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(FORM UPDATED: 08/11/2010)

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

## 2005-06

(session year)

## Assembly

(Assembly, Senate or Joint)

## Committee on Forestry...

### COMMITTEE NOTICES ...

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

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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

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

## Assembly

### Record of Committee Proceedings

#### Committee on Forestry

##### **Assembly Bill 254**

Relating to: managing state forest lands, harvesting of timber from state forest lands, emergencies on state forest lands, actions against forestry operations, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

By Representatives Friske, Gard, Ainsworth, Meyer, Mursau, M. Williams, Gronemus, Kaufert, Gunderson, Wieckert, Bies, Freese, Gundrum, Hahn, Kestell, Krawczyk, McCormick, Montgomery, Musser, Ott, Owens, Petrowski, Suder, Townsend, Underheim, Van Roy and Schneider; cosponsored by Senators Kanavas, Breske and Zien.

March 18, 2005      Referred to Committee on Forestry.

March 29, 2005      **PUBLIC HEARING HELD**

Present:    (5)    Representatives Friske, Mursau, Ainsworth, M. Williams and Hubler.

Absent:    (1)    Representative Boyle.

##### Appearances For

- Donald Friske, Madison — Representative, Wisconsin 35th Assembly District
- Gene Francisco, Sun Prairie — Executive Director, Wisconsin Professional Loggers Association
- Gunnar Bergerson, Madison — Lobbyist, Lake States Lumber & Timber Producers Association

##### Appearances Against

- Paul DeLong, Madison — Division Administrator, Wisconsin Department of Natural Resources Forestry Division
- Kathy Pielsticker, Madison — Department of Agriculture, Trade and Consumer Protection
- Melody Walker, Avoca — Department of Agriculture, Trade and Consumer Protection

##### Appearances for Information Only

- Lisa McKinnon, Madison — 1000 Friends of Wisconsin
- Todd Holschbach, Madison — Nature Conservancy

##### Registrations For

- Ted Kanavas — Senator, Wisconsin State Senate District 33

- Dave Zien — Senator, Wisconsin Senate District 23
- Garey Bies, Madison — Representative, Wisconsin State Assembly District 1
- Dave Kluensner, Madison — Wisconsin Paper Council

Registrations Against

- None.

April 26, 2005

**EXECUTIVE SESSION HELD**

Present: (4) Representatives Friske, Mursau, Ainsworth and Hubler.

Absent: (2) Representatives M. Williams and Boyle.

Moved by Representative Ainsworth, seconded by Representative Mursau that **Assembly Substitute Amendment 1** be recommended for adoption.

Ayes: (4) Representatives Friske, Mursau, Ainsworth and Hubler.

Noes: (0) None.

Absent: (2) Representatives M. Williams and Boyle.

**ASSEMBLY SUBSTITUTE AMENDMENT 1 ADOPTION  
RECOMMENDED, Ayes 4, Noes 0**

Moved by Representative Ainsworth, seconded by Representative Friske that **Assembly Bill 254** be recommended for passage as amended.

Ayes: (3) Representatives Friske, Mursau and Ainsworth.

Noes: (1) Representative Hubler.

Absent: (2) Representatives M. Williams and Boyle.

**PASSAGE AS AMENDED RECOMMENDED, Ayes 3, Noes 1**

  
Tim Gary  
Committee Clerk

## Vote Record Committee on Forestry

Date: 4-26-05

Moved by: Ainsworth

Seconded by: Mursau

AB 254                      SB \_\_\_\_\_                      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_                      SJR \_\_\_\_\_                      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_                      SR \_\_\_\_\_                      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt 1 \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

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

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Donald Friske, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Jeffrey Mursau</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative John Ainsworth</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Williams</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Hubler</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Frank Boyle</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>4</u>	_____	_____	_____

## Vote Record Committee on Forestry

Date: 4-26-05

Moved by: Ainsworth

Seconded by: Friske

AB 254

SB \_\_\_\_\_

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

AJR \_\_\_\_\_

SJR \_\_\_\_\_

Appointment \_\_\_\_\_

AR \_\_\_\_\_

SR \_\_\_\_\_

Other \_\_\_\_\_

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

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

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

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

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

Be recommended for:

- Passage   
  Adoption   
  Confirmation   
  Concurrence   
  Indefinite Postponement  
 Introduction   
  Rejection   
  Tabling   
  Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Donald Friske, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Jeffrey Mursau</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative John Ainsworth</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Williams</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Hubler</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Frank Boyle</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>3</u>	<u>1</u>	<u>2</u>	_____

Motion Carried

Motion Failed





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

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Box 7921  
Madison, Wisconsin 53707-7921  
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### Assembly Bill 254

Assembly Committee on Forestry

Department of Natural Resources Testimony  
Paul DeLong, Administrator  
Division of Forestry  
March 29, 2005

Mr. Chairman and Committee Members:

Good morning. My name is Paul DeLong and I am Administrator for the Department of Natural Resources' Division of Forestry and Wisconsin's Chief State Forester. I appreciate this opportunity to appear before you to discuss AB 254.

The Department opposes AB 254 as drafted. However, we do support much of the underlying intent of this bill and appreciate the author's expressed desire to address the shortfall in our capacity to fully implement approved master plans on state-owned forest lands managed by DNR.

Since this is a complex bill that covers a number of important topics, I will break my comments and concerns down by the specific sections of the bill.

**Section 1 (s.23.114)** In this section, the chief state forester would manage emergencies that threaten state forest lands other than those declared by the Governor. These emergencies would require the development of rules and would include invasive species or pest infestation, disease and damage to timber from fire, snow, hail wind or ice. After discussion with the author of this bill, it was determined that for this portion of the bill "state forest lands" is intended to include all forestlands in the state of Wisconsin impacting over 16 million acres of urban and rural forests.

**Section 14 (s.94.025 WI Stats.)** The chief state forester would specifically be the authority for managing invasive species or pest infestations that threaten forestlands.

The Department opposes these sections of the bill given the fact that the current partnership between DATCP and DNR works well to address this need. At this time the long-standing cooperative working relationships and authorities between DNR, DATCP and Animal and Plant Health Inspection Service (APHIS) benefit the citizens of Wisconsin when a high-risk invasive threatens the health of our forests. There are many program strategies that are critical for coordinating the detection and eradication or subsequent management of a high-risk invasive species. Each agency employs personnel with specialized skills; emphasis over the last 2 decades has been to streamline the cooperative approach, taking advantage of each agency's authorities and expertise.

Having said this, DATCP and DNR have identified gaps in authority in this important area.

The Department believes there is an opportunity to address the intent of these sections by giving clear authority to either DATCP or DNR on non-agricultural and non-forested lands including urban street trees and urban forests. This authority may be imperative to effectively eliminate possible future invasive introductions for destructive species such as emerald ash borer, which is devastating Michigan's urban and rural forests.

Section 1 also includes a provision that requires that the Chief State Forester report to the DNR Secretary. The Department supports this provision as it reflects the current reporting structure within the agency.

**Section 2(s. 23.135 WI Stats.):** This section requires that an inventory be undertaken and maintained on all forested lands owned by the Department greater than 10 acres in size. It also requires the Department to prepare a report every 15 years that contains a projection of the long-term health and economic effects on the forested lands where the Department prohibits the use of active management techniques.

The Department supports the need to have a current and complete inventory on all forested Department lands. This has been corroborated through our third-party forest certification process, which also underscored the need to maintain a current inventory of forested lands. A 15-year inventory cycle is consistent with existing Department policy and recommendations by third-party certification auditors. Our challenge in meeting this target is one of limited staff resources. We estimate that we need \$730,000 (10.6 FTE for one year) to complete inventory on the 290,000 acres of state lands for which inventory is not complete, and \$275,000 (4 FTE) on an annual basis over and above current resources to maintain the currency of inventory on an on-going basis.

The Department also supports, with modification, the provision requiring a report every 15 years on the health and economic impact of lands that have no active management on them. Currently it is estimated there are approximately 178,000 acres of forested land in DNR ownership on which active management is prohibited. These include a wide array of classification including wilderness areas, some scenic areas, wild river corridors, some natural areas, riparian buffers, some historic and cultural sites, among others. The Department, working with the public, assesses the benefits and costs of decisions made in master planning, including those that determine the management of forests. Providing a report such as the one proposed in this bill is in line with that process, however, the report should also outline the public benefits derived from the decision not to allow active forest management in the identified areas. This will enable the recipients of the report to fully appreciate the benefits and costs associated with those decisions. We estimate that we need \$540,000 (nearly 8 FTE) to conduct the initial assessment of the 178,000 acres, following which they would be updated as part of the inventory process outlined above.

**Section 3(s. 28.025 WI Stats.):** The bill requires the Department to develop an annual allowable harvest for all Department-owned forested lands greater than 10 acres in size. The Department must report annually by January 1 to the Council on Forestry if the timber harvest for the previous year on each of those parcels was less than 90 percent or more than 110 percent of the established allowable harvest as part of approved master plans. The Council on Forestry shall then prepare a report to the Governor and the appropriate standing legislative committees with recommendations on methods of ensuring that the timber harvest for that parcel is consistent with levels established in master plans.

Development of an annual allowable timber harvests (AAC) for a parcel implies the property is large enough to regulate. Individual State Forests and some of the larger Wildlife properties are large enough to develop an AAC for. Smaller Fish, Wildlife, Parks, and other properties are too small to have a regulated annual harvest. Harvest activities on these properties is much more sporadic and depends primarily on the attributes of the forest stand (species composition, age, density, health) and the silvicultural prescription to achieve the property objectives as established in master plans.

It is important to note that the larger public lands in Wisconsin are managed under "area control", whereby a certain number of acres (as opposed to volume) will be targeted in a specific year. Harvest scheduling identifies those forest stands to be "examined for harvest", and does not equate directly to how many acres will be harvested.

The Department opposes the specific requirement for the Division of Forestry to be responsible for the management all Department forested lands. The Department supports the intent of the bill to increase the level of forest management activities being implemented on Department-owned properties consistent with existing master plans. We feel this portion of the bill sets up a dual authority and responsibility situation on the same parcel of land, which has proven to be an ineffective system to manage a property. The backlog of forest management work on these properties is not a matter of which program bureau has responsibility for a property, rather, it is one of limited forestry resources to accomplish the work given other competing workloads.

The underlying intent of the bill seems to encourage increased timber management on forested lands under DNR management, presumably due to the fact that the Department has a significant backlog of acres needing treatment to implement established plan objectives. We estimate that on forested state lands available for harvest, approximately 10,550 acres should be harvested annually. Over the last five years the State Forests and other State lands have averaged 8,565 cut acres annually, indicating an estimated shortfall of 1,989 acres per year.

In addition to the effort just detailed to address those un-inventoried state lands, there remains a backlog of timber harvest and inventory work to complete. AB254 requires the Department to maintain the "allowable timber harvest" on all lands. At present, there is an estimated 170,175 acres of backlogged timber sale/inventory work on State land. To address this over a 5-year time frame, it would require 43 FTE at an annual cost of \$2.96 million. Annual revenues from the sale of timber established in this five years period are estimated to be \$8.57 million; however, the revenues will not be generated for 1-4 years after resources are provided to initiate sales, reflecting the time from establishment to harvest. Furthermore, there are already significant concerns about the availability of trained loggers to meet current demand, a situation that could be exacerbated by increasing the availability of timber for harvest on state lands.

To sustain into the future the level of activity required in this bill and to prevent future backlog of timber sales it is estimated that approximately 18,000 acres need treatment (inventory update or harvest) annually, requiring 35 FTE. Currently, there are 10 FTE allocated to this workload, necessitating an addition of 25 FTE dedicated to state lands forest management work, based on current master plans. The annual estimated cost of providing staffing at this level is \$1.72 million, with annual revenues estimated at \$4.98 million.

**Section 4 through Section 9(s. 28.04 WI Stats.):** The bill changes the word "Department" to the word "Division" in all of s.28.04 WI Stats. The interpretation by

department legal staff is that these sections apply only to those lands designated as state forest identified in s. 28.03 WI Stats. All other forested lands owned by the Department are not impacted by this proposed change.

The Department is opposed to this change since it changes the current arrangement for the management of the southern forest from the Bureau of Parks and Recreation to the Division of Forestry. The Parks program has managed these properties for the last several decades, the shift having been made due to the heavy recreational use of these properties. The Division of Forestry provides forest management assistance to the Southern Forests, as is done on all forest state lands outside the Northern State Forests. The Department believes the current system works well and should be maintained.

**Section 10(s.28.05 WI Stats.):** The bill establishes authority for the Department to develop a program to utilize private cooperating foresters as agents of the state to assist with the harvesting and sale of timber from state forest lands in exchange for a portion of the proceeds.

The Department supports this portion of the bill on the basis that it provides another tool with which the Department can accomplish its objectives. However, this tool is likely to have limited applicability, at least in the short-term, given the fact that we are facing ever-increasing workloads and staff reductions in private forestry that necessitate an increase in the capacity of the private sector to accomplish the sizable unmet workload in just one component of that area. Our ability to fulfill needs for private sector forests in private forestry could be compromised if we pull those same resources away for use on state lands. Furthermore, there are some real questions about efficiency of using private sector contractors for this kind of work under many situations, given the increased administrative workload this would entail. Nonetheless, it only makes sense to add a tool to the Department's toolbox for use in situations where it is justified by the circumstances.

If you decide to advance this provision, the Department strongly recommends removing the provision that cooperating foresters serves as "agents" of the Department given the legal implications of that term. The Department believes a contractual relationship is the appropriate mechanism with which to accomplish this.

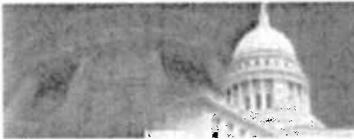
**Section 11 through Section 13 and Section 15:** The Department supports the Right to Practice Forestry with one modification, which we have suggested to the author of AB 59. Given that AB 59 has already had a hearing at which we offered testimony, I will not reiterate our comments on it here.

**Summary:** The Department is opposed to AB 254 as proposed. There are several concepts within the bill that we support, and we are willing to work with you, Mr. Chairman, and this committee to develop language that meets the stated intent in a manner that the Department can support.

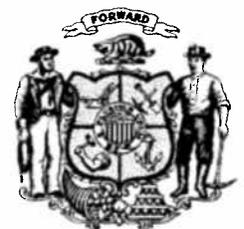
A major challenge for the Committee to consider is that much of what appears to be intended is going to require a significant increase in, or major reallocation of, staff and financial resources. Since the bill does not authorize additional resources, the requirements of the bill would shift already over-extended staff resources to conduct inventories and produce reports which would put the Department in the position of falling even further behind on conducting forest management activities called for in our property master plans.

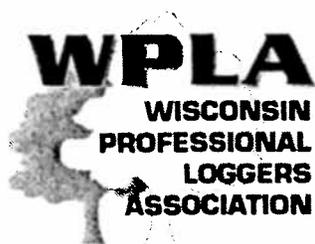
Having said that, there is the potential for significant revenues to be generated if additional resources are provided to implement needed resource management activities on our state lands. The current climate of reducing state government makes addressing this a significant challenge and this bill as drafted will not, in and of itself, accomplish this.

I appreciate this opportunity to express the Department's concerns with AB 254 and would be glad to answer any questions you might have.



# WISCONSIN STATE LEGISLATURE





**Testimony Before the  
Assembly Forestry Committee  
March 29, 2005**

**In Regards to AB 254 Healthy Forest Bill**

Good morning Chairman Friske and committee members. My name is Gene Francisco and I am the Executive Director of the Wisconsin Professional Loggers Association (WPLA). I appear before you today on behalf of WPLA to express our support for the provisions outlined in the Healthy Forest Bill AB 254.

AB254 if signed into law will have far reaching impacts on the ecological sustainability of state owned forest land and the viability of Wisconsin's forest industry.

Government in Wisconsin owns or manages over 50% of the productive forest land in our state, but recent forest inventory data suggests that those lands are falling far short of meeting the required conservation harvests needed to maintain healthy forest ecosystems. For example, the 2005-07 DNR biennial budget issue paper on sustainable forestry opportunities states "Current timber sale establishment accomplishments are not meeting annual allowable cut and resource management goals. Annual allowable cut figures for State Forests have increased from 8,860 acres in 1990 to 15,506 acres in 2001. This seventy-five percent increase is due in part from timber stands growing into merchantable size classes." This DNR document clearly articulates that the annual allowable harvest on State Forests is 15,506 acres.

In contrast, the 2004 annual accomplishment report for state and county forests prepared by the DNR, reports that in 2004, 4,437 acres were harvested on State Forests. That equates to 28.6 % of the annual allowable harvest and is a full 11,069 acres short of the DNR's resource management goals for timber harvests. And this is the good part of the story.

The DNR also owns about 500,000 acres of productive forest land that is not included in the state forest program. These lands are classified as fish and wildlife properties, parks, natural areas, flowages, wild rivers and so on. I have seen no data on either the annual allowable harvest for these properties or the actual harvest if any is taking place. My past experience of 34 years working for the DNR as a field forester, forestry supervisor and Chief State Forester tells me that at least half of these properties are not inventoried nor do they have a current land management plan. Professional judgment suggests that in order to sustain healthy ecosystems on these non-forestry DNR properties that a minimum of 10,000 acres should be treated with conservation harvests each year. Taking this information in totality, the DNR is falling over 21,000 acres short in conservation harvests to sustain healthy ecosystems on state owned forest lands. Furthermore, at an average per acre income of \$582.55 for state forest timber sales, the DNR is losing over \$12 million in timber sale revenue per year.

Management of state owned lands by committee in the DNR is not working.

More state trees are dying of insects and disease than are being harvested. Meanwhile jobs are being lost, mills are moving out of state and all time record raw forest products prices are driving logging contractors out of business. If the State was meeting its land stewardship obligations, 600,000 additional cords of wood would be available.

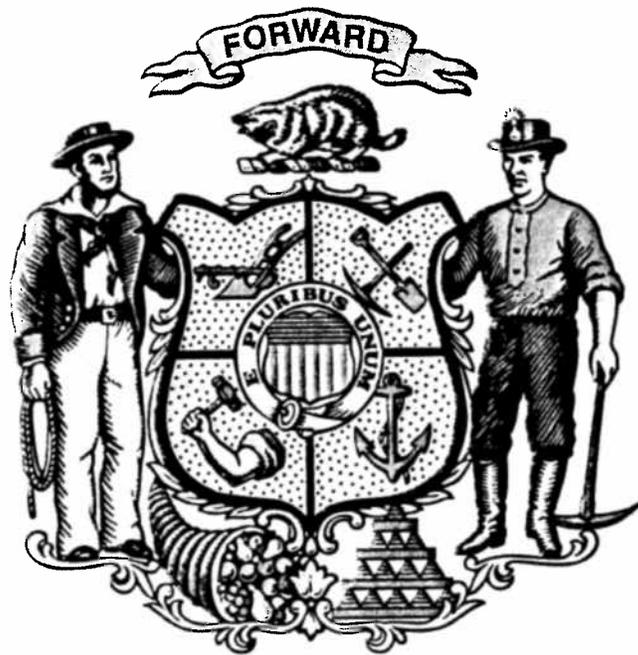
That is enough to wood to stabilize the prices of raw material and meet our mills growing demand for raw forest products.

While the principles embodied in AB254 are new to Wisconsin, they have been in place for many years in other states.

Under Mississippi Code Section 29-3-45 the Mississippi Forestry Commission (MFC) is charged with the responsibility of managing all state owned lands. The MFC has the authority to enter into a forest management agreement with any agency, department, board, commission or other subdivision of government of the State of Mississippi.

AB254 can provide some relief in our wood supply crisis. But more importantly, it can cut through the gridlock that has jeopardized the health and sustainability of our state owned forest ecosystems.

Thank you and I welcome any questions.



**Remarks for Assembly Committee on Forestry**  
*Regarding AB 254 – Wisconsin's Healthy Forests Initiative*  
By Representative Donald Friske  
*March 29, 2005*

Thank you, Mr. Chairman and Committee members. I appreciate you having this hearing today and scheduling this important legislation for consideration. I will present today a brief explanation of where this legislation arose and its merits for passage.

In the fall of 2003, Speaker Gard initiated a task force to examine Wisconsin's forest health and its exposed risk to fire, insect infestation and disease. Speaker Gard appointed me as chair of the panel of public and private leaders from around Wisconsin. I had the pleasure of working with Representative Ainsworth on the task force.

The Speaker's Task Force on Forestry held five hearings. The task force heard from forest managers from around the state including the United States Forest Service, tribal foresters, the Department of Natural Resources (DNR) Forestry Division, the DNR Land Division, DNR fire suppression experts, the Board of Commissioners of Public Lands, the county foresters, school foresters, UW forestry scientists and private woodland owners.

If you are interested in hearing any of the testimony from those hearings, please feel free to visit the website of the Speaker's Task Force on Forestry at:  
<http://www.legis.state.wi.us/assembly/asm35/news/TaskForceOnForestry>

The task force, keeping forest health and fire risk as its focus, issued a report with recommendations last March, far too late into the legislative session for introduction or consideration, given the complexity of the issues. I have provided each of you a copy of the report with this testimony.

Wisconsin's Healthy Forests Initiative, AB 254, will make six major changes:

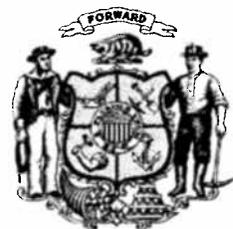
- **Designate the Chief State Forester and the Division of Forestry in the DNR as responsible for the forest management of all Wisconsin's state-owned forestlands.**
  - Under current law, there are two agencies, DNR and DATCP charged with the responsibility to contain and eliminate forest emergency. Statutes have codified a system of confusion lacking a single person to hold accountable for failure in forest emergency management.
  - Under AB 254, the Chief State Forester could determine when any Wisconsin forestland (i.e. a state forest, a state park, a state natural area, a privately owned forest, etc.) needs management of an emergency (i.e. oak wilt or emerald ash borer beetles) or come into compliance with the forest management component of the established master plan.

- continued other side -

- **Require the DNR to establish allowable timber harvest goals on all of Wisconsin's state-owned forestlands.**
  - Under AB 254, a timber harvest goal will be set on all Wisconsin's state-owned forestlands, including non-state forests.
  - Timber goals may be set by DNR as low as zero or as high as "Best Management Principles" will allow.
- **Require the DNR to maintain an inventory of all of Wisconsin's state-owned forestlands.**
  - Under the current structure, only Wisconsin lands designated as "state forest" under state statutes Chapter 28 have been inventoried. The remaining Wisconsin's state-owned forestlands do not have data on how much forest types are in their possession.
  - Under AB 254, all Wisconsin's state-owned forestlands will be required to ensure forest emergencies do not take hold or spread to beyond Wisconsin's state-owned forestlands.
- **Require the DNR to project long-term health and economic effects caused by prohibition of active management on all of Wisconsin's state-owned forestlands.**
  - Under current law, no assessment is being done by the DNR on the potential health and economics of non-management.
  - Under AB 254, the DNR will have to prepare a report once every 15 years to notify officials what the long-term health and economic consequences have been and what they will become. It is not a benefit to the state of Wisconsin to collect government land and let it deteriorate to the detriment of the remaining state forestlands (i.e. forest fire or disease spreading onto federal, tribal, county or private forestlands)
- **Require the DNR to establish a program letting DNR-approved private sector foresters establish timber harvests on Wisconsin's state-owned forestlands, within the confines of the DNR-set allowable timber harvests, management plans and "Best Management Principles," handbook.**
  - Under current law, only the limited staff of the Division of Forestry may set up timber harvests on Wisconsin state-owned forestlands.
  - Under AB 254 the DNR must set up a program that it may put into place allowing for private sector foresters to assist the Division of Forestry set up harvest management within the already established state guidelines.
- **Prohibit private parties or local governments from declaring sound forestry management by private landowners, foresters or loggers as a nuisance. This is a Right-to-Forest provision identical to Representative Mursau's AB 59, similar to existing Wisconsin Right to Farm provisions.**
  - Under current law, frivolous lawsuits may be filed to attempt to stop a private landowner from cutting trees on his or her land, claiming it is a "nuisance."
  - Under AB 254, state statutes will be modified to recognize forestry cuts are just like any other allowable agricultural harvests; they just take 30 years to grow instead of 30 weeks. In addition it will force frivolous plaintiffs to cover court and attorney fees.



# WISCONSIN STATE LEGISLATURE



**Remarks on Assembly Bill 254**

Todd Holschbach, Director of Government Relations  
The Nature Conservancy  
March 29, 2005

Thank you Chairman Friske and members of the Committee.

My name is Todd Holschbach, I am the Director of Government Relations for The Nature Conservancy in Wisconsin.

My remarks will be brief.

I am here today to express The Conservancy's serious concerns with Assembly Bill 254. However, with the hope of working with the bill's author on the proposed legislation, we have registered for information only.

In its current form, The Nature Conservancy opposes AB 254.

First a little background. The Nature conservancy has about 22,000 members in Wisconsin with the mission of preserving the plants, animals and natural communities that represent the diversity of life in Wisconsin, by protecting the lands and waters they need to survive.

The Conservancy in Wisconsin has a long and successful working relationship with the DNR's Division of Forestry and currently has about 2500 acres enrolled in the state's Managed Forest Land program.

We are proud of our partnerships with the timber and wood products industries across the United States and look forward to protecting what is best about our state in partnership with the wood products industry, the Legislature and the Division of Forestry.

We support the concept of keeping an accurate inventory of forested lands owned by the DNR contained in this legislation. And we agree that the forest products industry is vitally important to the economy of our state and that we must continue to ensure the health of our forest industry.

Our fundamental concern with AB 254 is its placement of all management authority of forested lands within the Division of Forestry, thereby making timber production the single most important component when creating management plans for our forests.

Wisconsin has several effective processes for determining the best management of forested lands ---processes that include public input, input from our best scientists, input from conservation organizations, and input from multiple government agencies.

The Division of Forestry is clearly an important partner in making management decisions for our forests---but multiple perspectives ensure that our forest land reach its maximum potential---not only its economical potential.

We applaud the language in the bill that relates to the management of forested land for multiple purposes, but believe that the Division of Forestry alone should not be the final stop for management issues dealing with the conservation of biodiversity.

Our immediate and most pressing concern is the scope of the bill. It appears, though maybe not intended, that this bill could require the establishment of timber harvests quotas on: state natural areas owned by the Department, on state natural areas owned by The Nature Conservancy or other private, non government organization, and on all Stewardship-funded properties---even those owned by private land trusts, like The Nature Conservancy.

The Nature Conservancy opposes this expansion of jurisdiction---especially as it relates to potentially giving the Division of Forestry management authority over non-government owned property.

The Nature Conservancy is known for bringing sound science and a strong reliance on compatible use to management plan development. We appreciate Representative Friske's efforts on forestry issues and we look forward to working with Representative Friske and members of the committee on this issue.

Thank you for this opportunity to express the Conservancy's concerns regarding AB 254.





**1000 FRIENDS  
OF WISCONSIN**

**Assembly Bill 254**

**Assembly Committee on Forestry**

**Hearing Testimony of 1000 Friends of Wisconsin**

**Lisa MacKinnon, Policy Director**

**March 29, 2005**

Mr. Chairman and Committee Members:

Good morning. My name is Lisa MacKinnon and I am the Policy Director for 1000 Friends of Wisconsin. 1000 Friends of Wisconsin is a statewide nonprofit organization that educates citizens and policy makers about the benefits of responsible land use. We advocate for healthy rural and urban communities and the protection of our natural, cultural and economic resources statewide.

Thank you for the opportunity to appear before you to offer our comments on AB 254.

As an organization that advocates for land use planning, 1000 Friends appreciates the intent of this bill to improve implementation of approved master plans on state-owned forest lands managed by DNR. And we support efforts to improve the scope and availability of public information about the state's inventory of forest lands. We have serious concerns, however, regarding some provisions of AB 254 as it is currently drafted.

We support Section 2 of the bill (s. 23.135 WI Stats.), which requires that an inventory be undertaken and maintained on all forested lands owned by the Department greater than 10 acres in size. It also requires the Department to prepare a report every 15 years that contains a projection of the long-term health and economic effects on the forested lands where the Department prohibits the use of active management techniques.

1000 Friends supports expanding the availability of public information about the state's forest land holdings through an inventory. The state's recent sustainable forest certification would be complemented by this practice, as well. Regarding the requirement for a report every 15 years on the health and economic impact of lands that have no active management, we believe that in order to fully inform decision makers and the public the report should include a discussion of any public benefits received from areas where active forest management is prohibited (i.e., where the decision is made in order to preserve riparian buffers, maintain historic and cultural sites, etc.).

1000 Friends has serious concerns, however, regarding Sections 5 through 9 of the bill (s. 28.04(2)(a) – (3)(b) WI Stats.), which shifts management authority over all state forest lands from the Department to the Division. It sounds logical on its face, but in fact we think it would further complicate the ability to efficiently manage and comprehensively plan for the state's forest lands. For example, where these lands experience heavy recreational use, a more comprehensive department-wide approach that addresses recreational access and other issues would be more appropriate. Our state forest lands are utilized for a wide variety of purposes beyond forest products production and that requires a comprehensive management approach that transcends the control of one specific division.

Finally, this type of a change would put an incredible staff and resource burden on the Division of Forestry at the same time that it faces a potential staff reduction of 40 positions in the state budget, particularly since this bill does not provide for additional resources.

Thank you for the opportunity to speak today and for considering our comments regarding AB 254.



**Testimony of**  
**Kathy Pielsticker, Administrator**  
**Division of Agricultural Resource Management**  
**Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP)**  
*March 29, 2005*

Chairman Friske and members of the Committee on Forestry thank you for the opportunity to testify today on AB 254. I am Kathy Pielsticker, Administrator of DATCP's Division of Agricultural Resource Management, representing Secretary Nilsestuen and the Department of Agriculture, Trade and Consumer Protection.

At present DATCP has the authority to inspect all properties and implement quarantines to manage pest emergencies within the state, including forestland. DATCP also has the authority to enforce pest abatement on agricultural lands. The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) has similar federal authorities. Under this proposal, the Chief State Forester at DNR would manage pest infestation or disease emergencies on all forestlands in the state including private and urban as well as state-owned forestland. We respectfully oppose these sections of this bill.

DATCP's current authority to control plant pests and diseases that threaten Wisconsin's crops, forests and plant communities includes both regulatory authority and support services for the industry. To effectively accomplish this task, our Plant Industry Bureau has long maintained close partnerships with the University of Wisconsin, DNR, USDA - APHIS, USDA - Forest Service and most importantly with private industry. The interaction of our specialists with industry growers and professional associations gives DATCP a sounding board for industries' views. Our partnerships with other governmental agencies have been solidified through cooperative agreements and memos of understanding. As a result, over time we have developed clear working relationships between our public and private partners and have implemented effective strategies for coordinating between the agencies.

If DNR becomes the lead agency on managing pest emergencies on all forestland these relationships will need to be restructured. More interagency coordination will be required between DNR, DATCP and APHIS to synchronize the new regulatory aspects with the management of pest and disease emergencies. Existing cooperative agreements and memos of understanding will need to be renegotiated. Most critically, our private partners and ultimately the growers who rely on our support must be educated in this new agency structure. Not only does this present an inconvenience for our clients but a logistical challenge and ultimately a financial cost for the State of Wisconsin.

It is our contention that the current authorities delegated to DATCP have been successfully implemented in coordination with all affected state and federal agencies and to the benefit of the regulated industries. A successful example of our joint efforts with DNR includes the interagency plan to combat an anticipated forest emergency from the

emerald ash borer (EAB). DATCP and DNR are nearing completion of an action plan for detecting and eradicating infestations as they arise. In May, we will be conducting our first emergency exercise with communities that are in the high risk zones for early finds of EAB. We are building our program based on Michigan's experience with EAB and DATCP's and DNR's gypsy moth interagency effort that uses combined resources to achieve a common goal.

The Wisconsin Cooperative Gypsy Moth program is the longest running and largest invasive pest program led by DATCP. This program, established in 1991, is designed to detect and treat potential problem infestations. Statewide trapping surveys indicate where significant populations of gypsy moths exist. The program has three different objectives, depending on the level of gypsy moth infestation: to eradicate, to slow the spread, or to suppress defoliation. The Cooperative Gypsy Moth program includes scientists from DATCP along with DNR, USDA - Forest Service, USDA - APHIS, and the UW. This group together recommends each year's trapping design, treatment recommendations and research goals.

It is for the sake of the forestry industry in Wisconsin that we ask you to continue to support the combined rapid response to forest pest emergencies, like the Gypsy Moth, that DATCP and DNR have already put in place with the help of our many public and private partners. We ask you to oppose the sections of AB 254 that would entirely unravel the current successful management of pest infestations or disease emergencies on all the forestlands in Wisconsin.

Thank you for your time and attention.





**Forest Inventory & Risk Assessment**  
**Final Report**

Submitted to Assembly Speaker John Gard  
March 10, 2004

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## *Task Force Membership & Purpose*

Assembly Speaker John Gard convened the Task Force on Forestry on October 9, 2003.  
Task Force members included:

Representative Donald Friske, Chairman  
Representative John Ainsworth  
Representative Dan Meyer  
Mr. Gene Francisco, Wisconsin Professional Loggers Association  
Dr. Robert Govett, University of Wisconsin – Stevens Point  
Mr. Dan Kretz, Kretz Lumber Company  
Mrs. Colette Matthews, Wisconsin County Forests Association  
Mr. Don Nelson, Packaging Corporation of America  
Mr. Pat Schillinger, Wisconsin Paper Council  
Mr. Elroy Schmit, Lincoln County Board of Supervisors Forestry Committee Chair  
Mr. Jerry Van de Hei, DNR Forester, Retired

The Assembly Speaker's Task Force on Forestry was charged to complete an inventory and assessment of Wisconsin's public and private forests. The inventory was to include but not be limited to species types, numbers and forested acres. The assessment reviewed the overall health of Wisconsin's forests as well as the governmental procedures impacting the improvement or detriment to the inventoried forested acres in the State.

In addition, Assembly Speaker John Gard created the Task Force in October 2003 to make an assessment of forest fire protection and prevention in the State of Wisconsin. The forest fires of 2003 in the Western United States highlighted the need to conduct a risk assessment, given the growing number of communities within Wisconsin's forested areas. Continuing concern over invasive species and insects within the United States and the legislature's ability to adapt state environmental policies to change could also play a part in making this assessment timely.

Records of the Task Force and audio of the proceedings are available at:  
<http://www.legis.state.wi.us/assembly/asm35/news/TaskForceOnForestry/>

## *Summary of Recommended Action*

The recommendations of the Task Force can be segmented into eight categories, as listed below. A more detailed description of the recommended actions immediately follows this chart in the *Issues and Recommendations* section.

<b>Reference</b>	<b>Recommendation</b>
<b>1.0</b>	<b>Statutory Clarifications</b>
1.1	Require DNR and DATCP Redefine and Clarify Timberland Emergency Powers
1.2	Clarify Statutory Definitions within Timberland Management
<b>2.0</b>	<b>Fire Prevention and Protection</b>
2.1	Require DNR to Retain Fire Detection Air-Fleet
2.2	Require DNR Staffing Level Minimums Following Fire Season
2.3	Require DNR Develop Multi-Jurisdictional Training and Assistance Strategy
<b>3.0</b>	<b>Timberland Management Authority</b>
3.1	Require Division of Forestry to Manage All State of Wisconsin Timberland Properties
3.2	Require DNR Regional Foresters to Report Directly to Wisconsin's Chief State Forester
3.3	Require DNR to Initiate a Timberland Inventory of Uninventoried Lands
3.4	Require DNR to Establish a Continuous Timberland Inventory of All Forested Lands
3.5	Require BCPL to Divest Itself of Timberland Property
<b>4.0</b>	<b>Timberland Management Responsibility</b>
4.1	Require DNR to Meet Reconnaissance
4.2	Allow Cooperating Foresters to Set Timber Sales on State Property
<b>5.0</b>	<b>Timberland Designations &amp; Allowable Management Techniques</b>
5.1	Establish a Presumption of Timberland Management
5.2	Limit or Prohibit Perpetual Easements
5.3	Set a Maximum of Natural Area Acreage
5.4	Call for an Audit by Legislative Audit Bureau of the Master-Planning Process
<b>6.0</b>	<b>Mil Tax Limitations</b>
6.1	Prohibit Mil Tax from Use as a General Research Disbursement
<b>7.0</b>	<b>Federal Forests within Wisconsin</b>
7.1	Issue an Official Statement of Federal Forest Issues
<b>8.0</b>	<b>Small Non-Industrial Private Timberlands</b>
8.1	Streamline Delivery of Services to Small Timberland Owners

# *Issues and Recommendations*

## Section 1.0 Statutory Clarifications

It is the conclusion of the Task Force that Wisconsin State Statutes and Administrative Code need clarification. The needs for clarification are different for each of the two recommendations.

### 1.1 Require DNR and DATCP Redefine and Clarify Timberland Emergency Powers

The Task Force concluded Wisconsin's Chief State Forester's role should be the decision maker in the event of a timberland emergency such as a fire, invasive species infestation or timberland disease outbreak. The number of exotic species in Wisconsin is expected to increase. Clarifications are needed prior to their arrival because the ambiguities within Wisconsin's administrative code currently allow for three potentially devastating consequences:

- (A) The lack of a single decision maker could allow two governmental agencies to follow separate methods of control or management, potentially in conflict, and emasculating the effectiveness each of the other's strategy;
- (B) The lack of a single decision maker could render any decision by either agency impotent if the decision-making timeframe needed to control or manage an emergency is drawn out too long; and
- (C) As seen in the current law with the Gypsy Moth situation, one agency may try to combat an emergency and only share or transfer total authority of a situation after the effort to eradicate the emergency has transitioned into controlling the emergency.

### 1.2 Clarify Statutory Definitions within Timberland Management

It is our opinion the Wisconsin State Statutes should be clarified and limit definitions of land type designation, as well as available methods of management on those lands.

It became apparent to the Task Force, particularly within the Division of Land, too many types of land designations have been created with unspecified and inconsistent rules for timberland management over a significant number of acres owned by the State of Wisconsin. Since these timberlands often are located adjacent to other federal, state, local and private timberlands, the inconsistent application of timberland management creates a serious risk of fire, disease or infestation to properties other than those owned and managed by the State of Wisconsin.

## Section 2.0 Fire Prevention and Protection

The Task Force concluded the State of Wisconsin has established a fire prevention and protection policy that meets extremely high standards without the use of unnecessary or exorbitant funding levels. The partnerships established between the Department of Natural Resources, the United States Government, the UW system and local fire departments have created a sound system of protection.

The Task Force is concerned, however, over two aspects of fire protection in Wisconsin.

### 2.1 Require DNR to Retain Fire Detection Air-Fleet

It is our opinion DNR should regain the ability to own and operate its fire detection fleet.

It has been historically demonstrated that the ability of firefighters to contain a fire can be won or lost in a matter of minutes, not hours. The ability for an aircraft to detect a fire within those minutes has been demonstrated repeatedly.

The cost of running a Department of Natural Resources fire detection aircraft is approximately \$75 – 80 per hour. The Department of Administration has been charging DNR \$99 per hour. The excess costs are being used to help, in part, cover the maintenance costs and pilot training for the remainder of DOA's fleet, which do not provide fire protection service to the DNR.

This is an improper use of state mil tax revenue, which has been designated specifically for the preservation and development of Wisconsin's state forests.

DNR has the ability to absorb the costs of owning and maintaining three to five fire detection planes. The pilots are trained and working within the ranks of the DNR.

### 2.2 Require DNR Staffing Level Minimums Following Fire Season

The Task Force concluded the public sees increased waiting times on other DNR business due to increased use of compensatory time following the fire season.

By establishing minimum staffing levels, members of the public will see a reduced response time. At the very least, the certainty provided by a timeline for response will reduce public discontent arising from an unanswered messages left at DNR offices.

Public and industrial needs for timberland management assistance are steady year round. Consistency in DNR availability is essential if larger blocs of timberland are to be managed optimally in the private sector. If larger blocs of timberland are fragmented for business reasons, the State of Wisconsin's ability to assist in managing that same land becomes more difficult. It will increase the number of landowners the DNR needs to reach and with a limited capacity to meet an already increasing workload. Fire, disease and infestation risks will increase with fragmented timberlands.

## Section 2.0 Fire Prevention and Protection (continued)

### 2.3 Require DNR Develop Multi-Jurisdictional Training and Assistance Strategy

The task force recommends that the DNR develop a strategy to provide forest fire control training and assistance to local fire departments outside the DNR's current forest fire control jurisdiction. Rural volunteer fire departments are increasingly involved in life threatening forest fires and are not equipped or adequately trained to handle wildland fires.

Currently the DNR provides forest fire protection on about 18 million acres of the state's primarily forested areas. The remaining area of the state not receiving DNR forest fire assistance has experienced a significant increase in forested acres over the past 30 years through conversion of marginal farmland to forest. A subsequent increase in damaging forest fires has occurred as a result of this increase in forestland. For example, in the spring of 2000 a forest fire occurred outside DNR jurisdiction in West Central Wisconsin burning several hundred acres of oak and pine woodlands. This forest fire called the Four Corners Fire trapped several fire fighters in a "blow-up" that required medical attention and nearly cost them their lives.

## Section 3.0 Timberland Management Authority

It is our conclusion the Division of Land was cooperative, but its focus is not on timberland management, maybe rightfully so. The Division of Land was unable to provide testimony, written or oral, outside of the information provided to it by the Division of Forestry. This lack of knowledge by the Division of Land, in addition of their lack of ability to meet the allowable annual harvests demonstrates the Division of Forestry should be empowered with the authority in addition to the responsibility to meet established and accepted agreements.

### 3.1 Require Division of Forestry to Manage All State of Wisconsin Timberland Properties

Given the Division of Land's lack of focus on timberland management and given the high cost/low return ratio of timberland management by the Board of Commissioners of Public Lands<sup>1</sup>, it is our opinion the Division of Forestry is in the best position to manage the timberlands of the State of Wisconsin.

Currently, the Division of Forestry is in charge of managing the state forests to benefit the present and future generations of residents of this state, recognizing the state forests contribute to local and statewide economies and to a healthy natural environment<sup>2</sup>. The Division of Forestry could implement a more effective timberland management strategy if given authority to manage state properties when management has been either overlooked or unprioritized by other Divisions within the DNR.

## Section 3.0 Timberland Management Authority (continued)

### 3.2 Require DNR Regional Foresters to Report Directly to Wisconsin's Chief State Forester

It is our opinion that in order for the Division of Forestry to effectively manage all timberlands of the State of Wisconsin, Regional Foresters need to be able to gain access to the properties. Current DNR hierarchy has five Regional Managers in place, creating unnecessary and inefficient oversight. In some cases this can, and has, prevented the Chief State Forester from prescribing needed timberland management.

### 3.3 Require DNR to Initiate a Timberland Inventory of Uninventoried Lands

The Task Force concluded the progress made by the DNR on inventory of Wisconsin's Timberland is a monumental accomplishment. The victory of this success, however, will be lost if new lands acquired by the State are not similarly inventoried.

Proper timberland management cannot be expected to occur if the property managers do not have an accurate and scientific inventory of their assets.

### 3.4 Require DNR to Establish a Continuous Timberland Inventory of All Forested Lands

The Task Force believes a continuous timberland inventory is the next step in the goal of total quality timberland management. If an existing inventory is to remain an effective tool, then it will need to continuously and accurately reflect the changing timberland assets in State holdings.

This may be of assistance as the DNR investigates or pursues third-party forest certification. By maintaining a continuous inventory, the State of Wisconsin will do well to protect the integrity of assessments and changes within standards made by third party certifiers.

### 3.5 Require BCPL to Divest Itself of Timberland Property

It is our opinion the Board of Commissioners of Public Lands has expanded from its original constitutional charge. The State Constitution states the Board is constituted, "for the sale of the school and university lands and for the investment of the funds arising therefrom."<sup>3</sup>

It is also the opinion of the Task Force that the constitutional reference to the Board of Commissioners of Public Lands charges it only with the responsibility to manage the Trust Fund, not the timberlands. The BCPL has transferred FTE positions and timberland management responsibilities to the Division of Forestry in the past<sup>4</sup> and it is the opinion of the Task Force such realignment should be restored.

It is in the interest of the State of Wisconsin to require the BCPL divest itself of its property. By providing the State of Wisconsin, Counties, Federal Government and Tribal Nations of Wisconsin a right of first refusal, it would ensure these tracts remain available to the State and national governments for public access.

## Section 4.0 Timberland Management Responsibility

It is the opinion of the Task Force the current master planning rules governing management of Wisconsin's DNR timberlands is insufficiently meeting the needs of the forest. Only about 40% timberland on state forests is even being considered for harvest. This is something that should be corrected.

The DNR and interested groups in plan development have agreed to allow a certain level of harvesting. This has been pared back from what is optimal for timberland management in the first place. It is the opinion of this Task Force that if the state met the annual allowable harvest, the costs would be fully recovered in a 3 to 1 positive return.

### 4.1 Require DNR to Meet Reconnaissance

The Task Force concluded the DNR should be annually required to conduct, within 10%, the annual allowable harvest on State owned-timberlands. The DNR should report to the statutory Council on Forestry how close it came to meeting the annual allowable harvest over the previous 12 months. If the DNR has failed to come within 10%, the Council on Forestry shall make recommendations to the relevant legislative committees to ensure the 10% goal is met in the following 12 months. This should not prohibit the Council on Forestry from making recommendations to the Legislature. This 10% cushion will provide the flexibility to deal with wood markets that can fluctuate.

Coming as close to 100% of the annual allowable harvest will scientifically protect our timberlands from fire, disease and infestation, as originally laid out in the master plans for our timberlands.

### 4.2 Allow Cooperating Foresters to Set Timber Sales on State Properties

It is our opinion the DNR does not, nor should it, employ as many foresters as needed to meet the recommendation of  $\pm 10\%$  in Recommendation 4.1.

An additional tool to help the DNR meet this goal would be to allow Cooperating Foresters to set up sales on state timberlands. By providing a certain preset percentage of the sale, determined by the Division of Forestry and approved by the statutory Council on Forestry, the remaining proceeds from the timber sale could be placed into a non-lapsing account to pay for contracting of cooperating foresters to assist in meeting the annual allowable harvest or Managed Forest Law mandatory practices.

## Section 5.0 Timberland Designations & Allowable Management Techniques

It is the opinion of the Task Force expansion of land type designations has significantly reduced the capability of the State of Wisconsin to conduct timberland management. Each new designation has set ambiguous limits of when, where and what types of timberland management can occur. This has severely limited the ability for the State to protect itself from risks of fire, disease or infestation.

### 5.1 Establish a Presumption of Timberland Management.

It is our opinion management plans for timberland owned by the State of Wisconsin should assume a presumption that timberland management will occur on 100% of State owned timberlands. Burden should be placed on the party that believes timberland management, which is a recognized benefit in state statutes<sup>5</sup>, is a detriment rather than the recognized benefit to the public.

Before acreage is limited from timberland management, the Department of Natural Resources should conduct a cost/benefit analysis and cumulative effects analysis of not thinning or harvesting the timberlands.

### 5.2 Limit or Prohibit Perpetual Easements

It is our opinion perpetual easements will face a court challenge ruling on constitutionality. Until that day, however, the State of Wisconsin and private landowners may be improperly implementing restrictions on land use by limiting proper management and subjecting our timberland to risks of fire, disease or infestation.

The State of Wisconsin should set a precedent respecting timberland management and access rights by:

- (A) Prohibiting the government from imposing deed restrictions on its own lands; and
- (B) Prohibiting the State of Wisconsin from acquiring lands with imposed deed restrictions.

### 5.3 Set a Maximum of Natural Area Acreage

It is our opinion significantly sized natural areas within timberlands restrict the ability of the State of Wisconsin to manage them, putting adjacent timberlands at an increased risk of fire, disease and infestation.

One way to correct this would be to limit the number of acres within State holdings managed as natural areas. There is a legitimate argument for some acres to be set-aside as quiet recreation areas within the State in order to meet the recreational desires of the public. However, those acres should be formally limited in size and location.

Further, Natural Area designations should be limited within Wisconsin State Forests. Current master planning classifications meet the ecological and social criteria for natural areas, making natural area designation in state forests both redundant and confusing to the public & forest managers.

## Section 5.0 Timberland Designations & Allowable Management Techniques (continued)

### 5.4 Call for an audit by Legislative Audit Bureau of the master-planning process

It is our opinion master plan development has become too lengthy to effectively perform its function to completion. While analyzing the master plan process was outside of the scope of this Task Force, it became apparent the Legislature should call for an audit by the Legislative Audit Bureau to ensure cost overruns and time delays are not unnecessarily draining Forestry Account resources best otherwise spent in other areas maintaining established State Forests and timberlands.

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## Section 6.0 Mil Tax Limitations

It is the opinion of the Task Force that the mil tax, as a significant revenue generator, has become used as a source to fund projects other than originally created, namely "acquiring, preserving and developing the forests of the state".<sup>6</sup>

### 6.1 Restrict mil tax from use as a general research disbursement

It is our opinion the disbursement of Forestry Mil tax to the DNR Bureau of Research has had no required tie into preserving or developing Wisconsin's forests.

We recommend prohibiting all research disbursements of the mil tax unless the request is specifically tied to a research request expressly in the interest of preserving and developing the Wisconsin forests.

Further, the Task Force recommends the Department of Natural Resources abolish the Bureau of Integrated Sciences entirely. It would be more preferable for institutions that were created for the purpose of scientific advancement and study to conduct research. The State of Wisconsin would be best positioned to send research funding to contract through a competitive bid system among universities.

## Section 7.0 Federal Forests Within Wisconsin

It is the opinion of the Task Force the State of Wisconsin should not remain silent on federal forest issues. The United States Forest Service (USFS) and the United States Congress likely see silence from the officials of the State of Wisconsin as approval of federal forest policies, when it may not be the case.

### 7.1 Issue an official statement of federal forest issues

It is our opinion the Wisconsin State Legislature should make an official statement to the USFS and US Congress on three important issues:

- (A) Damaged Timber – It should be recommended the United States Government lift the cap on the removal of damaged timber from federal forests. The threat of fire, disease or infestation on State of Wisconsin's or private timberlands is unnecessarily high. This threat has become reality in the western United States. The State of Wisconsin should make a statement on this poor policy before a major incident occurs here, not after; and
- (B) Charter Forests – It should be recommended the United States Government change timberland policy by allowing for the charter control by States of US National Forests within their borders. This would make local communities safer by standardizing timberland management policies within the State of Wisconsin. By placing management of this significant acreage with the State of Wisconsin, the threat of fire, disease or infestation will be dramatically reduced; and
- (C) Argonne Research Facility – Indications have been the USFS is interested in closing down the Argonne forest research facility it operates in northern Wisconsin. It is the opinion of the Task Force it should be recommended the USFS keep this facility open. If the facility should be closed, provisions should be made to ensure data collected at the facility is available to other forest research institutions as well as the general public.

## **Section 8.0 *Small Non-Industrial Private Timberlands***

It is the opinion of the Task Force the Managed Forest Law does a great service to private landowners and the State of Wisconsin by helping promote sound timberland management. Scientific plans and management help maintain healthy timberland genetics, ward off invasive species and protect homes and communities from the ravages of fire, disease and infestation.

However, the entrance requirements for Managed Forest Law are best geared for larger tracts of land. The development of a management plan can be costly and cumbersome to the point of discouraging owners of smaller tracts of land (under 20 acres) from entering the Managed Forest Law. It is the opinion of the Task Force the Legislature should address the high costs of entry into a timberland management programs for increasingly fragmented timberland parcels throughout Wisconsin.

### **8.1 *Streamline Delivery of Services to Small Timberland Owners***

It is the opinion of the Task Force that new entry parcels, smaller than 20 acres, in the Managed Forest Law should be provided a less cumbersome mechanism for establishing a management plan. The reduced cost of entry will act as an incentive to owners of smaller tracts of qualifying timberland to properly manage their timberland through Managed Forest Law.

## Conclusion

In conclusion, the Speaker's Task Force on Forestry believes that the State of Wisconsin performs exceptionally well preventing and protecting its citizens from forest fires. There is room for improvement in the clarification of emergency powers and expenditures of mil tax funding for airplane fire detection, which tie up funding for other forestry initiatives.

The Task Force is concerned regarding the state and federal governments inability to meet prescribed annual allowable harvests on state, federal and private forestland under their jurisdictions. The Department of Natural Resources (DNR), the Division of Land in particular, has established a master plan process limiting the authority of the DNR to conduct sustainable timberland management on lands that it has been given the responsibility to manage.

Inadequate timberland management on State and Federal acres in Wisconsin will systemically increase the risk of fires, diseases and infestations of native and exotic species spreading to private timberlands and local communities.

The State of Wisconsin should reduce these risks by empowering the Division of Forestry and cooperating foresters to set up timber sales on State-owned properties within the scope of established master plans. Further, by transferring the responsibility of timberland management for the Board of Commissioners of Public Lands (BCPL), we can reduce the cost of managing these 80,000 acres.

The BCPL has demonstrated a lower return rate than the Division of Forestry has shown. By empowering the Division over these lands and requiring the BCPL focus on trust fund maintenance, costs will be reduced and revenues increased for both agencies. The cost savings will enable the State of Wisconsin to develop and improve its forests and increase contact with small private timberland owners on sustainable management.

The DNR master plan process has become cumbersome and time consuming for the DNR to conduct. An audit should be conducted and the Legislature should implement a streamlined process based on the audit report.

The State of Wisconsin is a large owner and manager of timberlands. It is imperative it implement and oversee timberland management with extreme diligence. It is the duty of government to serve and protect. Government should ensure the economic, environmental and recreational benefits are derived from its timberlands equally at the same time protecting neighboring communities and timberlands from the increasing threats of fire, disease and infestation.

## End Notes

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<sup>1</sup> BCPL return rate on timberland management: 1%

<sup>2</sup> State Statute 28.04 (2) (a)

<sup>3</sup> Wisconsin State Constitution, Article X, Section 7

<sup>4</sup> 1993 Act 16

<sup>5</sup> State Statute 28.04 (2) (a)

<sup>6</sup> Wisconsin State Constitution, Article VIII, Section 10 (3)