

**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\_CRule\_01–30\_pt04a

**Executive Sessions**

01hr\_AC–RAF\_ES\_pt00

**Hearing Records**

01hr\_ab0000

01hr\_sb0000

**Misc.**

01hr\_AC–RAF\_\_Misc\_\_pt00

**Record of Committee Proceedings**

01hr\_AC–RAF\_RCP\_pt00

08-15-01 (Laona)  
CHR 01-030

# Committee Meeting Attendance Sheet

## Assembly Committee on Rural Affairs and Forestry

Date: August 15, 2001 Meeting Type: Public Hearing  
Location: Laona Community Building

<u>Committee Member</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
Rep. John Ainsworth, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Donald Friske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Stephen Freese	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tom Sykora	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Barbara Gronemus	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep. Mary Hubler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Totals:	<u>4</u>	<u>0</u>	<u>4</u>

Kristina Boardman  
Kristina Boardman, Committee Clerk

Have Fredi get copy of ~~Collette's~~ ~~Matthews~~ ~~Article~~

1. Introductions
2. Gene Francisco - In favor of rule - 1 copy handed in
3. Virgil Kopitske - In favor of rule - just spoke
4. Lee Lehrer - In favor of rule - just spoke
5. Roger Perrault - In favor of rule - just spoke
6. Nancy Bozek - In favor of rule - Copies handed out.
7. Gene Lasch - In favor of rule - just spoke
8. Dan Kretz - Speaking for informational purposes - just spoke
9. ~~Collette~~ Matthews - In favor of rule - just spoke
10. Gordon Connor - Threats to State: Private Forestry
  - fragmentation of forests
  - Purchase of development rights by state w/ funds from Stewardship \$ might be more wise use of \$ (NY, NC, NH) (just spoke)
11. Ken Sloan
  - Remind John to review time sheets <sup>for foresters in DNR</sup> (handed out copies)
12. Gene Lasch - Legislature should be working with DNR to fix forestry problems. Reorganization doesn't save money. Creating a reorganization lowers morale & wastes time & resources. DNR should do reorganization because legislature is too busy & DNR knows how to do it better.
13. ~~Collette~~ Matthews - DOF would give DNR foresters a forum to express concerns w/o fear of retribution.  

Ag committee  
Thurs. Cancelled
14. Lorraine Scrafti - It's not w/o precedent that legislature creates or reorganizes departments. DNR field foresters already had low morale
15. Don Ryke - Split isn't about weakening DNR, it's about strengthening forestry.

not re H concerning the rule

LAONA TOWN CLERK  
DEBRA THOMPSON  
COLLECTOR  
(715) 674-4071  
802-2908

(715)  
674-7202  
Community Bldg  
phone

LAONA COMMUNITY BLDG.

5233 BEECH ST  
LAONA

LAONA TOWN CLERK  
DEBRA THOMPSON  
(715) 674-4071

Laona Town Clerk  
Debra Thompson  
(715) 674-4071

Laona Community Bldg.  
5233 Beech St  
Laona

August 15<sup>th</sup>  
Mon 1-3 or 4  
??

Gunnar Bergersen

255-7211

(608)

235-5345

→ cell phone

Rep. Gronemus  
will be attending  
the Gov.'s Parkway  
Commission Conf.  
that day

**Assembly Chief Clerk's Committee Travel Provisions**  
(as taken from February 21, 2001 memorandum)

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There is no office account deduction for individual committee members' travel.

Below are some examples when reimbursement may or may not be claimed for Committee travel:

- **While in Madison:** You may claim per diem AND mileage from Madison to the city where the committee meeting will be held, but you may not claim meals or lodging.
- **While in District:** You may not claim per diem when you travel to and from committee hearings from your home, but you may claim mileage, meals and lodging.
- **In District Reimbursement:** No in-district mileage will be allowed on a day for which per diem is claimed.

Also, if you are working in Madison for the day and travel from Madison to a meeting later that day, you may either claim per diem for your day in Madison OR the lodging/meal expenses that night. You may not claim both.

NOTE: An overnight stay is not required for the August 15, 2001 public hearing, as indicated on the Assembly Committee Travel Approval Form that was submitted and approved by the Chief Clerk's office.

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:** Pirlot, R.J.  
**Sent:** Wednesday, July 18, 2001 11:36 AM  
**To:** Boardman, Kristina  
**Subject:** RE: non-committee day request

Got it—go ahead and schedule your hearing.

**R.J. PIRLOT**

POLICY DIRECTOR AND LEGAL COUNSEL  
OFFICE OF ASSEMBLY SPEAKER SCOTT R. JENSEN

DIRECT: 608-261-9482  
FAX: 608-266-5123

-----Original Message-----

**From:** **Boardman, Kristina**  
**Sent:** Wednesday, July 18, 2001 11:28 AM  
**To:** Pirlot, R.J.  
**Subject:** non-committee day request

R.J.:

Rural Affairs and Forestry would like to hold a hearing on a day other than one of our regularly scheduled committee days.

The date of the requested hearing is August 15<sup>th</sup> (even Wednesday).

Committees that have scheduling privileges on that day are:

Labor and Workforce Development – no conflicting members  
Public Health – Freese/Schneider – nothing currently scheduled  
Ways and Means – Ainsworth/Sykora – nothing currently scheduled  
Highway Safety – Ainsworth – nothing expected  
Veterans and Military Affairs – Sykora/Hubler/Schneider – nothing expected  
Natural Resources – Gronemus – nothing currently scheduled

In other words – as of this date, there are no conflicting committee meetings scheduled.

I will await your approval prior to scheduling.

Thanks,

**Kristina Boardman**  
Research Assistant/Committee Clerk  
Representative John Ainsworth's Office  
608.266.3097

# Assembly Committee Travel Approval Form

CHAIRPERSON'S NAME: JOHN AINSWORTH

JUL 18, 2001

ROOM #: 309 North

PHONE: 266-3097

NAME OF COMMITTEE: RURAL AFFAIRS AND FORESTRY

CITY AND DATE: (If holding more than one hearing outside of Madison, please list each of them.)

CITY: LAONA

DATE: August 15, 2001

PURPOSE OF HEARING: (Please include Bill and LRB numbers.)

Clearinghouse Rule 01-030

Is a page requested to attend?  YES  NO

Is an overnight stay required?  YES  NO

Will a state car be needed?  YES\*  NO (\*If yes, contact Mary Ellis at 6-1108)

DATE OF THIS REQUEST: (Approval MUST be granted prior to trip) July 18, 2001

CHAIRPERSON'S SIGNATURE: John Ainsworth

Approved  Disapproved

[Signature]  
Chief Clerk Signature

16 Jul 01  
Date

Same letter sent to:  
Jean/Dave/Dale Bartels  
Dan Pubanz  
Allan Waelchli  
Dan Kretz  
Gene Lasch  
Virgil Kopitske  
George Howlett, Jr.

July 19, 2001

Nancy C. Bozek, Executive Director  
Wisconsin Woodland Owners Association, Inc.  
P.O. Box 285  
Stevens Point, WI 54481-0285

Dear Ms. Bozek:

On June 27, 2001, 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 now have an opportunity to review the rule changes before they go into effect.

On July 17, 2001, the Assembly Committee on Rural Affairs and Forestry, of which I am Chairperson, received a copy of Clearinghouse Rule 01-030 for review. Pursuant to a request, a public hearing has been scheduled on this rule for August 15, 2001. The hearing will take place in Laona, Wisconsin at the Laona Community Building.

Knowing your interest in this topic, I have enclosed a copy of Clearinghouse Rule 01-030, as referred to committee. I have also enclosed a copy of the Assembly Rural Affairs and Forestry Committee hearing notice, should you be interested in testifying before the committee. If you are not able to attend the hearing, but would like to share your perspective on this topic, please feel free to submit written comments to my office. I would then be happy to share your thoughts with Assembly Rural Affairs and Forestry committee members.

Thank you for your interest in the private forestry assistance program. Please do not hesitate to contact me with any additional questions or concerns.

Sincerely,

JOHN AINSWORTH  
State Representative  
6th Assembly District

JA/khb  
Enclosures:2

OFFICE:  
State Capitol  
P.O. Box 8953  
Madison, WI 53708  
(608) 266-0215  
Fax: (608) 266-8955  
Toll-free: 1-888-529-0072  
Email: Rep.Schneider@legis.state.wi.us



HOME:  
3820 Southbrook Lane  
Wisconsin Rapids, WI 54494  
(715) 423-1223

Co-Chair Task Force on  
Digital Democracy

STATE REPRESENTATIVE  
**Marlin D. Schneider**

---

D E A N O F T H E A S S E M B L Y

---

July 25, 2001

Committee on Rural Affairs and Forestry  
Representative Ainsworth Chair  
State Capitol  
Room 309N  
Madison, WI. 53708

Dear John:

Unfortunately on August 15, 2001, I will be attending the NCSL Conference in San Antonio, Texas and this conflicts with our Committee Hearing you have scheduled for 1:00pm.

I respectfully request an excused absence from the Wednesday, August 15, 2001 Committee hearings for the Rural Affairs and Forestry Committee. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marlin D. Schneider".

MARLIN D. SCHNEIDER  
72<sup>nd</sup> District

MDS/clk

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*"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Edmund Burke Nov. 3, 1774*

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**Boardman, Kristina**

**From:** Boardman, Kristina  
**Sent:** Friday, August 10, 2001 3:23 PM  
**To:** Francisco, Gene L  
**Subject:** CHR 01-030

Gene:

I understand that you and Representative Friske have come to an agreement regarding CHR 01-030.

Tim Gary (from Rep. Friske office) was unsure whether these agreements were to come in the form of official rule modifications, or if this was something that was going to be handled by the DNR independently.

I was wondering if you could provide me with some additional information regarding this agreement, so that our committee attorney is prepared to draft any necessary language for modifications, etc. Our deadline on the Rule is August 17<sup>th</sup>, therefore if something official needs to come from the committee, we will have little time subsequent to the hearing to do so.

Also, just so you are aware...

At the committee hearing in Laona, subsequent to CHR 01-030 discussion, I believe a couple of foresters from the area will be speaking to the committee regarding forestry in northern Wisconsin. Gunnar Bergersen asked if a couple of persons could address the committee, and Rep. Ainsworth did not see a problem with that.

Finally, I thought that this committee meeting would also be a good time to discuss the upcoming Forestry Tour on October 7-8-9. If you or one of your colleagues could briefly provide some information regarding this tour, I think it would be helpful for members.

Unfortunately, I will be unable to attend the hearing in Laona. I am in my final month of pregnancy, and am therefore sticking a little closer to the Madison area. Tim Gary will be attending and clerking the committee meeting in my absence.

Thank you for all of your help and cooperation with this committee hearing.

**KRISTINA BOARDMAN**  
RESEARCH ASSISTANT/COMMITTEE CLERK  
REPRESENTATIVE JOHN AINSWORTH'S OFFICE  
608.266.3097

**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.

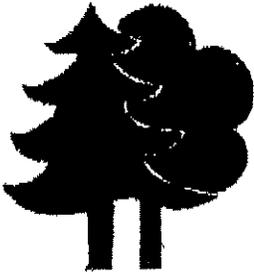
2. How will we ensure that DNR and private foresters will understand the forestry practices parameters within which they must work?

- 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 practioners.

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*

CONSULTING FORESTER

W7251 Belle Plaine Avenue  
SHAWANO, WISCONSIN 54166  
(715) 526-6020

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".

Allan Waelchli ACF



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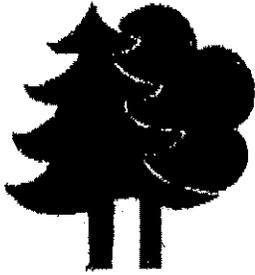
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**Wisconsin Woodland Owners Association, Inc.**  
P.O. Box 285, Stevens Point, WI 54481-0285  
www.wisconsinwoodlands.org



**WWOA OFFICE**  
EXECUTIVE DIRECTOR  
Nancy C. Bozek  
P.O. Box 285  
Stevens Point, WI 54481  
715/346-4798  
FAX 715/346-4821

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2000-2001

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N795 Lessor-Navarino Rd.  
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715/758-8960

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Marv Meier  
4901 Blackberry Dr.  
Wausau, WI 54401  
715/355-9034  
E-Mail: jomarm@aol.com

**SECRETARY**  
Beverly A. Schendel  
9532 Russell Ave. S.  
Bloomington, MN 55420  
952/881-7610  
E-Mail: DSCHEN2835@aol.com

**TREASURER**  
Dale Lightfuss  
N5172 County E  
Ogdensburg, WI 54962  
920/244-7688  
E-Mail: Dales-Trails@Juno.com

**DIRECTORS**  
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4427 Chain O'Lakes Rd.  
Eagle River, WI 54521  
715/479-8449  
  
Evelyn Charlson  
E9598 Manske Rd.  
New London, WI 54961  
920/982-4076  
E-Mail: charlson@uspower.net

Michael Gehrke  
W6272 Everson Rd.  
Winter, WI 54896  
715/266-8951  
E-Mail: treefar@win.bright.net

Fred Koenecke  
22621 Co Hwy NN  
Richland Center, WI 53581  
608/585-2406

Nancy Livingston  
Full Cycle Tree Farm  
832 8th Ave.  
Hancock, WI 54943  
608/564-7086  
nancyi@palacenet.net

Roger J. Perrault  
6476 Potawatomi Rd (Cty V)  
Gillett, WI 54124  
920/855-6739

Eugene M. Roark  
16 Grand Ave.  
Madison, WI 53705  
608/238-5349

**EDITOR**  
Timothy Eisele  
129 South Segoe Rd.  
Madison, WI 53705  
608/233-2904

**ADVERTISING MANAGER**  
Heleen Moberg  
2300 Cty Hwy G  
Nekoosa, WI 54457  
715/886-4601  
FAX 715/886-4601

August 14, 2001

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. **WWOA strongly supports the changes proposed for the DNR forester's workload priorities and the voluntary cooperating forester program.**

The Wisconsin Woodland Owners Association (WWOA) is a nonprofit, educational association for private woodland owners in Wisconsin. WWOA cosponsors workshops, field days, and conferences throughout Wisconsin. WWOA 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, WWOA 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.

To: Rep. John Ainsworth  
Attn: Kristina Boardman  
From: Representative Donald Friske  
Re: Concerns Regarding the Cooperating Foresters Rule

The Department of Natural Resources claims that the rule as it is currently written is broken. The Department has been vague in its details of discovering how it is broken. There are no quantified numbers to indicate the current problems with the rule.

1. We should be able to quantify the extent of the problem.
2. We should be able to measure the effectiveness of any solution we try to implement

There needs to be black & white criteria to set any rule like this in motion. Authority of enforcement needs to be clearly designated & criteria needs to be explicitly set for the enforcement & appeal of a rule like this.

If there is no room for flexibility, there may be a drop in the number of private foresters who are willing to help take on the already backlogged MFL cases that the DNR Forestry Division is understaffed/overburdened to complete. Further, it may infringe on private property rights and the ability for citizens and private foresters to make decisions for themselves based on the individual characteristics of their property.

## **CHR 01-030 Hearing – August 15, 2001 – Laona, WI**

### **Private Forestry Assistance Presentation from Gene Francisco, Chief State Forester**

Wisconsin has been building a system of providing guidance to private woodland owners since the early part of the 20<sup>th</sup> century. The program has evolved from a time when only a few visionaries like E.M. Griffith, Wisconsin's first Chief State Forester, understood the value of our forests. At one time, the foresters in the old Conservation Department and at University Extension were about the only source of help available to landowners. Over time, however, Wisconsin has developed a network of public agencies, non-governmental organizations and private enterprises that work together to help landowners care for their forests.

The backbone of the program is service from DNR State Foresters and Cooperating Foresters in private enterprise. State and private foresters have a productive, complementary relationship. Together they assist an average of about 11,000 private woodland owners with on-site service a year. (In 2000, a record of 13,220 assists was provided.)

While those accomplishments are to be commended, we have heard from landowners that we need new methods to move further along the road to sustainable forestry. Based on a Forest Service survey, we estimate that approximately 17,300 landowners annually seek professional forestry assistance. In other words, about a third of the demand for technical forestry advice goes unanswered (and the need for assistance that would benefit the forests of the state is even greater). Part of the reason is that there are not enough foresters to meet demand. Another is that many landowners who request first time assistance do not feel confident about hiring foresters in private enterprise to provide forestry guidance. Also many landowners are reluctant to pay for forest management advice that they are not sure they need and does not generate income to pay for the expense.

I am not saying that the private forestry assistance vehicle we are now driving is broken ...instead, we need a new vehicle that can carry more and go further. To address the demand we are pursuing a number of alternatives. A few of them include:

1. Adding state forester positions through the state budget process.
2. Fostering community forestry organizations that promote landowner cooperation and self-help.
3. Making more efficient use of state foresters' time in consideration of other sources of help available in the network.
4. Building confidence in services from private enterprise foresters so that more landowners are willing to hire them thus increasing the number of private foresters operating in WI.

The administrative rule change being considered at the hearing today addresses the last two concepts, efficient use of state foresters and building confidence in private cooperating foresters.

The first section of the rule concerns the service priorities for Department foresters. Through a study of the Private Forestry Program, we have learned that the most important role of Department foresters is to motivate landowners and get them started

with sustainable forestry. The priorities in NR 1.212(1) and (2) recognize initial management guidance to landowners, timber harvest advice, referrals to cooperating private foresters for timber harvest marking, forestry incentives program administration, and landowner education as some of our most important activities. 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.

The second section of the rule is meant to boost public confidence in private Cooperating Foresters.

The Cooperating Forester Program is a **voluntary program** that was established by rule in 1989. It provides a framework for connecting landowners' that request forestry assistance to private consulting foresters and industrial foresters that participate in the program. The list of cooperating foresters is not an endorsement of any particular forester nor does it purport to include all of the high quality private foresters available in the state. The list is made available to the public upon request and woodland owners regularly use it to contact a cooperating forester directly.

The proposed rule requires Cooperating Foresters who voluntarily sign an agreement with the DNR to apply DNR approved silviculture guidelines (forest practices developed and applied by highly regarded research units) on all private land where they provide service. **It is a change that landowners have told us will make a big difference in how they perceive Cooperating Foresters.**

Currently, Cooperators agree to follow DNR forestry standards only on work coming directly from DNR referrals, with a possibility of lower standards on work not obtained through a DNR referral. That variance results in a lot of confusion for landowners that do not feel qualified to sort through all the advice being offered. Most landowners want and expect a simple source of help they can trust when they obtain a list of cooperating foresters from the government. An updated Cooperating Forester program based on generally accepted silvicultural standards can do that.

The proposed rule also requires that participating foresters attend 10 hours of continuous education each year pertaining to private forestry assistance.

The voluntary Cooperating Forester Program does not limit landowner rights or the ability of private enterprise to pursue other timber harvesting practices. Private foresters are not required to participate, and many elect not to for a variety of personal reasons. Landowners remain free to seek forestry advice from any source they see fit, including foresters that are not in the Cooperating Forester Program.

I recognize that some private foresters are concerned that the program provides clear and consistent information about the silvicultural standards approved by the Department. They also want an unbiased dispute resolution process. The Division of Forestry is committed to both concepts.

To ensure that this rule is implemented in a fair and effective fashion we will:

1. 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. Conduct informational workshops throughout the state that will explain the acceptable parameters within generally accepted forestry practices.
3. Publish a field guide that will describe generally accepted silviculture practices for distribution to foresters, woodland owners and other forestry practitioners.
4. 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.

The Private Forestry Handbook and other tools are being developed to answer these needs. The Department will also conduct periodic program reviews to monitor the effectiveness of the changes proposed in the Administrative Rule. An accomplishment reporting system built into the program will help us measure changes. We are prepared to make course corrections if needed.

The Forestry profession in Wisconsin is an unregulated profession. There are no licensing, listing or registration requirements to practice forestry.

Wisconsin has a proud history of good forestland stewardship without the need for strict forest practices regulations. A well-designed and implemented voluntary cooperating forester program will demonstrate to our citizens and legislators that we can sustainably manage our forests without regulations.

Is the existing private forestry program broken? No, but it is limited in what it can accomplish. We can do better. Since the proposed rule will give the private landowners of Wisconsin a vehicle to move further along the path of sustainable forestry, I encourage that Assembly Committee on Rural Affairs and Forestry to support it.

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 house 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  
8181 Minocqua, WI  
715-356-4552

**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](mailto: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 8<sup>th</sup> 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 100<sup>th</sup> Avenue, Cadott, WI 54727  
Steve Pilgrim, Northwest Hardwoods, 3640 290<sup>th</sup> 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 27<sup>th</sup> 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.

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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. <input type="checkbox"/> Increase Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:<br><input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities<br><input type="checkbox"/> Counties <input type="checkbox"/> Others<br><input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| 2. <input type="checkbox"/> Decrease Costs<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory |  |

**Fund Sources Affected**

- GPR     FED     PRO     PRS     SEG     SEG-S

**Affected Chapter 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate**

**Summary of Rule -**

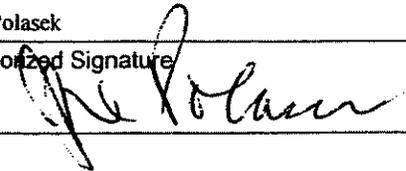
Private Forestry Priorities for Assistance: NR 1.212(1) and (2) provide guidance in setting priorities followed by Department foresters when scheduling fieldwork with over 10,000 private landowners annually. The rule is necessary because demand for assistance far exceeds available staff time. The revised 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



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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**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



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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.