventing wildland fire and insect and disease outbreaks; programs with a specific focus to conserve, examples being state level forest inventories and development of forest products markets; and programs with a specific focus to enhance, examples being forest planning assistance and financial incentives to implement on the ground forestry practices.

In working with private forest landowners, the most valuable service the Division can provide is information to make informed decisions as they pursue management objectives to develop the forest benefits they cherish. The most valuable incentive the Division can provide is working with the state’s forest industry to provide competitive, diverse, sustainable forest products markets. Such markets provide landowners opportunities to actively manage their properties, resulting in more productive, healthy, and resilient forests.

Timber Quarantines – At this time, there are county quarantines for ash and walnut forest products (e.g. logs, green lumber, mulch, firewood, seedlings). Products can be moved anytime to facilities within the regulated counties for sale and processing without the need for a compliance agreement. Restricted products can only be moved outside a regulated county with a signed Transport Compliance Agreement. Restrictions vary by tree species and product type.

Tennessee Emerald Ash Borer Regulations

<https://www.tn.gov/content/dam/tn/agriculture/documents/planthealth/AgBusEABregs.pdf>

Tennessee Thousand Cankers Disease Regulations

<https://www.tn.gov/content/dam/tn/agriculture/documents/planthealth/AgBusTCDrregs.pdf>

14. How does the Division manage state forests? How are they different from state parks?

Tennessee's 15 State Forests range from mountain coves to bottomlands along the Mississippi. State Forests are managed for a mix of natural resources including game and non-game wildlife, and large, high-quality timber. State Forests lack improvements such as inns, golf courses and restrooms. However, they offer hunting, hiking, bird watching, and tranquility. The primary difference between state forests and state parks is that state forests are managed for demonstration of the conservation of natural resources for sustainable utilization and state parks are managed for the preservation of natural resources for human recreation.

Timber harvesting is conducted to utilize this valuable resource while also working to regenerate the forest, generally on an 80 to 100-year rotation, and whose seed or seedlings on the forest floor rely on abundant sunlight to grow into the next stand of trees. Pine seedlings are planted in stands where pine trees were harvested. Hardwood stands (oaks, hickories, yellow-poplar, maple, ash, walnut, etc.) typically regenerate well by seed, seedlings, and stump sprouts on site. The forestry operations, including timber harvesting, are conducted to demonstrate sustainable forest management through the use of best management practices (BMPs), which keep the creeks and streams clean, and science-based silvicultural and forest management methods, to ensure a healthy and renewable resource. The timber harvested helps to support local forest products industries.

No state appropriated funding is used in the management of the state forest system. This valuable state-owned land is managed on receipts from timber sales, which are conducted to improve the health and resiliency of the forest, as well as to maintain forest roads and passive recreational opportunities. Timber sales are conducted under a sealed bid process and are publicly advertised, opened, and recorded. More details on forest management and timber harvest per state forest can be found on our web site:

<https://www.tn.gov/agriculture/forests/state-forests/>

Commission Organization

15. Provide a list of current members of the commission. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.

The Commission consists of seven (7) voting members and three (3) non-voting members. A member shall serve no more than two (2) five-year terms. The Commissioners of Agriculture, Environment and Conservation, and the Executive Director of the Tennessee Wildlife Resources Agency shall serve as non-voting members.

Johnny Heard, Chair

Collinwood - Represents hardwood manufacturers

Reappointed by Governor Bill Haslam

Term Expires: 6/30/2022 (2nd Term)

Tom Midgett, Vice-Chair

Knoxville - Represents pulp and paper manufacturers

Appointed by Governor Bill Haslam

Term Expires: 6/30/2021 (1st Term)

John Charles Wilson, Secretary

Memphis - Represents conservation organizations

Appointed by Governor Bill Haslam

Term Expires: 6/30/2022 (1st Term)

Bob Qualman

Brentwood - Represents forest landowners of less than 500 acres

Reappointed by Governor Bill Haslam

Term Expires: 6/30/2021 (2nd Term)

Alex Richman

Lynchburg - Represents forest landowners of greater than 500 acres

Reappointed by Governor Bill Lee

Term Expires: 6/30/2024 (2nd Term)

Mike Witt

Cookeville - Represents forest landowners of less than 500 acres

Reappointed by Governor Bill Lee

Term Expires: 6/30/2024 (2nd Term)

Dr. Sharon Jean-Philippe
Knoxville - Represents public at large
Appointed by Governor Bill Lee
Term Expires: 6/30/2024 (1st term)

Dr. Charles Hatcher, Ex-Officio
Commissioner – Tennessee Department of Agriculture

Ed Carter, Ex-Officio
Director – Tennessee Wildlife Resources Agency

David Salyers, Ex-Officio
Commissioner – Tennessee Department of Environment and Conservation

16. Are there any vacancies on the commission? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.

As of June 2020, there are currently no vacancies on the commission.

17. How many times did the commission meet in Fiscal Years 2018, 2019 and 2020? How many members were present at each meeting? Please note meetings where the commission did not have a quorum.

Tennessee Forestry Commission meetings; number in parenthesis represents number of voting members present out of 7. All meetings held a quorum.

- FY 2018
 - July 13, 2017 (5), Nashville, TN
 - September 27, 2017 (6), Nashville, TN
 - April 16, 2018 (6), Crossville, TN
 - June 6, 2018 (7), Nashville, TN
- FY 2019
 - July 13, 2018 (7), Nashville, TN
 - September 5, 2018 (6), Nashville, TN
 - January 8, 2019 (6), Nashville, TN
 - April 10, 2019 (6), Counce, TN
 - June 4, 2019 (6), Nashville, TN
- FY 2020
 - September 4, 2019 (5), Nashville, TN
 - January 7, 2020 (7), Nashville, TN

- April 7, 2020 (7), Online - WebEx
- June 10, 2020 (7), Nashville, TN

Financial Information

18. What were the commission's revenues and expenditure for Fiscal Years 2018, 2019 and 2020? Does the commission carry a reserve balance?

The commission has no revenues or expenditures for Fiscal Years 2018, 2019, and 2020. It does not carry a reserve balance.

19. What per diem or travel reimbursements do commission members receive? How much was paid to commission members in Fiscal Years 2018, 2019 and 2020?

Commission members receive standard U.S. General Services Administration (GSA) rates for transportation, lodging, meals, and registration to attend meetings and other related commission business. Members received a total of \$4,670 in FY18, \$7,054 in FY19, and \$3,289 in FY20.

20. Please provide a list of fees collected and indicate whether these fees were established through rule or through state law.

The commission does not collect fees.

Sunshine Law, Public Meetings, and Conflict of Interest Policies

21. Is the commission subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the commission have for informing the public of meetings and making minutes available to the public?

Per the Tennessee Forestry Commission bylaws, public notice of all meetings shall be given in advance. There shall be four (4) meetings of the Commission per year one of which shall be called the Annual Meeting. Time and place of meetings shall be determined by the Commission or its Chairman. Written notice of regular and special meetings, the latter of which can be called by the Chairman or any four (4) voting members of the Commission, shall be given at least ten (10) days prior to the meeting. An agenda shall be provided with the notice. Notice is posted by the State Forester's Office by a press release and on the commission's web page. The presence of four (4) voting members shall constitute a quorum. Minutes are made available on the commission's web page following approval of minutes after the successive meeting.

22. Does the commission allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the commission obtain feedback from the public and those they regulate?

The commission allows for public comment at meetings following general business agenda. No prior notice for public comment is required.

23. Does the commission have policies to address potential conflict of interest by commission members, employees, or other state employees who work with the commission?

The Commission does not have a set policy exclusive to conflicts of interest. However, bylaws of the Commission require conduct of meetings according to Roberts Rules of Order, Newly Revised, which advises members should not vote on matters that present a conflict of interest. Further, all state employees are subject to applicable state laws and human resource policies regarding conduct and conflicts of interests. Executive branch employees are subject to Executive Order 2, issued by Governor Bill Lee, Jan. 24, 2019.

24. Does the commission have a website? If so, please provide the web address. What kind of public information is available on the website?

The Division provides a webpage for the Commission on the state website that describes the commission, lists current commission members, announces upcoming meeting, provides minutes of previous meetings, and provides downloadable links of past commission annual reports.

<https://www.tn.gov/agriculture/forests/commission.html>

Reports, Major Accomplishments, and Proposed Legislative Changes

25. Does the commission transmit an annual report to the Governor, Commissioner of Agriculture, and designated committees within the General Assembly as required by Section 11-4-201(i)(3), *Tennessee Code Annotated*? If so, please provide links to the last two annual reports released.

Yes. The commission submits an annual report to the House Agriculture and Natural Resources Committee and the Senate Energy, Agriculture and Natural Resources Committee and the Governor. Links to the last two annual reports include: [FY2018](#) and [FY2019](#)

26. What other reports, if any, does the commission prepare on its operations, activities, and accomplishments and who receives the reports? Please provide links.

No other reports are prepared.

27. What were the commission's major accomplishments during Fiscal Years 2018, 2019 and 2020?

FY 2018

- Initiated a national search for state forester candidates to recommend to the Governor, and developed a schedule for candidate evaluation and interview to make recommendations prior to the commencement of the wildland fire season on August .1
- Formed a committee to evaluate the Tennessee Department of Agriculture Division of Forestry's response to the 2016 wildfires and to evaluate the impact on the State. The committee and the Commission, working closely with the Division, completed its work and made recommendations regarding the Division's fire suppression capability and preparedness for future wildfires.
- Continued and intensified its monitoring of the operations of the East Tennessee Nursery in order to ensure that this very important source of high-quality seedlings for Tennessee landowners is operated as efficiently and economically as possible without sacrificing the seedling quantity and quality.
- Identified opportunities to improve retention and recruitment, which the department is addressing through compensation adjustments, training and leadership development.

- Expressed concern regarding the age and readiness of the Division's fire suppression equipment and communications devices and was assured that replacement equipment and communications devices would occur during FY2018.
- Strongly endorsed the Firewise USA® program to lessen the likelihood and severity of wildfires and encouraged the Division to continue promoting this program throughout the State.
- The Commission continued its monitoring of timber sales from state forests and encouraged the Division to increase sales where feasible to both improve the health and quality of the forests and to generate additional revenue for the State.

FY 2019

- Recommended three state forester candidates to Governor Haslam, with David Arnold being selected as the new State Forester and Assistant Commissioner for Forestry.
- Continued evaluation of the Tennessee Division of Forestry's response to the 2016 wildfires and the adequacy of the Division's equipment and response personnel.
- Continued intense monitoring of the operations of the East Tennessee Nursery to ensure that this source of high-quality seedlings is operated as efficiently and economically as possible without sacrificing quantity and quality. The Commission recommended that the Nursery increase marketing efforts and consider employing a marketing person, if cost effective.
- Discussed the imposition of quarantines in certain counties due to the infestation by the emerald ash borer and other invasive pests.
- Discussed continuing challenges with the retention and recruitment of qualified fire suppression and Division personnel. The Commission requested the State Forester provide headcount and retention statistics at each Commission meeting.
- As in previous years, the Commission strongly endorsed the Firewise USA® program to lessen the likelihood and severity of wildfires and encouraged the Division to continue promoting this program throughout the State.
- Monitored timber sales from state forests and continued to encourage the Division to increase sales when feasible to improve the health and quality of the forests and to generate additional revenue for the State.

FY 2020

- Successfully placed Dr. Sharon Jean-Philippe to represent the public-at-large. Dr. Jean-Philippe is an Associate Professor at the University of Tennessee, Department of Forestry, Wildlife and Fisheries where she serves in extension, teaching, and research on urban forestry.
- Accepted state forester's recommendation for FY 2021 budget
- Accepted state forester's recommendation for FY 2021 seedling production and prices.
- Approved nominating committee recommendation for current officers to remain in position.
- Recommended the Division contact USDA Farm Services Agency (FSA) and other Federal agencies to develop opportunities to provide relief for disasters impacting forest landowners in Tennessee.

28. Please describe any items related to the commission that require legislative attention and your proposed legislative changes.

Commission members are in regular contact with members of the House Agriculture and Natural Resources Committee and the Senate Energy, Agriculture and Natural Resources Committee about forestry issues in the state.

There are no items related to the commission that require legislative attention at this time.

29. Should the commission be continued? To what extent and in what ways would the absence of the commission affect the public health, safety, or welfare of the citizens of Tennessee?

Yes. The commission provides valuable leadership, guidance and advice on public programs and policies for the Division of Forestry. The State Forester and state headquarters staff greatly appreciate the advice and wisdom of the members of the Forestry Commission in carrying out the policies and programs affecting forestry in Tennessee.

30. Please identify the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.

David Arnold, State Forester and Assistant Commissioner

Heather Slayton, Assistant State Forester

Tim Phelps, Communications and Outreach Unit Leader

Wade Waters, Wildland Fire Management Unit Leader (Fire Chief)

31. Please identify the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

David Arnold, State Forester and Assistant Commissioner

Johnny Heard, Tennessee Forestry Commission Chair

32. Please provide the office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

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