

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

CR 88-192

RECEIVED

MAY 18 1989

G. Olson
Revisor of Statutes
Bureau

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-56-88 was duly approved and adopted by this Department on February 23, 1989. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 16th
day of May, 1989.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

8-1-89

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

IN THE MATTER of repealing and recreating
s. NR 1.21, and creating ss. NR 1.211 to 1.213
of the Wis. Adm. Code, pertaining to private
forestry assistance

FR-56-88

Analysis Prepared by Department of Natural Resources

Statutory authority: s. 227.11 (2) (a), Stats.

Statutes interpreted: ss. 26.35, 28.01 and 28.07, Stats.

The Department's policy on private forestry assistance is established by this rule. The rule establishes priorities for servicing private forestry requests, defines the classifications of "forester", establishes a cooperative program with consulting foresters and establishes limitations on Department forestry services. Current policy is altered by limiting Department services to landowners in setting up timber sales. The physical set up of timber sales will be a lower priority and will be subject to size limitations. A procedure is set up for referring timber sales on larger acreages to consulting and industrial foresters.

SECTION 1. NR 1.21 is repealed and recreated to read:

NR 1.21 PRIVATE FORESTRY ASSISTANCE. (1) PURPOSE. This section and ss. NR 1.211 to 1.213 contain rules for the administration of the private forestry assistance program to private, non-industrial landowners under ss. 26.35, 28.01 and 28.07, Stats. Priorities for servicing private forestry requests and a cooperative program with consulting foresters is established.

(2) DEFINITIONS. For the purpose of this section and ss. NR 1.211 to 1.213:

(a) "Cooperating consulting forester" means an independent consulting forester or industrial consulting forester who enters into a cooperative agreement with the department relating to the providing of forestry services to private landowners.

(b) "Department" means the Wisconsin department of natural resources.

(c) "Department forester" means a person meeting the qualifications of the department and employed by the department to carry out assigned forest management responsibilities.

(d) "Forester" means a person other than one employed by the department who has received a bachelor or higher degree from a school of forestry with curriculum accredited by the society of american foresters in the management of forest resources.

(e) "Forestry firm" means a business that employs a forester or foresters and is engaged in providing forest management services to private landowners.

(f) "Independent consulting forester" means a forester who provides a variety of professional forestry services to and represents private landowners on a contract or fee basis which is paid by the landowner.

(g) "Industrial consulting forester" means an industrial forester who, as part of his or her employment, provides advice and assistance to private landowners to promote approved forest management practices.

(h) "Industrial forester" means a forester employed by a wood-using industry who may manage company-owned woodlands to produce forest products, or may work with private landowners to purchase forest products for the industrial forester's employer.

(i) "Poletimber" means those trees that range from five to nine inches in diameter for conifers and five inches to eleven inches in diameter for all other species when measured 4.5 feet above ground level and which contain a minimum volume of three

cords per acre.

(j) "Sawtimber" means those trees that are at least nine inches and larger in diameter for conifers and eleven inches and larger in diameter for all other species when measured 4.5 feet above ground level and which contain a minimum volume of 1300 board feet per acre.

SECTION 2. NR 1.211 to 1.213 are created to read:

NR 1.211 COOPERATIVE FORESTRY POLICY. The department shall administer the private forestry program in a manner which will provide management assistance to owners of private forest lands.

(1) The department shall provide technical forestry assistance on privately owned forest lands in Wisconsin.

(2) The department may enter into agreements with any governmental agency, public or private corporation or private owner to achieve improved forest land management.

(3) The private forestry program shall focus on leadership in forestry through management planning, demonstration, education and coordination of forestry activities. The department shall strive to reach a large number of people and effect forest management on the most acreage as is reasonably possible.

(4) Department foresters shall cooperate with other professional foresters, groups and individuals to influence and encourage forest land management.

(5) Department foresters shall recommend integrated management principles that enhance forests, wildlife, aesthetics, recreation and watershed protection through applied silvicultural practices.

(6) The concept of multiple-use of forest lands will be utilized to assure maximum public benefits of wood production, wildlife management, improved watershed protection, recreational use and aesthetics.

(7) Department efforts shall be concentrated on those activities having the greatest potential of providing for present or future multiple use and public economic benefits.

NR 1.212 PRIVATE FORESTRY PRIORITIES FOR ASSISTANCE.

Department foresters shall comply with the following priorities in providing assistance to and responding to requests for assistance from private landowners within the resources available and normal work plan:

(1) PRIORITY I ACTIVITIES. Department foresters shall follow the priorities established in this section in serving requests. (Activities are of equal priority within this section.)

(a) Management of vegetation on department-owned lands.

(b) Education of forest landowners and the general public.

NOTE: The role of the forester in education is to use all reasonable means, including demonstration to increase the public's awareness of forest land management. It is not expected that such educational endeavors will normally include teaching in educational institutions.

(c) Administration and oversight of the forest tax laws, or forest practices on the land under the forest tax programs in subchs. I and VI, ch. 77, Stats. Administration and oversight includes review of petitions for eligibility, preparation of

management plans and enforcement of the provisions of the law and is not subject to the three day per year limit. Forest practices include woodland reconnaissance, tree planting, timber sale set-up and cultural operations and are subject to the three day per year limitation.

(d) Certification of need and performance of federal cost-sharing programs administered by the agricultural stabilization and conservation service.

(e) Conducting general forest land reconnaissance on new requests for assistance to determine management needs, provide information to encourage sound forestry practices and long-term management programs, and provide private landowners with information on the forest tax programs. This includes the preparation of management plans on land not under the forest tax program in subchs. I and VI, ch. 77, Stats., which appear to provide the best potential to result in productive management.

(2) PRIORITY II ACTIVITIES. Department foresters shall respond to the following types of forestry assistance requests upon completion of Priority I activities listed under sub. (1).

(a) Designating for harvest and market, timber 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 federal cost-sharing program.

(c) Designating cultural operations on young stands on land not under the forest tax law programs in subchs. I and VI, ch. 77, Stats., or a federal cost-sharing program.

(d) Conducting insect and disease control surveys and recommendations. Major forest pest outbreaks, however, shall be responded to on a Priority I basis.

(3) LIMITATIONS, EXEMPTIONS AND PROHIBITIONS ON ASSISTANCE. Assistance by department foresters shall ensure that forestry benefits will be provided to the greatest number of landowners.

(a) Limitations. 1. Each landowner requesting forest management assistance may receive no more than 3 work days (24 hours) of technical forestry service during each calendar year.

2. Department foresters may establish timber sales for private landowners where no more than 20 acres of sawtimber or no more than 40 acres of poletimber will be harvested and if the service has not been provided, up to these acreage limits, in the prior ten year period.

3. All timber sale marking and volume designation on land subject to a request for assistance when the landowner's timber sale requirements exceed the limitations specified in (4), (a) 2, above, shall be referred to cooperating consulting foresters pursuant to cooperative agreements between the department and the cooperating consulting foresters. The department may not provide timber sale marking assistance unless the landowner can demonstrate to the department's satisfaction that timber sale assistance is not reasonably available from a cooperating consultant forester, or such service has been reasonably requested by the landowner and the request has been refused by a cooperating consulting forester. The department shall provide the necessary forms and specifications for this referral system.

4. Department foresters may establish timber sales only after higher priorities are met.

(b) Exemptions. The following activities are exempt from the work day assistance limit established in par. (a):

1. Activities related to compliance with the forest tax programs in subchs. I and VI, ch. 77, Stats.

2. Department cooperative services pertaining to administration of federal cost-sharing programs administered by the agricultural stabilization and conservation service.

3. Assistance to state and federal agencies, local units of government, quasi-public agencies and similar groups, as time and workload priorities permit.

(c) Prohibitions. The following are services which may not be provided by department foresters on privately owned lands:

1. Timber damage or right-of-way appraisals.

2. Timber sale boundary establishment other than with a hand compass.

3. Private boundary line establishment by any means.

4. Preparation or enforcement of timber sale contracts other than providing an approved sample contract form.

5. Investigation or involvement with civil trespass, other than when investigating for a violation of ch. 26, Stats.

6. Shearing of Christmas trees except for instructional or educational purposes.

7. Arboriculture and tree-trimming.

complies with standards established by the department for the management of department land.

(c) The cooperating consulting forester shall use accepted methods that recognize the landowner's personal land management objectives.

(d) The cooperating consulting forester shall attend a minimum of one department-approved meeting or training session annually.

(e) The cooperating consulting forester's duty to submit to the department reports of timber sale stumpage volumes and values for sales they administer.

(f) Any other provisions deemed reasonable by the department to further the practice of sound forestry in the state.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 23, 1989.

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

Dated in Madison, Wisconsin May 16, 1989

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

May 16, 1989

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Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

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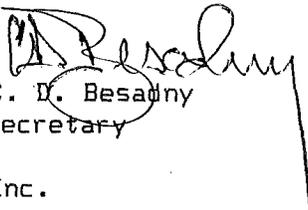
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Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-56-88. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Transportation, Conservation and Mining pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.