

Report From Agency

REPORT TO LEGISLATURE

NR 45.04(1)(g), Wis. Adm. Code

Regulation of firewood entering department lands and affecting small businesses

Board Order No. FR-19-06

Clearinghouse Rule No. 06-065

Basis and Purpose of the Proposed Rule

The purpose of this rule is to regulate firewood entering properties managed by the department to reduce the risk of introduction and spread of emerald ash borer and other invasive insects and diseases of trees. Wisconsin is currently free of emerald ash borer and several other invasive insects and diseases and prohibiting firewood from greater than 50 miles from the campground or from out-of-state sources will help prevent introduction of these invasives into our state parks and forests from which they could spread to private lands and our communities. Firewood from sources approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) would be allowed regardless of location of origin. Firewood in violation of this rule would be seized and treated or destroyed to prevent transmission of insects or disease.

Currently, emerald ash borer is established in Michigan, Ohio, Indiana, Ontario and Illinois and is moving primarily on firewood. Parks and campgrounds have been sites of new introductions as a result. This rule will support the external quarantine on host materials of the emerald ash borer and three other pests and diseases proposed by DATCP, provide additional protection for state parks and forests, set a good example for county, municipal and private campgrounds and reduce movement of firewood for use while camping. While this rule may cause some inconvenience for campers and firewood dealers that obtain firewood from areas distant to the campground, this inconvenience is dwarfed by the cost of infestation or establishment of emerald ash borer or other invasive pests to the public, industry and municipalities. To minimize any inconvenience, the department is working with firewood dealers and DATCP to assure a sufficient supply of safe and affordable firewood at department campgrounds.

Summary of Public Comments

While no one attended the public hearings held in Wausau, Green Bay and Madison, ten people did send e-mails or called to express their views on the proposed permanent rule. The messages and the department's responses are summarized below. Five out of the ten correspondents were supportive of the increased restrictions over the current prohibition on out-of-state firewood, two were against further restrictions and the rest had questions on allowable firewood. The several questions about using lumber as firewood raised the issue of whether we should modify the description of firewood. After discussion with forestry and parks staff we decided that such a change was unnecessary and that enforcement discretion could be used to allow wood onto the property in cases where kiln dried, milled lumber was presented as firewood.

Supportive of Further Restrictions

Sue Mattson – Supports regulation of firewood on DNR properties. Asks that regulation be extended to private campgrounds. An email response was sent and her concerns will be passed to DATCP which has the authority to regulate private campgrounds.

John Wozniak – Supports regulation of firewood but would like it to go further to not allowing any firewood onto state parks. He has some ideas for how to do this based on trips to Canadian parks. An email response was sent and his experience has been shared with parks staff.

Jerry and Linda Dezotell – Supportive of firewood restrictions. Wants regulation of firewood industry and has many good ideas as he is in the firewood business. He has been put in touch with DATCP and APHIS representatives so he can provide his input directly to the regulating agencies.

John Benzow – Suggests vigilance against skids, pallets and other packing material that comes in from overseas to many of our WI companies and may be given to employees for firewood. An email response has been sent.

Melanie Hendrick – DNR clerical assistant requested that we change the 50 mile limit to county limit to make it easier to explain and enforce. It was explained why we chose to use the 50 mile radius rather than county lines. Her experience (she was yelled at by a camper angry about the proposed 50 mile limit) has been brought to the attention of cooperating parks staff and asked that we make arrangements for someone in authority to take over if a camper becomes abusive.

Against Further Restrictions

Jim and Kim Thompson – Against further limitation of wood to within 50 miles though does support out-of-state restriction. At park wood too expensive and poor quality. An email response stated that we understood their concerns and have passed them onto the parks staff working on providing firewood.

Julie and Gary Allworden – Against further restriction of wood to within 50 miles. Additional expense to camp. An email response stated that we understood their concerns and have passed them onto the parks staff working on providing firewood.

Questions

Al Jacobson – Question on whether firewood restriction applies to lumber or pallets. An email was sent telling him that it did.

Clifford Begalke – Question on how to sell firewood on state properties. Explained he would have to work with the property manager.

Del Hennessy – Question on whether firewood restriction applies to lumber. An email was sent telling him that it did.

Gillian Connery - Had concerns about being able to collect firewood on state forests. Sent her a letter explaining rule would not affect firewood collecting but that her concerns would be included in the development of the permanent rule.

Modifications Made

The statement that the department may seize and dispose of firewood possessed in violation of this paragraph has been added. Other modifications made were as a result of the Legislative Council Rules Clearinghouse Report.

Appearances at the Public Hearing

No one appeared at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was revised to reflect the comments on the Rules Clearinghouse. The fiscal estimate remains unchanged.

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

This rule will impact campers, firewood dealers and some family businesses which sell small quantities of firewood adjacent to state campgrounds. We are taking actions to minimize these impacts. This rule is designed to prevent and limit the spread of invasive forest pests and diseases which pose a grave threat to Wisconsin forest and urban landscapes. This rule will help protect Wisconsin industries associated with tourism and forest products by protecting the resources on which they depend.

Under this rule all people who now have or make reservations at state campgrounds will be notified of the new policy on firewood during the reservation process. A public information and notification effect has been implemented so that people know and understand why we are taking this action to protect their public forests. While this rule will require campers to obtain firewood near their campsite, this small expense will be dwarfed by savings to individuals and private business in its contribution to forestalling the establishment of emerald ash borer and other invasive pests and diseases. Where emerald ash borer has been introduced, eradication often costs \$1,000,000 per site. Where this pest is established, homeowners must pay hundreds of dollars to remove yard trees killed by the beetle as well as suffer property value decline due to loss of the trees. Communities must bear the cost of removal and replacement of killed ash trees along streets and in parks. As an example, Michigan communities have requested \$6 million from FEMA to remove and replace street trees. Businesses that deal in nursery stock, logs and firewood are also impacted by establishment of emerald ash borer as markets outside the infested area no longer want their products or require inspections to show the shipment is pest free. We hope the camping public will understand that the cost of buying local firewood is well worth the savings in impacts to themselves and the state.

The department will work with the Department of Agriculture, Trade and Consumer Protection to ensure adequate supplies of safe and affordable firewood. Some firewood dealers may be initially impacted by this rule if they sell firewood from further than 50 miles of the state campground or from out-of-state. However, there is an abundance of firewood available in Wisconsin and these dealers should be able to shift to sources that do meet these criteria and avoid these impacts.