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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 06-097

#### 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 January 2005.]

#### 2. Form, Style and Placement in Administrative Code

a. In s. NR 1.25 (1) (title), “DEFINITION REQUIRED” should be changed to “PURPOSE.” [See s. 1.02 (3), Manual.]

b. Section NR 1.25 (2) (intro.) should read: “In this section.”

#### 4. Adequacy of References to Related Statutes, Rules and Forms

In the explanation of agency authority section of the analysis, “Section 823.075 (1) (s), Stats.,” should be changed to “Section 823.075 (1) (d), Stats.”

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

a. In the rule preface, item 4. states that certain sections of the statutes provide that a forestry operation may not be declared to be a nuisance if the forestry operation conforms to generally accepted forestry management practices. It is more accurate to say that these sections of the statutes provide that a zoning ordinance may not prohibit forestry operations that are in accordance with generally accepted forestry management practices.

b. In the second paragraph of item 8. of the rule preface, the word “participating” should be replaced by the word “participation.”

c. In item 10. of the rule preface, the first occurrence of the word “in” should be replaced by the word “is.”

d. In s. NR 1.25 (2) (b), the definition of the term “generally accepted forestry management practices” should not differ from the statutory language found in s. 823.075 (1) (d), Stats. The definition could read as follows:

NR 1.25 (2) (b) “Generally accepted forestry management practices” means forestry management practices that promote sound management of a forest. “Generally accepted forestry management practices” include those practices contained in the most recent version of the department’s publication known as Wisconsin Forest Management Guidelines and identified as PUB-FR-226.

This formulation replicates the statutory language defining the term “generally accepted forestry management practices” and provides that the department guidelines are a subset of that definition. In the alternative, since the department has the statutory authority to define the term by incorporating the guidelines by reference, the definition could rely solely on the guidelines as follows:

NR 1.25 (2) (b) “Generally accepted forestry management practices: means those practices contained in the most recent version of the department’s publication known as Wisconsin Forest Management Guidelines and identified as PUB-FR-226.

e. Following the suggestion in par. (d), above, s. NR 1.25 (3) (a) then can be rewritten to read:

NR 1.25 (3) (a) The department-developed Wisconsin forest management guidelines, PUB-FR-226, shall contain forestry management practices recommended and approved by the department.

The note to the rule also should make no reference to the year 2003, since the department will periodically update the guidelines.