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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2003-04

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on Forestry...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2013)



Moved by Representative Ainsworth, seconded by Representative Seratti that **Assembly Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Representatives Friske, Ainsworth, Seratti,  
M. Williams and Boyle.  
Noes: (0) None.  
Absent: (1) Representative Hubler.

INTRODUCTION AND ADOPTION OF ASSEMBLY  
AMENDMENT 1 RECOMMENDED, Ayes 5, Noes 0

Moved by Representative Ainsworth, seconded by Representative Seratti that **Assembly Amendment 2** be recommended for introduction and adoption.

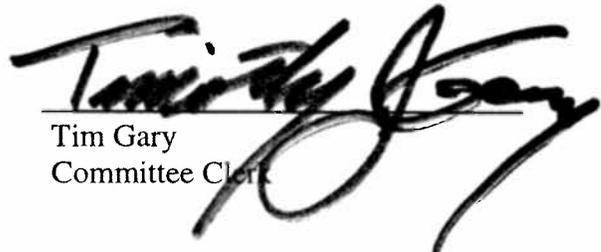
Ayes: (5) Representatives Friske, Ainsworth, Seratti,  
M. Williams and Boyle.  
Noes: (0) None.  
Absent: (1) Representative Hubler.

INTRODUCTION AND ADOPTION OF ASSEMBLY  
AMENDMENT 2 RECOMMENDED, Ayes 5, Noes 0

Moved by Representative Seratti, seconded by Representative M. Williams that **Assembly Bill 9** be recommended for passage as amended.

Ayes: (5) Representatives Friske, Ainsworth, Seratti,  
M. Williams and Boyle.  
Noes: (0) None.  
Absent: (1) Representative Hubler.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Tim Gary  
Committee Clerk

Vote Record

Committee on Forestry

Date: 2-11-03

Moved by: Rep. Ainsworth

Seconded by: Rep. Seratti

AB 9

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt 1

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
- Introduction       Rejection       Tabling       Nonconcurrence

Committee Member

**Representative Donald Friske**

Aye    No    Absent    Not Voting

**Representative John Ainsworth**

**Representative Lorraine Seratti**

**Representative Mary Williams**

**Representative Mary Hubler**

**Representative Frank Boyle**

Totals:    5    0    1    0

Vote Record

Committee on Forestry

Date: 2-11-03

Moved by: Rep. Ainsworth

Seconded by: Rep. Seratti

AB 9

SB \_\_\_\_\_

Clearinghouse Rule \_\_\_\_\_

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

A/S Amdt 2

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_

A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
- Introduction       Rejection       Tabling       Nonconcurrence

Committee Member

**Representative Donald Friske**

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Representative John Ainsworth**

**Representative Lorraine Seratti**

**Representative Mary Williams**

**Representative Mary Hubler**

**Representative Frank Boyle**

<b>Totals:</b>	<u>5</u>	<u>0</u>	<u>1</u>	<u>0</u>
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Motion Carried

Motion Failed

Vote Record

Committee on Forestry

Date: 2-11-03

Moved by: Rep. Seratti

Seconded by: Rep. Williams

AB 9 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
A/S Sub Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- Passage
  - Adoption
  - Confirmation
  - Concurrence
  - Indefinite Postponement
  - Introduction
  - Rejection
  - Tabling
  - Nonconcurrence

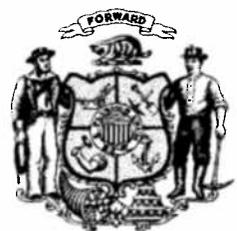
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Donald Friske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mary Hubler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Frank Boyle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5</u>	<u>0</u>	<u>1</u>	<u>0</u>

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE



**Kaz's  
Flying  
Service,  
Ltd.**



*Professional Aerial Application  
for Over 50 Years*

**A FAX FROM Jim Kazmierczak**

**AT**

KAZ'S FLYING SERVICE, LTD. W9646 Richards Rd., LODI WI 53555  
Tel: (608) 635-4614 • Fax: (608) 635-4614 • Home: 608-635-4684  
Cell: 608-576-4470 • E-mail: Kazair1@aol.com • www.kazair.com

*gypsy moth*

*2/2/03*

*WIND OFF  
206-7694*

**To:** Representative Friske,

1. I plan to attend your Committee of Forestry public hearing Feb. 11 in Madison. Please pass our web site on to your committee members if you would like more information on aerial spraying, [www.kazair.com](http://www.kazair.com).

2. Concerning Legislature report NR 47.913(2)(a) *under* "Arguments Against Suspension" (see attached), this is our response:

**Bullet #1**, we can spray 5 acre patch of forest with no problem,

**Bullet #2**, depends on where the areas are (a stand-alone 20 acres?),

**Bullet #3**, same as above,

**Bullet #4**, what the heck, let the bugs eat all the trees and defecate on our tourist that would surely increase our visitor ship to this state. **"NOT"** \$\$\$\$\$

3. Our problem and every other aerial applicator in this state is:

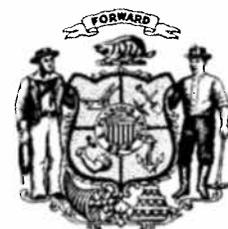
If we spray trees as a commercial applicator, hired by a citizen not under government contract, use the same chemical, the same equipment and at the same place as a government contractor, we can and possibly will be sued and or fined for possibly drifting chemical from that site. The government contractor will not and by the way it is impossible to control 100% of spray drift when spraying for gypsy moth

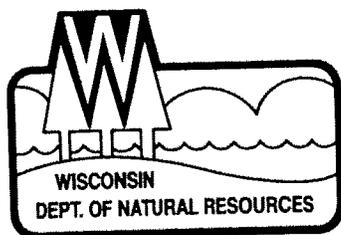
In other words; work for the state and we can do what ever we want, work for a citizen not under government contract and we could get sued, even though we use the same license, same chemical, same training, and same equipment. This is discrimination.

Please contact me if you need.



# WISCONSIN STATE LEGISLATURE





**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

February 10, 2003

Assembly Committee on Forestry

Subject: Fiscal Impact of Amendment to AB9 Regarding "Compact and Contiguous" Language

The amendment to insert "compact and contiguous" before "acres" in bill AB9 will do much to reduce potential negative fiscal impacts on counties, municipalities and landowners. We have spoken with our Forest Service contacts and while they prefer the minimum acreage to be 40 contiguous acres, if parcels are at least 20 "compact and contiguous" acres they are likely to provide cost sharing for the Wisconsin suppression program. Currently, the Forest Service provides cost sharing to Michigan, Maryland and Pennsylvania which have minimum parcel sizes of 23-25 contiguous acres in a compact shape.

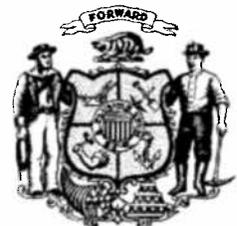
We cannot predict the increase in cost due to inclusion of parcels 20-40 acres in size for Wisconsin. As you increase the proportion of smaller blocks over the entire state contract, you will increase the costs of treatment and administration. However, we believe that the increase in treatment and administration costs will be less with 20 "compact and contiguous" acres as a minimum as compared to potential blocks of 20 acres comprised of non-contiguous small parcels.

In terms of effectiveness of the spray, where treated parcels are adjacent to favorable habitat and there is a potential for re-infestation, bigger spray blocks are more likely to provide satisfactory protection than are smaller ones. However, states that have treated blocks of 23-25 acres or greater had acceptable results in the core of the block, though feeding damage within the boundary of the sprayed area has occurred. The Wisconsin DNR plans to monitor results of treatment on spray blocks of different sizes to determine if there is any affect of spray block size on treatment success over the next few years.

Darrell Zastrow, Director  
Office of Forest Sciences



# WISCONSIN STATE LEGISLATURE

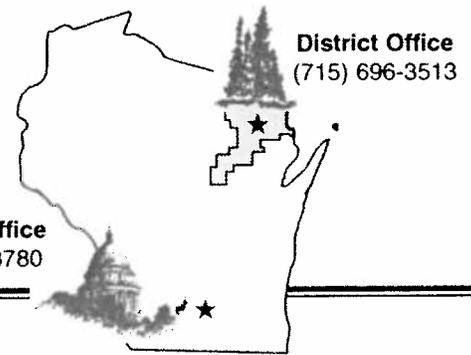


**LORRAINE M.  
SERATTI**

STATE REPRESENTATIVE  
36TH ASSEMBLY DISTRICT

P.O. Box 8953, State Capitol • Madison, Wisconsin 53708-8953  
Toll-Free: (888) 534-0036 • Fax: (608) 282-3636 • Rep.Seratti@legis.state.wi.us

**Madison Office**  
(608) 266-3780



## **Testimony to the Assembly Committee on Forestry**

On Assembly Bill 9

State Representative Lorraine M. Seratti

February 11, 2003

Thank you Chairman Friske and members of the Assembly Forestry Committee. I am here today in support of Assembly Bill 9 as amended by Assembly Amendments 1 and 3. This bill was introduced by the Joint Committee for the Review of Administrative Rules (JCRAR) at my request, on behalf of Marinette County and the Town of Stephenson.

Gypsy moths are a threat to the Northwoods of Wisconsin. The gypsy moth caterpillars destroy massive amounts of leaf materials and can cause wide spread defoliation. Defoliation hurts both the forestry and tourism industries, as well as individual private landowners. The caterpillars can be killed with an insecticide known as *Btk*, which is applied through aerial spraying.

On November 7, 2002, the JCRAR held a hearing on NR 47.913. The rule specified that in order to qualify for aerial application of *btk*, a spray block of at least 40 contiguous acres had to be assembled. In the northeastern part of the state, a great deal of the land is divided up into 2-3 acre parcels. This makes it very difficult to organize a 40-acre spray block. During the rules hearing, the rule was changed to allow for 20-acre spray blocks.

The 20-acre spray blocks will allow more landowners to participate in the spray program, thus diminishing the gypsy moth population. Many landowners would like to have their land sprayed with *btk*, but cannot do so because they are unable to form a 40-acre block. It is my hope that smaller spray blocks will give more landowners the ability to protect their property.

In order to effect a permanent change, the JCRAR had to introduce legislation. Due to the nature of the JCRAR process, the words "contiguous and compact" were excluded from the legislation. The DNR believes and I agree, that this would have put an undue hardship on the finances of the gypsy moth suppression program. Assembly Amendment 1 will rectify the situation.

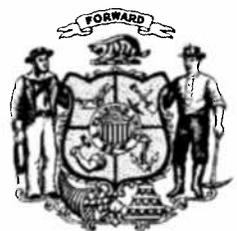
The DNR has also experienced a problem of gaining consent from absentee landowners. Often times, one or two landowners can break up a spray block not through their active objection, but through their unresponsiveness. The DNR has assumed that anybody who fails to give his or her consent objects to the application of *btk*. Assembly Amendment 3 will set forth a set of criteria by which the DNR shall inform the public of the potential for *btk* spraying on their land. If the landowner does not object in a timely manner, the DNR may assume that the landowner is giving their implied consent to the spraying.

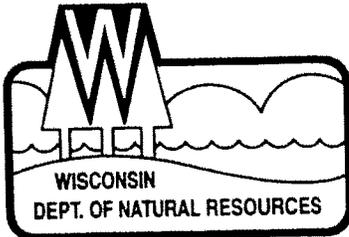
The need for this legislation is critical, as the infestation is spreading into Florence, Menominee and Oconto Counties. The moths are also beginning to move into the newly created Tommy G. Thompson Centennial Park and the Peshtigo River State Forest. It is fiscally unwise to have the state purchase land and then allow it to be defoliated within two years time.

Lastly, with our current fiscal crisis we cannot allow these infestations to be a deterrent to garnering any potential tourism and forest products revenues to the state's treasury. I respectfully ask for swift passage of AB 9 as amended.



# WISCONSIN STATE LEGISLATURE





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

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Madison, Wisconsin 53707-7921  
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### Assembly Bill AB9

#### Assembly Committee on Forestry

Department of Natural Resources Testimony  
Darrell Zastrow, Director  
Office of Forest Sciences  
January 11, 2003

Mr. Chairman and Committee Members:

Hello. My name is Darrell Zastrow and I am the Director of the Office of Forest Sciences within the Department of Natural Resources' Division of Forestry. I appreciate this opportunity to appear before you to discuss AB9.

The Department of Natural Resources opposes AB9. As currently written, this bill does not specify that parcels of 20 acres must be contiguous and compact and thus would allow participation of geographically separated smaller parcels that only together add up to 20 acres or more. Inclusion of these spray block fragments would jeopardize federal cost sharing and increase the cost of treatment and administration for all participants. Treatment of parcels of less than 20 contiguous acres is also less likely to provide adequate protection from defoliation as these small parcels can be quickly re-infested.

Federal cost sharing is available to states from the USDA Forest Service to help pay for aerial spray programs to suppress destructive gypsy moth outbreaks. Given this available support, the DNR decided in 2000 to offer a suppression program to the public in order to prevent defoliation and mortality of trees in our rural and urban forests and to minimize environmental damage from private attempts to suppress outbreaks. The cost sharing from the federal government is passed on to counties to reimburse costs of treatment and administration of the program to counties, municipalities and landowners. Reimbursement for residential lands in the suppression program is up to 50% of costs.

As specified for federal cost sharing, the DNR suppression program was designed to minimize costs and provide effective treatments for participants. Following advice from the Forest Service, we required parcels proposed for treatment be a minimum of 40 contiguous acres of compact and regular shape. We did allow participation of blocks of public land between 20 and 40 acres if they were isolated from suitable habitat for gypsy moth and thus were not subject to re-infestation. This exception was made at the request of municipalities concerned with protecting small community parks.

In November 2002, the Joint Committee for Review of Legislative Rules suspended parts of the description of eligible parcels resulting in a rule that defined eligible parcels to "be of at least 20 acres". This wording was interpreted by the committee and legislative counsel to mean that geographically separate parcels smaller than 20 acres could be added together on an application to equal 20 acres in order to be considered eligible for the suppression program. The Forest Service has written the DNR expressing their opposition to reducing the minimum parcel size from 40 contiguous acres. They are particularly concerned that

inclusion of parcels smaller than 20 acres would violate their program goals of effective treatment and economic soundness. If these goals are compromised by the inclusion of parcels of less than 20 contiguous acres, they have strongly suggested there may not be a federal role for supporting cost sharing for the entire Wisconsin suppression program. If revenue from federal cost sharing is withdrawn, reimbursement of 50% of costs will no longer be possible and thus the expense of the program for landowners, municipalities and counties will approximately double as compared to the program with cost sharing.

As the size of parcels in the spray program decreases, the cost of treatment and administration increases for participants. Treatment of small parcels is less efficient than that of larger parcels and the spray applicator will adjust the cost per acre accordingly, increasing the cost of treatment for all participants. If large parcels are fragmented into many smaller spray blocks, the amount of administrative work increases, as each parcel requires a minimum amount of preparatory work. It is estimated that the combined effect of these losses in efficiency in order to include parcels of less than 20 contiguous acres could result in increases in costs at the local level of 5-30%.

The DNR shares the concern of the Forest Service that decreasing parcel size could increase the risk of treatment failure. The insecticides used in the suppression program degrade within 10 days of application. If a sprayed parcel is located within a heavily infested area, we can expect that there will be movement of caterpillars up to 200 feet into the parcel resulting in feeding damage up to that point along all sides of the parcel. In parcels of less than 20 acres, it becomes difficult to prevent defoliation even in the core of the parcel, even more so if the sprayed area was not compact in shape.

Because of the potential increases in costs, decrease in revenue and reduction in effectiveness of treatments, the Department opposes bill AB9. This bill could be improved by requiring eligible parcels to be a minimum of 20 **contiguous acres of a compact shape**. With this additional language, we think that it will be possible to avert withdrawal of Federal funds and minimize cost increases for treatment and administration.

I appreciate this opportunity to express the Department's opposition to AB9 and would be glad to answer any questions you might have.