

Committee Name:

**Assembly Committee – Rural Affairs and Forestry
(AC–RAF)**

Appointments

01hr_AC–RAF_Appt_pt00

Committee Hearings

01hr_AC–RAF_CH_pt00

Committee Reports

01hr_AC–RAF_CR_pt00

Clearinghouse Rules

01hr_AC–RAF_CRRule_01–030_pt02

Executive Sessions

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Hearing Records

01hr_ab0000

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Misc.

01hr_AC–RAF_Misc_pt00

Record of Committee Proceedings

01hr_AC–RAF_RCP_pt00

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. FR-11-01

Legislative Council Rules Clearinghouse Number 01-030

Subject of Rules Cooperating forester program and private forestry priorities for assistance

Date of Transmittal to Presiding Officers July 10, 2001

Send a copy of any correspondence or notices pertaining to this rule to:

**Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LS/5, 101 South Webster**

**Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us**

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 1.212 and 1.213, Wis. Adm. Code
Cooperating forester program and private forestry priorities for assistance

Board Order No. FR-11-01
Clearinghouse Rule No. 01-030

Statement of Need

In 1999, the Department completed a review of the private forestry assistance program. As recommended in the study, the proposed rule will heighten recognition that simple, direct initial forestry guidance to private landowners is a critical service provided by the Department. Department foresters have an important role in other specific activities including the administration of forest incentive programs. More complicated or time consuming private forestry tasks, such as timber marking, however, should be a first priority for complementary service providers in private enterprise or other agencies rather than for Department foresters. The rule change would acknowledge that Wisconsin's private forestry assistance network is much larger than the Department itself and that others, like private enterprise, have important responsibilities.

The 1999 private forestry study also concluded that landowners would have more confidence in hiring private foresters who participate in the Department's Cooperating Forester Program if the cooperators agreed to consistently adhere to high forest management standards. Under the proposed rule, cooperators will agree to apply DNR silviculture and management standards wherever they provide forestry assistance. Currently, cooperators agree to follow DNR forestry standards only on work coming directly from DNR referrals, with a possibility of lower standards elsewhere. That variance can result in a lack of trust on the part of DNR foresters who promote the hiring of cooperators and a reduction in confidence from landowners considering the services of cooperators. The rule change will remove potential conflicts of a double standard. The rule will also raise the minimum continuing forestry education requirement for cooperators from six to ten hours per year in an additional effort to improve quality.

Modifications as a Result of Public Hearing

The Department removed the insurance requirement as a condition for participating in the cooperating forester program. Instead, the Department will request information on the cooperating forester application about insurance coverage carried by each firm. Insurance coverage will be specified in each forester's listing in the directory, allowing landowners to decide if it is an important factor in their selection of a cooperator to hire.

A note was added to clarify that the rule does not apply to timber being cut on land for land use conversions.

In s. NR 1.212(1)(e), administration of federal *forestry-related* cost-sharing programs was added as a top priority. In s. NR 1.212(1)(f), assistance to school and community forests was added. In s. NR 1.212(1)(h) and (2)(b), additional emphasis was placed on facilitating tree seedling orders and shipments and on providing tree planting advice.

Appearances at the Public Hearings and Their Position

April 11, 2001 – Stevens Point

In support:

Allan Waelchli, W7251 Belle Plaine Avenue, Shawano, WI 54160
Nancy Livingston, 832 8th Avenue, Hancock, WI 54943
John P. Czerwonka, 565 S. State Road 49, Wittenberg, WI 54499-963
Jeff Niese, Neise Rural Land Management, 40 Market Avenue, Port Edwards, WI 54469

In opposition:

Peter Johnson, Abrams Lumber Company, W1961 Ray Road, Seymour, WI 54165
Dan Kretz, Kretz Lumber Company, Inc., W8570 County F, Antigo, WI 54409
Al Koeppel, Kretz Lumber Company, Inc., P.O. Box 160, Antigo, WI 54409

As interest may appear:

George Rogers, 1032 Ridge Road, Stevens Point, WI 54481
Scott A. Eppler, Groeschl Forestry Consulting, Inc., 1750 Anderson Street, Three Lakes, WI 54562
Paul Ahlen, W10420 Beechnut Drive, Hancock, WI 54943

April 12, 2001- Eau Claire

In support:

Jack D. Edson, Wisconsin Woodland Owners Assn., S12824 County Road V, Strum, WI 54770
Keith Krajewski, Association of Consulting Foresters, S7051 County Road B, Eau Claire, WI 54701
Steve Edge, Society of American Foresters, 1910 Deepwood Court, Eau Claire, WI 54703

In opposition:

Pete Hilgers, 1770 Lone Pine Lane, Mosinee, WI 54409
Kris Denhardt, Northwest Hardwoods, 26445 100th Avenue, Cadott, WI 54727
Steve Pilgrim, Northwest Hardwoods, 3640 290th Street, Cadott, WI 54727

As interest may appear:

Rep. John Ainsworth, W6382 Waukechon Road, Shawano, WI 54166
David Lee, 1217 River Avenue East, Ladysmith, WI 54848
Jim Heevey, 144 27th Street, New Auburn, WI 54757
Glenn H. Carlson, Eau Claire, WI 54701

April 19, 2001 – Green Bay

In support:

Gene C. Lasch, N4815 State Highway 22, Shawano, WI 54166
Virgil Kopitske, Wis. Woodland Owners Assn., N795 Lessor Navarino Road, Bonduel, WI 54107
Lee J. Lehrer, Wis. Woodland Owners Assn., 916 Laurel Lane, Kaukauna, WI 54130
Merlin C. Becker, Wis. Woodland Owners Assn., N6888 State Road 22/110, Manawa, WI 54949
Georgiann Becker, Wis. Woodland Owners Assn., N6888 State Road 22/110, Manawa, WI 54949

Peter Wagner, Association of Consulting Foresters, 7702 Sinawa Road, Valders, WI 54245
Ellen E. Wagner, Wagner Woods and Wildlife, 7702 Sinawa Road, Valders, WI 54245
Larry Bonde, Manitowoc Co. Land Conservation Committee, 12211 Marken Road, Kiel, WI 53042

In opposition:

Jamie Waite, Krueger Lumber Co., Inc., 21324 U.S. Hwy. 151, Valders, WI
Al Koeppel, P.O. Box 160, Antigo, WI
Dan Kretz, Kretz Lumber Company, Inc., W8570 County Road F, Antigo, WI 54409

As interest may appear:

Wayne Wood, Right Path Forestry, P.O. Box 10914, Green Bay, WI 54307
George Howlett, Jr., 422 Keune Street, Seymour, WI 54165
Rep. John Ainsworth, W6382 Waukechon Road, Shawano, WI 54166
John Lubbers, 3255 Lakeview Drive, Suamico, WI 54173

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

The proposed rule should increase business for private enterprise. The changes in work priorities for Department foresters emphasize their role in giving landowners objective initial guidance followed by referral to private enterprise resource managers to implement the work. Raising the resource management standards and continuing education requirements will help build trust between the public and private forestry partners. It will also improve the confidence of landowners to hire cooperating foresters to assist them with their projects.

Most private consulting foresters and industrial foresters who worked on the development of the rules and the associated Cooperating Forester Agreement are in support of the changes. They believe that the commitment to higher management standards, investment in more training and other changes will be beneficial to their businesses and the health of the state's forests.

A minority of firms expressed dissent. They observed that landowners demanding service outside the bounds of the standards (such as an unsound timber harvest) would simply turn elsewhere, perhaps to a firm that would do even more environmental damage. They argued that although they would prefer not to help a landowner with a less than desirable cutting plan, their involvement could achieve at least some environmental protection (like erosion control), which is better than none. Some of the opponents also believed that raising forestry standards could inhibit a landowner's right to do as they wished on their property.

Since participation in the Cooperating Forester Program is entirely voluntary, those firms that are in disagreement with the new policies are free to continue their businesses independently from the program. The Cooperating Forester Program does not prevent non-participants from conducting business as they see fit or landowners from doing as they wish. Non-sustainable work, however, cannot be done under purview of the Cooperating Forester program. Supporters of the revisions, including landowner and forest industry representatives, believe that a voluntary Cooperating Forester program based on consistent standards would be effective and less obtrusive to business than mandatory forestry practice laws. The proposal is the kind of program that the public expects and landowners are demanding.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING, AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 1.213(3)(b) and (d) and to repeal and recreate NR 1.212(1) and (2) relating to the cooperating forester program and private forestry priorities for assistance.

FR-11-01

Analysis Prepared by the Department of Natural Resources

Statutory Authority: ss. 23.09(2)(h), 26.35, 28.07 and 227.11(2), Stats.
Statutes Interpreted: ss. 26.35 and 28.07, Stats.

Private Forestry Priorities for Assistance: Department foresters provide forest management assistance to over 10,000 private landowners annually. Requests for assistance, however, are significantly greater than can be served with available staff. NR 1.212(1) and (2) provide guidance in setting priorities followed by Department foresters when scheduling their work. The rule establishes initial management guidance to landowners, timber harvest advice, referrals to cooperating private foresters for timber harvest marking, forestry incentives program administration, and landowner education among the highest priorities. Less emphasis would be placed on providing complex or detailed services that may be available from private enterprise or on practices that are not mandatory under the forest tax programs. These changes are designed to make more efficient use of DNR staff time and to integrate state forestry services more closely with assistance available from private enterprise and other groups in order to serve as many landowners as practical.

Cooperating Forester Program: Department foresters and foresters in private enterprise offer complementary services, each having particular strengths in motivating landowners and helping them implement forestry practices. The Cooperating Forester Program was established by rule in 1989 to provide a framework for giving out landowners' forestry assistance requests to private consulting foresters and industrial foresters that participate. Lists of Cooperators' names are also provided to landowners wanting to make their own contacts.

The proposed rule requires Cooperating Foresters to apply DNR approved silviculture guidelines on all private land where they provide service. Currently, Cooperators agree to follow DNR forestry standards only on work coming directly from DNR referrals, with a possibility of lower standards elsewhere. That variance can result in a lack of trust on the part of DNR foresters who promote the hiring of Cooperators and a reduction in confidence from landowners considering the services of foresters on the Department's Cooperating Forester lists. The rule change will remove potential conflicts of a double standard. The rule will also raise the minimum continuing forestry education requirement for Cooperators from six to ten hours per year in an additional effort to improve quality.

SECTION 1. NR 1.212(1) and (2) are repealed and recreated to read:

NR 1.212 (1) PRIORITY I ACTIVITIES. The following activities, listed in order of significance, shall be the highest priority for department foresters providing private forestry assistance except that department foresters may exercise discretion in applying the priorities within this subsection and sub. (2) based on statutory requirements, seasonal needs and scheduling efficiency:

(a) A first time request from a landowner for management guidance including an assessment of the landowner's objectives, a walk-through or cruise of the property, educational and advisory information, written management recommendations or referral to other resource professionals.

(b) Timber sale guidance including forest reconnaissance, a written harvest prescription or a referral to other resource professionals.

Note: Timber sale guidance is distinguished from timber sale marking, which is listed in sub. (2)(a).

(c) Administration and oversight of the forest tax laws including review of petitions for eligibility, preparation of management plans, mandatory practices follow up and enforcement of the provisions of the law.

(d) Establishment of mandatory practices under forest tax laws in subchs. I and VI, ch. 77, Stats., if a cooperating forester has not provided assistance.

(e) Administration of the Wisconsin forest landowner grant program in s. 26.38, Stats., and federal cost-sharing programs related to forest management practices.

(f) One-to-one educational opportunities with private landowners and cooperating foresters; landowner or educator conferences, workshops and field demonstrations; assistance to school and community forests; and news articles.

(g) Major pest outbreaks or other catastrophic occurrences.

(h) Coordination of state tree nursery orders and shipments.

(2) PRIORITY II ACTIVITIES. The following activities shall be important, but a lower priority for department foresters providing private forestry assistance:

(a) Timber sale marking and volume designation including painting, flagging or otherwise marking individual trees or cutting boundaries for the purpose of a commercial harvest on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., but for which there is a written management plan and within the limitations specified in sub. (3).

(b) Tree planting advice on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., or a state or federal cost-sharing program.

(c) Certification of need and performance for federal cost-sharing assistance programs not immediately related to management of forests.

(d) Educational presentations to school groups, civic groups, or at parades or fairs.

(e) Development of forest stewardship management plans on lands not enrolled or for which there is no application for enrollment under the forest tax laws in subchs. I and VI, ch. 77, Stats.

(f) Facilitation of any forest improvement, pruning, thinning, site preparation, release or tree planting practices which are not mandatory under the forest tax programs in subchs. I and VI, ch. 77, Stats.

(g) Insect and disease surveys and recommendations other than those related to catastrophic outbreaks.

SECTION 2. NR 1.213(3)(b) and (d) are amended to read:

NR 1.213 (3)(b) ~~The cooperating forester shall manage private lands referred to the consulting or industrial forester where the cooperator provides service in a manner which complies with standards established by the department for the management of department land~~ maintains the long-term capacity of the land to provide forest products, uses and values desired by landowners in accordance with the

silvicultural guidelines in department handbooks and directives or a written, science-based forest management commitment submitted to and approved by the department in advance.

Note: This section does not apply to land use conversions, such as the change of forestland to agricultural use. Land use conversions are not considered to be forest management.

(d) The cooperating forester shall attend a minimum of 6 10 hours of department-approved training annually.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 27, 2001.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)

Fiscal Estimate — 2001 Session

- Original Updated
 Corrected Supplemental

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FR-11-01

Subject

NRB adoption of FR-11-01 to repeal and recreate NR 1.212(1) and (2) Private Forestry Priorities for Assistance; and amend NR 1.213(3)(b) and (d) Cooperating Forester Program.

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

- Increase Costs — May be possible to absorb within agency's budget.
 Yes No
 Decrease Costs

Local: No Local Government Costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Summary of Rule -

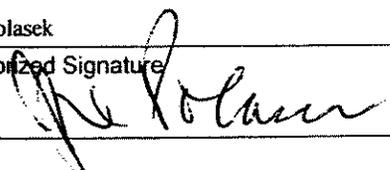
Private Forestry Priorities for Assistance: NR 1.212(1) and (2) provide guidance in setting priorities followed by Department foresters when scheduling fieldwork with over 10,000 private landowners annually. The rule is necessary because demand for assistance far exceeds available staff time. The revised rule establishes initial management guidance to landowners as the top priority with less emphasis on providing complex or detailed services that may be available from private enterprise. These changes are designed to make more efficient use of DNR staff time and to integrate state forestry services more closely with assistance available from private enterprise and other groups in order to serve as many landowners as practical.

Cooperating Forester Program: The proposed rule requires Cooperating Foresters (commercial foresters to whom private landowners are referred by the Department) to apply DNR approved silviculture guidelines in all their work. Currently, Cooperators agree to follow DNR forestry standards only on work coming directly from DNR referrals, with a possibility of lower standards elsewhere. That variance can result in a lack of trust on the part of DNR foresters who promote the hiring of Cooperators and a reduction in confidence from landowners considering the services of Cooperators. The rule change will remove potential conflicts of a double standard. The rule will also raise the minimum continuing forestry education requirement for Cooperators from six to ten hours per year in an additional effort to improve quality.

FISCAL IMPACT: None. The change in work priorities will only redistribute available staff hours among services, not add services or costs. Regarding the Cooperating Forester Program, participants receive no remuneration and pay no fees.

Long-Range Fiscal Implications

None

Prepared By: Joe Polasek	Telephone No. 266-2794	Agency Department of Natural Resources
Authorized Signature 	Telephone No. 266-2794	Date (mm/dd/ccyy) 05/23/01



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 01-030

AN ORDER to amend NR 1.213 (3) (b) and (d); and to repeal and recreate NR 1.212 (1) and (2), relating to the cooperating forester program and private forestry priorities for assistance.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

03-13-01 RECEIVED BY LEGISLATIVE COUNCIL.
04-03-01 REPORT SENT TO AGENCY.

RNS:WF;jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 01-030

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. Section NR 1.212 (1) (intro.) is incorrectly drafted as introductory material since it does not end with a colon and lead into the subsequent paragraphs. [See s. 1.03 (8), Manual.] Subsection (2) (intro.) was drafted correctly in this regard.

b. The phrase "but is not limited to" in s. NR 1.212 (1) (a) should be deleted. [See s. 1.01 (7) (c), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The second sentence in s. NR 1.212 (1) (intro.) is unnecessarily ambiguous. If the activities described in the subsection are listed sequentially in order of significance, the subsection should say so. If something else is meant by this sentence, the department should more clearly explain what that is.

b. The note following s. NR 1.212 (1) (b) is drafted in a manner that is unclear. The department should explain how timber sale guidance or information is different than marking timber sales. In addition, it is suggested that the note state that timber sale marking is listed in s. NR 1.212 (2) (a).

c. The phrase "non-mandatory" should be replaced with "not mandatory" in s. NR 1.212 (2) (e).

d. Read literally, s. NR 1.213 (3) (b), as amended by Clearinghouse Rule 01-030, is a directive from the department to cooperating foresters to manage all private lands. It is suggested that the word "all" be deleted and that the phrase "under his or her management" be inserted after the word "lands" in this paragraph.

Mr. Holzwart: It was a goal of the master plan process that would come up in the final action. He stated, he felt they would leave the closed area as is, which is the middle of the property and have the rest all open for hunting (over 3,000 acres). They would have a protected area right in the middle of a big project.

Mr. Poulson: Regarding the east end near the highway, is it farmland?

Mr. Holzwart: There are some rolling terrain here, where there are some low areas that aren't farmed. There are some large marshes in places that have muck farming on it now. It gets a little wooded and recreation a little south of that area.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler approval of Feasibility Study and Environmental Assessment for the Grand River Marsh Wildlife Area 3,440 boundary expansion as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.4. Approval of Forest Legacy area boundaries.

Gene Francisco, Administrator for the Division of Forestry, presented the approval of Forest Legacy area boundaries. He stated, the Board was briefed last fall regarding the Forest Legacy Program on purchasing development rights on forested areas. The application was approved and they have received a million dollars this year to begin the Legacy Program in Wisconsin. Mr. Francisco stated, they were on the way to protecting large blocks of forests. The goals of the Forest Legacy Program are to protect those values and attributes that led them to designate the area as environmentally important; maintain the ability of the forest to produce forest products on a sustainable basis; maintain other traditional and non-destructive uses; protect important fish and wildlife habitat; protect existing cultural resources; protect or enhance rare or unique habitats and their associated species; protect watersheds; increase the amounts of continuous forest by maintaining or creating large blocks of forest protected from fragmentation; create public use opportunities where appropriate; and reduce forest fragmentation by retaining large. Mr. Francisco displayed a map to identify the four Forest Legacy Areas. He stated, the northern forestry identifies the different land uses and types. The map that was viewed was approved by the federal government and the staff didn't have time to make the change. What they agreed to in the northern area was to run the line with Highway 29, entire block of Oconto County forest, which includes a lot of private land that is under our tax law program. Highway 141 is turning into a four lane highway and there is extreme pressure for development for residences in the Green Bay area. He stated, his recommendation was to run the line down Highway 29. That application will need to be submitted and it does meet the criteria. In the Central Legacy Area Mr. Francisco pointed out the public lands and the privately owned lands that are primarily industrial forest lands. Also included were the Baraboo Hills area, one of the largest blocks of continuous forests in southern Wisconsin and the Kettle Moraines. The Kettle area contains the largest block of forest in southeastern Wisconsin. Mr. Francisco stated, all these areas were included within the legacy area with the thought that at some point in time in the future they would have the opportunity to purchase development rights and maintain those blocks of land.

Ms. Stepp: What is the goal of the Department development rights in the areas?

Mr. Francisco: That would be the goal of the Legacy Program. To try and get the development rights and access rights. It is up to the Board as to whether or not they wish us to invest public money in doing that. Each parcel will come back to the Natural Resources Board.

Secretary Bazzell: I would point out that there is a larger strategy involved. We have the environment committees looking at the issue of the middle Kettles. They have had prior Board direction to look at ways to secure state ownership to connect northern and southern. I feel that what Mr. Francisco was discussing was one of the tools that will be available to them to accomplish that objective.

Ms. Stepp: But we are not going in a direction of no more development in the Delavan area?

Mr. Francisco responded, if you are a landowner in this area, it is all voluntary.

Mr. O'Brien: What is the advantage when the federal government gives us grants

Mr. Francisco: There is \$50,000,000 a year available and could be increased to the states. There are 20 states involved in the program at this time. We have applied for federal funds, they get the cost share grant up to 75 percent federal money and 25 percent state money. The idea is to purchase development rights and I would assume any other rights that we would want to purchase to protect and maintain those areas as forested areas, managed as forests.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson approval of Forest Legacy area boundaries as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.5. Authorization for hearing on revision of s. NR 1.212(1) and (2), Wis. Adm. Code, pertaining to Private Forestry Priorities for Assistance, and revision of s. NR 1.213(3)(b) and (d), Wis. Adm. Code, pertaining to Cooperating Forester Program

Paul Pingrey, Private Forestry Specialist, gave a presentation of private forestry supporting the authorization for hearing on revision. Mr. Pingrey stated, the Division of Forestry would like to ask the Board's help in implementing some rules to help bring about some effective changes. The first change relates to how DNR foresters set priorities. Although, they give on-site service to about 10,000 landowners a year, the actual demand is two to three times that amount. To get the job done, DNR foresters cannot do all the work themselves. He stated, they needed DNR foresters to concentrate on what they do well and rely on partners (private foresters, forest industry, landowner groups, UWEX, other agencies) to also play to their strengths. The rule revision recognized that work and some mandatory programs take so much time from our existing staff they seldom get to other services the public says they value most. It reinforces the need for more private forestry assistance resources. Mr. Pingrey reviewed DNR and private foresters phases of operations. He further stated, the rule change requires the cooperators follow sound forestry standards in all their work. The rule also increases the annual continuing education requirement from six to ten hours. Mr. Pingrey stated, in order to provide ample opportunity for comments, they are asking for three hearings in Green Bay, Stevens Point and Eau Claire.

Chairman Solberg: Is the northern part of the state was being covered for these hearings.

Mr. Pingrey: The foresters that helped us pick the sites felt that Eau Claire was easy to get to as well as Stevens Point.

Mr. Poulson: How many different foresters do we have? We have the DNR foresters, private foresters, county foresters are there any other foresters?

Mr. Pingrey : There are three types of foresters that help private landowners. That is the DNR, consulting foresters or independent foresters who work for the landowners (landowners hire them) and industrial foresters.

Mr. Tiefenthaler: How do the counties get DNR foresters to manage county properties? Aren't there U.S. foresters working on the management of national properties?

Mr. Pingrey: Chapter 28 establishes this cooperative relationship between the state and the counties to running the country forests. In that statute, the state agrees to provide technical assistance to the counties. Many counties have country forest administrators who handle the business end but the DNR foresters working on those country forests provide the technical end. The federal employees work the national properties, the state isn't providing assistance.

Mr. Behnke MOVED, seconded by Ms. Stepp the authorization for hearing on revision of s. NR 1.212(1) and (2), Wis. Adm. Code, pertaining to Private Forestry Priorities for Assistance, and revision of s. NR 1.213(3)(b) and (d), Wis. Adm. Code, pertaining to Cooperating Forester Program as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

6.B.6. Authorization for hearing on revision of Order FH-12-01, Wis. Adm. Code, pertaining to reproduction by yellow perch in Green Bay.

This item was deferred.

6.B.7. Ice Age Trail – acreage goal modification, various counties.

Susan Black, Director of Parks and Recreation, Division of Land, presented information regarding the Ice Age Trail. She stated, it is a 1000 mile trail, about half of which is completed. It is a cooperation between the National Park Service, DNR and the Ice Age Park Foundation. It has been 50 years since we have been starting to develop the trail. Ms. Black suggested they be more aggressive on its completion. Ms. Black stated, since the year 2002 is going to be the year of the trails they would like to place emphasis on this, put some time lines to it and have a systematic, strategic get it done built.

Peter Biermeier, External Relations Planning and Trails Section Chief, Division of Land, reminded the Board that last month they approved a state trails network plan and the Ice Age Trail is an important part of that plan. He stated, it runs from the northwest section of the state to southern Wisconsin and continues up into Door County. Much of the state trails network plan that was brought to the Board previously has a lot of interlocking trails for hiking and biking that tie into this Ice Age Trail and that cross it. Mr. Biermeier stated, he considers it to be a very important trail from that standpoint. The funding for this trail most recently has been increased by the \$2,000,000 grant from the federal government which DNR is matching with Stewardship moneys in order to buy the parcels necessary for the trail. He stated, they additionally received about \$800,000 for the ice age reserve units. That money is used to fund full time interpretive people in the reserve units. Recent Federal Land and Water Conservation Fund match grants of \$2,000,000 were also available to the Department to assist with the protection of priority properties along the Trail. Mr. Biermeier stated, there is a great deal of urgency with this trail. They would like to get it completed as soon as possible. There are problematic areas in Dane, Washington and Waukesha counties, where the boundaries are being scrunched by the loss of green space. Mr. Biermeier stated, they are trying to move as quickly as they can and acquire the parcels that are available.

Doug Haag Real Estate Section Chief, Division of Land, spoke to the goal of getting the trail accomplished. They are trying to stress real estate activity through the Department efforts on land acquisitions in Washington, the mid Kettle is already a priority, the Kettle Moraine Nordic Unit with Kettle Moraine north unit and the south where the trail needs to connect between those two units.

WWOA Seedlings

the enclosed nuggets of information are "seedlings" meant for you to take action so that they will grow

Volume XV Number 1, March 30, 2001

Published as needed by Wisconsin Woodland Owners Association, PO Box 285, Stevens Point, WI 54481
715/346-4798

Private Forestry Hearings

Since the DNR 1999 Private Forestry Study, DNR, WWOA, private and industrial foresters have been working to improve the areas noted by the study. These hearings will cover two major changes, the DNR forester's work priorities and the Cooperating Forester Program Annual Agreement.

Proposed changes to workload priorities for DNR foresters are: **Highest priority items will be** initial management guidance to landowners, timber harvest advice (excluding sale marking or setup), referrals to cooperating private foresters for timber harvest marking, forestry incentives program administration (forestry cost-sharing programs), and landowner education. **Less emphasis will be placed on** providing complex or detailed services that may be available from private enterprise or on practices that are not mandatory under the forest tax programs.

In addition to providing private forestry assistance through DNR staff, the Department promotes the services of private and industrial foresters to landowners seeking help through the Cooperating Forester Program. These companies sign a **voluntary** annual agreement with the DNR and are listed in a directory (available through WWOA & DNR).

The goal of this program is to increase the number of landowners seeking professional forestry advice and the practice of sustainable forestry on private forestlands in Wisconsin. **Proposed changes to the Annual Cooperating Forester Agreement include:**

- cooperators will agree to manage **all private lands** in a sustainable manner (not just referrals from DNR)
- cooperators will disclose to landowners any potential conflicts of interest including those that may arise out of fee structures, relevant associations, or affiliations with other service providers, timber producers, or mills
- continuing education hours are increased to 10 hours/year for both DNR and cooperating foresters
- cooperators maintain liability insurance of \$1 million
- by signing this agreement, the cooperator agrees to assure that **employees of the cooperator** will comply with it for **all** landowner assistance regarding land management guidance and harvest of timber provided by the firm.

WWOA believes these changes will greatly enhance the goals of the Cooperating Forester Program, but your voice is needed! While most foresters welcome these changes, some private consultants and forest industries are strongly opposing these changes. If at the public hearings, only opposition is heard, it will be very hard to implement these changes. Public hearing dates are: April 11 - Public Library, Stevens Point at 1 pm; April 12 - DNR Headquarters, Eau Claire at 10 am; April 19 - DNR Headquarters, Green Bay at 1 pm. Written comments must be received by **April 27** and sent to Mr. Paul Pingrey, Division of Forestry, PO Box 7921, Madison, WI 53707. If you would like a copy of the hearing notice or draft Annual Cooperating Forester Agreement, call the WWOA office at 715/346-4798.

- **April 11, 12, 19** – Pursuant to ss.23.09(2)(h) 26.35, 28.07 and 227.11(2), Stats, the Department of Natural Resources will hold public hearings on the repeal and recreation of s. NR 1.212(1) and (2), Wis Adm. Code, relating to private forestry priorities for assistance and amendment of s. NR 1.213 (3)(b) and (d), Wis. Adm. Code, relating to the cooperating forester program. For more information, contact Paul Pingrey at (608) 267-7595. The hearings will be held on:
 - **April 11** - 1 p.m. in Pinery Room, Portage Co. Library, 1001 Main St., Stevens Point
 - **April 12** - 10 a.m. in the Large Conference Room, DNR Headquarters, 1800 Clairemont Ave., Eau Claire
 - **April 19** - 1 p.m. in the Large conference room, DNR Headquarters, 1125 N. Military Ave. Green Bay



Wisconsin Woodland Owners Association, Inc.

P.O. Box 285, Stevens Point, WI 54481-0285

www.wisconsinwoodlands.org



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April 23, 2001

Mr. Paul Pingrey
DNR, Division of Forestry
PO Box 7921
Madison, WI 53707

Dear Mr. Pingrey:

The Wisconsin Woodland Owners Association would like the opportunity to comment on the proposed changes to private forestry assistance and the cooperating forester program addressed in Public Hearing FR-11-01.

WWOA strongly supports the changes proposed for DNR forester's workload priorities and the voluntary Cooperating Forester Program.

These changes will be instrumental in meeting the goal of the DNR's Private Forestry Program in Wisconsin, which is to increase sustainable forest management on Wisconsin's private woodlands. Approximately 260,000 private woodland owners in Wisconsin will directly benefit from the changes that are being proposed.

The Cooperating Forester Program was established as a voluntary program to link private landowners to private consulting foresters and industrial foresters who agree to practice sound silviculture on private lands in Wisconsin. Today, sound silviculture has been broadened to encompass all the aspects of sustainable forestry. Foresters have the choice of participating in the program. This program does not impact private property rights as some opponents have stated. Landowners are still free to determine whether or not to use a forester when making forest-related decisions on their land. In fact, the proposed changes are designed to voluntarily aide private landowners who choose to work with a professional forester, by providing them with some basic assurances that the foresters who participate in this program will practice sustainable forestry on their land.

While the mission of this program is good, unfortunately since the program was initiated it has suffered due to unintended loopholes in the annual agreement. *These loopholes have allowed the destruction of Wisconsin's forest resources through inappropriate management advice and practices on the land, and lead to a loss of trust by all.* Agencies and organizations are reluctant to give this list to landowners, due to the lack of credibility associated with the list. In turn, landowners have experienced frustration in using the program because they lack the confidence and ability to determine who on the list will help them sustainably manage their lands and who has other motives. High quality professional foresters have expressed concern and even refrained from participating in the program because they do not want to be associated with the "bad actors" who have used the loopholes to be part of the program.

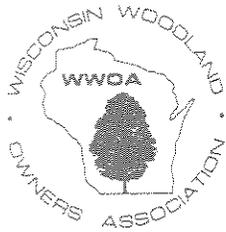
Problems with the Cooperating Forester Agreement were identified as a result of the 1999 Private Forestry Study. A committee of landowners, private and industrial consulting foresters, and DNR foresters was established to revise the annual agreement. Key to establishing confidence in the program was to clarify and refine the goals of the program. The committee identified goal is clearly stated above the signature line on the annual agreement, "By signing this agreement, the Cooperator agrees to assure that employees of the Cooperator will comply with it for all landowner assistance regarding land management guidance and harvest of timber provided by the firm and that the Cooperator accepts full responsibility for them."

WVVOA agrees with this goal for a number of reasons. First and foremost, private landowners want to manage their land sustainably and are seeking professional foresters who uphold these principles through their on the ground practices. Second, the practice of sustainable forestry benefits all citizens of Wisconsin by using the best scientific knowledge combined with social and economic concerns to manage our forests for our needs and those of future generations. Third, sustainable forest management enhances quality timber production, wildlife habitat, recreation, clean air and water, and the communities surrounding these forests. Fourth, private landowners cannot understand why other forest professionals would be against sustainable forest management; it is not good for forest industries, private lands, or the needs of this state. Fifth, these changes will project a positive image for professional foresters and forest management in Wisconsin to our citizens.

If these changes are not made to the Annual Cooperating Forester Agreement, the management of Wisconsin's private forests will not progress into the 21th century.

Sincerely,


Nancy C. Bozek
Executive Director



Wisconsin Woodland Owners Association, Inc.
P.O. Box 285, Stevens Point, WI 54481-0285
www.wisconsinwoodlands.org



April 26, 2001

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Representative John Ainsworth
State Assembly
PO Box 8952
Madison WI 53708

Dear Representative Ainsworth,

Thank you for your interest in Public Hearing FR-11-01, the private forestry hearing issues regarding DNR foresters workload priorities and the Cooperating Forester Program. I am enclosing a copy of the Wisconsin Woodland Owners Association's letter of support for these changes for your information. As a member of the committee that helped rewrite the standards, I would be happy to discuss any aspect of these proposed changes with you.

The goals of the DNR's private forestry program are being compromised by the current Cooperating Foresters Annual Agreement. As stated in our letter, the current loopholes in the Cooperating Foresters Annual Agreement have created distrust among those using the list and the foresters on the list. They have also allowed destruction of Wisconsin's private forest resources. Now is time to clarify these goals and strengthen the partnerships before this program is lost due to a lack of public trust and mismanagement of Wisconsin's woodlands.

I would welcome the opportunity to discuss the proposed changes with you at your convenience.

Sincerely,


Nancy C. Bozek
Executive Director

May 3, 2001

Jean, Dave and Dale Bartels
W7215 St. John's Church Road
Clintonville, WI 54929

Dear Jean, Dave and Dale:

Thank you for your recent e-mail communicating your support for the cooperating forester program.

The Wisconsin Natural Resources Board has proposed this program as an Administrative Rule. The Department of Natural Resources held three hearings in April regarding this proposed rule. Testimony collected at these hearings is currently being compiled by the Department, and will be referred to the Natural Resources Board for consideration at their June 27, 2001 meeting. The Board will then have the opportunity to either request revisions to the Rule or forward the Rule, as originally drafted, for legislative review. Should this Rule be referred for legislative review, I am assuming that it will be referred to the Assembly Committee on Rural Affairs and Forestry, of which I am chairperson. However, Assembly Speaker Jensen maintains authority to make all referral decisions.

I appreciate your comments on this important topic. I will keep your position on file, and notify you of future legislative consideration. As always, please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

JOHN AINSWORTH
State Representative
6th Assembly District

JA/khb

Boardman, Kristina

From: The Bartels [dbartels3@dcwis.com]
Sent: Wednesday, May 02, 2001 7:38 PM
To: Rep.Ainsworth@legis.state.wi.us
Subject: cooperative forest contractors bill

Dear Representative Ainsworth,

I am writing in regards to the cooperative agreement you are looking at in the forestry committee. I have had the opportunity to look over the document, and feel that it should be passed as written. Please help get this bill through as soon as possible. Thank you.

**Jean, Dave, and Dale Bartels
soon (05-18-01) to be the voters at:
W7215 St John's Church Rd.
Clintonville, WI 54929**

Boardman, Kristina

From: Pingrey, Paul E
Sent: Wednesday, May 09, 2001 9:08 AM
To: Gary, Tim; Boardman, Kristina
Subject: NR 1.21 hearing comments

Tim and Kristina,

I'm working on the analysis of the hearings that were held in April regarding the private forestry administrative rules. I'll be paraphrasing and grouping comments. Usually we don't attach names to comments unless they were made by a legislator or for a group that the Natural Resource Board should be aware of.

Following are two comments that I plan to attribute to Rep. Friske and Rep. Ainsworth. Could you check with Don and John to see if I've accurately captured their concerns?

- The existing Rule under NR 1.213 applying DNR forestry standards to work referred to Cooperating foresters is adequate. It could be enough to inspire trust in Cooperators if there were a better system of addressing disputes and dismissing Cooperators who use inconsistent practices. In the past twelve years of the program there have been few cases of Cooperators being expelled or not renewed due to infractions. Landowners and foresters have expressed frustration with current procedures that seem to lack decisiveness. An improved system to address grievances and complaints will do more to build trust than expanding the scope of the Rule. (Rep. Don Friske and others)
- It's no time to throw a landowner to the wolves when they are facing a financial hardship that may force them to liquidate some timber. In situations like that, a landowner should be able to get help from a professional, Cooperating forester to assure that they receive a fair price and to protect other resource values (such as erosion control). In real life not everything always fits nicely into scientific management. Providing help in such situations should cast no shadow on a Cooperating Forester's reputation. If a Cooperating forester does provide help to a landowner in such a situation, he or she should be given the opportunity to explain and justify the variance if questioned by the DNR. (Rep. John Ainsworth)

Thanks for your help,

Paul Pingrey
DNR Private Forestry Specialist
PO Box 7921
Madison, WI 53707

ph. 608-267-7595
e-mail pingrp@dnr.state.wi.us

Boardman, Kristina

From: Pingrey, Paul E
Sent: Wednesday, May 09, 2001 9:08 AM
To: Gary, Tim; Boardman, Kristina
Subject: NR 1.21 hearing comments

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Thanks for your help,

Paul Pingrey
DNR Private Forestry Specialist
PO Box 7921
Madison, WI 53707

ph. 608-267-7595
e-mail pingrp@dnr.state.wi.us

May 16, 2001

Mr. Dan M. Pubanz, Silvicultural Forester
Menominee Tribal Enterprises
P.O. Box 670
Keshena, WI 54135

Dear Mr. Pubanz:

Thank you for your recent letter communicating your support for the Department of Natural Resources' proposed Cooperating Forester Program. I specifically appreciate receiving the perspective of a silvicultural forester.

As you likely know, the Department of Natural Resources held three hearings in April regarding the proposed rule. Testimony collected at these hearings is currently being compiled by the Department, and will be referred to the Natural Resources Board for consideration at their June 27, 2001 meeting. The Board will then have the opportunity to either request revisions to the Rule or forward the Rule, as originally drafted, for legislative review. Should this Rule be referred for legislative review, I am assuming that it will be referred to the Assembly Committee on Rural Affairs and Forestry, of which I am chairperson. However, Assembly Speaker Jensen maintains authority to make all referral decisions.

Once again, I sincerely appreciate your comments regarding previously expressed concerns with the cooperating forester program. I will keep your position on file, and notify you of future legislative consideration. As always, please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

JOHN AINSWORTH
State Representative
6th Assembly District

JA/khb

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May 10, 2001

Mr. Trygve Solberg
Chair, Natural Resources Board
Box 50
Minocqua, WI 54548

Mr. Solberg:

I am writing in support of the Board's amending NR 1.213(3)(b) and (d) and recreating NR 1.212(1) and (2). I apologize that I am addressing this issue at such a late date.

The forestry profession must maintain its standards in providing scientifically-based, sustainable forest management to maintain its credibility with the public. It is imperative that those foresters who choose to provide less than this standard not be endorsed by the Department of Natural Resources. To do otherwise will justifiably reduce the public's trust in the Department's ability to sustainably manage the resources of the state.

The claim is made that implementing these changes will eliminate technical forestry assistance to those landowners that wish to mine their forests for short-term economic gain. Realistically, this type of timber cutting requires only limited technical forestry expertise. Log buyers for sawmills are very capable of capturing the economic value of standing timber. The poor management on these properties is often very noticeable to the general public, as a drive down Hwy 29 west of Shawano ably demonstrates. All foresters, and the Department, are harmed by these actions. In the eyes of the public, poor management is more noticeable than good management and all resource managers become stigmatized.

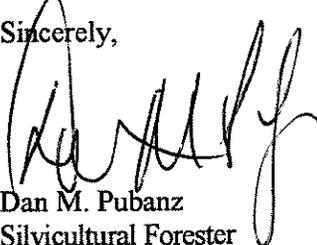
Some claim that this is a private property issue. I believe in legal private property rights; these changes do not affect what a person does with their property. It simply, and correctly, precludes involvement by DNR-endorsed foresters in unsustainable forestry practices. Few other reputable professions allow their practitioners to perform unsanctioned actions simply because the client desired to do so. A landowner retains the right to liquidate their forest and there is no taking of private property rights.

The very minor penalty of not listing those foresters who choose not to always practice sustainable forestry will not seriously preclude their ability to practice their trade. It will work toward improving the public's opinion of the professional standing of foresters and land management agencies. We would not allow a doctor to only practice sound surgery when at the hospital, and meatball surgery in his kitchen. Neither should we allow trained, professional foresters to practice sustainable management only when they have to. To enhance the economic and biological quality of our natural resources, all resource managers must promote sustainable practices at all times. In my opinion, more significant penalties than simply delisting are warranted for not managing sustainably, but I am willing to accept half a loaf.

I would add a further recommendation for the Board's consideration. Many private foresters currently charge for services based on a percentage of the value of the timber cut. This inherently leads to a conflict of interest since the forester will be compensated based on how much value is cut -- the more value, the higher the payment. To reduce this problem considerably, all private foresters should charge for services at an hourly rate. This is why DNR foresters have no problem promoting sustainable practices -- they are compensated regardless of the value of the harvest. An hourly rate would provide a buffer between the personal interests of the forester and those of the landowner, and it will reduce the forester's incentive to mark certain trees based on desired compensation.

Listing with the DNR is voluntary and professional foresters retain the ability to choose which direction they want to take their practice. With these changes, the DNR has simply strengthened its commitment to sustainable management. I hope that these changes represent a first step in ensuring that professional foresters always practice sustainable resource management.

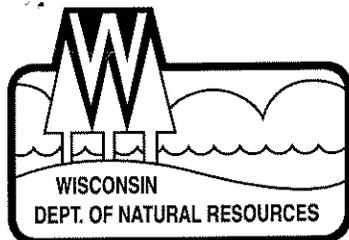
Sincerely,

A handwritten signature in black ink, appearing to read 'Dan M. Pubanz', written over the word 'Sincerely,'.

Dan M. Pubanz
Silvicultural Forester

c: Rep. John Ainsworth, Chair, Assembly Committee on Rural Affairs and Forestry

JUL 13 2001



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

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

July 5, 2001

The Honorable John Ainsworth
Member of Assembly
Room 309 North
State Capitol

The Honorable Donald Friske
Member of Assembly
Room 312 North
State Capitol

Dear Representative Ainsworth and Representative Friske:

On June 27, the Natural Resources Board approved revisions to Chapter NR 1.21, Wisconsin Administrative Code, related to private forestry assistance and the Cooperating Forester program. The Assembly and Senate will have an opportunity to review the rule changes before they go into effect, and so I would like to address some concerns you expressed during rule hearings last April.

First, the overall reaction to the rule revision has been encouraging. In addition to the many people who came to the spring hearings, four individuals (Nancy Bozek of the Wisconsin Woodland Owners Association, Allan Waelchli and Peter Wagner of the Association of Consulting Foresters, and Dan Kretz of Kretz Lumber in Antigo) provided public input during the Board meeting in Kenosha. All four spoke well of the DNR-Cooperating Forester relationship and the process we followed to develop the rule.

Dan Kretz elaborated on a few issues that had been raised earlier during the Stevens Point, Eau Claire and Green Bay hearings that you also participated in. His comments were in regard to the provision requiring Cooperating Foresters to follow sound forestry practices whenever they provide service to private landowners. Dan explained the concept has merit and he fully endorses promoting sustainable land management. His concern, and I believe yours was too, is that some DNR foresters can be rather narrow in their focus regarding which practices fall within the definition of "sound forestry".

The Department's silviculture guidelines are quite broad. Many legitimate alternatives for management of a particular tract based on the site's ecological capability and how we can best serve the needs of a landowner are usually available. As in any profession, however, it is not unusual for individual foresters to favor certain techniques. Dan Kretz emphasized that for the rule to work, the Department needs to provide for proactive communication about differences in opinion rather than rely on confrontational enforcement procedures.

I fully agree and appreciate the wisdom of Dan's remarks. Landowners' objectives are influenced by complex personal situations. If their demands require atypical approaches, a careful analysis of the full range of options is merited before rejecting any out of hand. Foresters should consider any *scientifically*

and ethically valid approach that keeps land in forest cover and provides future re-growth, water quality, and environmental and economic benefits without rigid insistence on a particular technique.

To that end, I have instructed the Forestry Bureau to develop a proactive communication procedure with Cooperating Foresters that will be laid out in the Private Forestry Handbook. The procedures will encourage Cooperators to contact Department foresters in advance if they are concerned that work on an owner's property may raise silvicultural questions. The Cooperators will be free to request that the DNR Team Leader, Regional Forester, silviculturist or other objective party also be involved in the discussion. There is no guarantee that the Department will concur with a practice, but no one should feel they are being hampered by a narrow definition of the options. I also want Department foresters to be encouraged to work and frequently meet with Cooperators to develop rapport and trust. These measures will be in addition to the formal, written "management commitment" alternative in the rule that allows Cooperators to propose management techniques not encompassed in existing policies. In the event of disagreements, the dispute resolution process in the Cooperating Forester Agreement will also provide a fair review of any differences that arise.

The Forestry Bureau will also be conducting a survey of Department and Cooperating Foresters to find out if there are any particular problems that need to be followed up on at this time. Where appropriate, we will carry out interviews this summer and fall and pursue corrective action. We plan to complete the survey again in 2004 to measure improvements and see if any additional changes are merited.

Thank you for your efforts to assure productive change is being made to the private forestry assistance program. I am confident that adoption of the private forestry rule approved by the Natural Resources Board will provide a solid foundation on which the relationship between the Department and foresters in private enterprise will flourish. I request your support for the changes and welcome any additional comments you may have.

Sincerely,



Gene Francisco
Chief State Forester

Cc: Dan Kretz
Nancy Bozek
Allan Waelchli
Peter Wagner
Paul DeLong
Natural Resources Board
Darrell Bazzell

Boardman, Kristina

From: Francisco, Gene L
Sent: Sunday, August 12, 2001 8:35 PM
To: Boardman, Kristina
Cc: Gary, Tim; Pingrey, Paul E; DeLong, Paul J
Subject: RE: CHR 01-030

Representative Friske and I agreed that there would be no need to revise the rule. The issues were:

1. How will we enforce the rule? We will, as soon as practical, establish a conflict resolution board that is made up of private and public forestry interest group representatives. This will be codified in our private forestry handbook. The Board will review complaints and make recommendations to the State Forester on how the complaint should be resolved.

2. How will we ensure that DNR and private foresters will understand the forestry practices parameters within which they must work?

- a. We will conduct informational workshops throughout the state that will outline the parameters within generally accepted forestry practices.
- b. We will publish a field guide that will outline generally accepted forestry practices for use by foresters, woodland owners and forestry practitioners.

3. How will we know if this rule is working as proposed? We will conduct an evaluation after this rule has been in effect for two years and present a report to the Assembly Committee on Rural Affairs and Forestry.

I think I have captured our discussion. If I missed something, Tim Gary sat in on the discussion. Perhaps he can confirm what I have written.

Gene



Allan G. Waelchli

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August 13, 2001

John Ainsworth
Chairperson
Assembly Committee on Rural Affairs and Forestry
P.O. Box 8952
State Capitol
Madison, WI 53708-8952

Dear Chairman Ainsworth,

As a practicing consulting forester in the State of Wisconsin for the past 19 years, I urge you and all of the committee members to support the approved revisions made by the Natural Resources Board to Chapter NR1.21 Wisconsin Administrative Code, relating to the private forestry assistance and Cooperating Foresters program. The changes will improve the services provided to the woodland owners in our State. Over the past two decades I have encouraged the proper management of the privately owned woodlands to all of my clients. Most are willing to accept the scientifically based management with only a few selecting to travel on their own a different management path.

I wish to remind the Committee that the Cooperating Foresters program is a volunteer one that should present the management of the forests in Wisconsin as a sustainable resource, not one of cut and get out.

Sincerely,

A handwritten signature in cursive script that reads "Allan Waelchli". The signature is written in black ink and is positioned above the typed name.

Allan Waelchli ACF



Wisconsin Woodland Owners Association, Inc.
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August 14, 2001

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TO: Assembly Committee on Rural Affairs and Forestry

FROM: Nancy C. Bozek
representing the Wisconsin Woodland Owners Association

RE: Clearinghouse Rule 01-030, relating to the cooperating forester program and private forestry priorities for assistance.

Thank you for allowing the Wisconsin Woodland Owners Association the opportunity to speak. **WVOA strongly supports the changes proposed for the DNR forester's workload priorities and the voluntary cooperating forester program.**

The Wisconsin Woodland Owners Association (WVOA) is a nonprofit, educational association for private woodland owners in Wisconsin. WVOA cosponsors workshops, field days, and conferences throughout Wisconsin. WVOA also publishes a quarterly magazine, called *Woodland Management*. I would encourage you to join us, so that you can keep up-to-date on the issues facing private woodland owners in Wisconsin.

The goal of DNR's private forestry program is to increase sustainable forest management on Wisconsin's private woodlands. In Wisconsin, approximately 260,000 private individuals hold 61% of our forests. As a result of the DNR's 1999 Private Forestry Study, many recommendations were made for improving services to private woodland owners. As a partner in designing today's proposed changes, WVOA feels they are key to reaching the goal of the private forestry program.

The most significant change being proposed will require Cooperating Foresters to use DNR approved silvicultural guidelines on all private lands where they provide service. This change will be instrumental in clarifying the program's goal to landowners and participating foresters. In addition, this will directly benefit Wisconsin's forest resources and the citizens of this state. Throughout the public hearing process on this matter, private woodland owners overwhelmingly supported this proposed change to the program for a number of reasons:

- *The Cooperating Forester Program is a voluntary program.* It is voluntary for foresters to participate in the program and it is voluntary for landowners to use the foresters within the program. The DNR recognizes that there are some foresters, forest industries, and landowners that choose not to participate in government programs. Their lack of participation does not imply that they are not interested in sustainable forestry.
- Instead, the proposed changes to this program will provide some basic assurances to landowners that the foresters who participate in this program will practice sustainable forestry on all private lands under their control.
- Landowners using the directory *expect* the foresters listed to provide sound silvicultural advice and use these practices on their land. They feel it is implied by the creation of a directory in which DNR promotes the services of these foresters.
- Many woodland owners become interested in "doing something" with their woodlands but do not have enough expertise to determine a sustainable forestry practice from a nonsustainable practice. By providing landowners with a list of foresters who adhere to these standards, we believe more landowners will feel comfortable in seeking forestry advice.
- This program does not impact private property rights as some opponents have asserted. If it did, WWOA may not be supporting these changes. In Wisconsin, landowners are free to determine whether or not to use a forester when making forest-related decisions regarding their land. There are some landowners, who may choose not to practice sustainable forestry for whatever reason. This program respects their decision. These landowners have access to many foresters or forest industries that choose not to participate in this program.
- The general public also has an increasing interest in sustainable forestry. By implementing this change within a voluntary program, the DNR can reaffirm its commitment to sound forest management.

In WWOA's opinion, we have found a win-win situation because Wisconsin's private woodland owners, DNR, private consultant and industrial foresters agree that clarifying the role of a cooperating forester will result in more of Wisconsin's private forests being managed sustainably! Thank you.

Testimony submitted by Ken Sloan, retired DNR Northern Region Fire Management officer and former member of the Statewide Forestry Policy Team, to the Assembly Committee on Rural Affairs and Forestry, August 15, 2001, Laona, WI

Forestry in Wisconsin - Issues and frustrations

Observations:

- Less time is being spent on forestry activities – despite a small increase in forestry staffing
- Less service to Private forest land owners
 - Managed Forest Law backlog doubled – has reached 14,000 overdue practices, involving some 216,400 acres
- County forestry commitments are still not being met.
- Less money is available for critical work. Continue to hear comments like “No money for fire training”
- Field people no longer interested in promotions (no technical career ladder)
 - Still trying to fill my Regional Fire Management Officer vacancy after more than a year.

Attempts to resolve the issue internally continue to be ignored:

- Field level feedback from Staff Experts and Employee listening sessions have identified reduced accomplishments and lower morale
- Central Office Program reviews have identified lack of consistency and communication difficulties
- Outside audits have raised serious questions (USFS audit questioned our ability to carry out a safe, effective fire management program with our current organizational structure)
- County forest pressure leads to promises, but no action.
- Attempts to create an effective Division of Forestry languishes
 - Established a DIV admin as required by law, but still have taken no additional action.
 - Continue to be the only Division with only one bureau and share supervisors with another division

Department of Forestry

What is needed?

1. A staff structure large enough to effectively manage a complex forestry program that is larger than a number of existing cabinet departments.
2. A supervisory structure capable of implementing our forestry program in an efficient, consistent manner
3. Fiscal accountability. Ensuring that tax money collected for forestry purposes is spent as intended.

Goofy Idea?

- Forestry, at 600 employees, is larger than a number of existing cabinet departments
- Already done in eleven other states, several others have forestry and other resource programs in separate departments
- Resource management and protection is handled by a number of separate agencies at the federal level (USFS, Fish&Wildlife, Soil Conservation Service, Environmental Protection Agency, Corps of engineers, etc.)
 - Attempts to create federal DNR opposed by many of the same groups now opposing a DOF
 - Feared a large, bloated bureaucracy.
 - Individual agency missions would lose focus and be lost in the morass.
 - Would be impossible to effectively support specific interests or figure out whom to hold accountable for concerns.
- Need not be totally separate – similar to agencies working together at the county courthouse – different sign over the door.

Ken Sloan
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