

(a) No trees or shrubs over 5 years of age or more than once transplanted shall be produced for general distribution by state-operated nurseries.

(b) Species grown shall be limited to trees and shrubs normally used for forestry and wildlife plantings.

(c) No shipment of less than 500 trees will be made to an applicant. However, "wildlife packets", including trees and shrubs and tree packets for windbreaks, shelterbelts and erosion control in quantities of not less than 250 trees or shrubs shall be made available where practicable.

(d) No trees or shrubs shall be made available to commercial or municipal nurseries for lining out stock or other nursery purposes.

(e) Nursery stock produced in state-operated nurseries may not be utilized for the commercial production of Christmas trees.

(f) Trees and shrubs may be purchased for education and public awareness purposes by educational institutions, youth groups (such as 4-H, future farmers, boy scouts, girl scouts and similar vocational or character building organizations), and nonprofit organizations for planting, provided the department is assured the project will have adequate supervision.

(g) All trees and shrubs distributed for planting on private lands, except as provided in par. (h), shall be purchased at prices established by the department in accordance with s. 28.06 (2), Stats.

(h) Trees and shrubs may be made available free of charge for department-sponsored forestry promotional events, university research and project respect participants, provided the department is assured the project will have adequate supervision and pending availability of nursery stock.

(i) Species inventories exceeding sales and allotments may be sold or traded with other states or the U.S.F.S.

(j) Nursery stock produced in state-operated nurseries shall be made available for reforestation purposes on county forest lands entered under s. 28.11, Stats., at 50% of the prevailing price established in accordance with s. 28.06 (2), Stats.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; r. and recr. (2) (e) and (h), am. (2) (f) and (g), cr. (2) (j), Register, April, 1993, No. 449, eff. 5-1-93.

**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 5 to 9 inches in diameter for conifers and 5 inches to 11 inches in diameter for all other species when measured 4.5 feet above ground level and which contain a minimum volume of 3 cords per acre.

(j) "Sawtimber" means those trees that are at least 9 inches and larger in diameter for conifers and 11 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.

History: Cr. Register, April, 1975, No. 232, eff. 5-1-75; r. and rec. Register, July, 1989, No. 403, eff. 8-1-89.

**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.

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(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.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**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 3 day per year limit. Forest practices include woodland reconnaissance, tree planting, timber sale set-up and cultural operations and are subject to the 3 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 programs 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 10 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 subd. 2, 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.
8. Performing cultural practices or tree planting except for instructional or educational purposes.
9. Scaling cut forest products except for instructional or educational purposes.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**NR 1.213 Cooperating consulting forester program. (1) PURPOSE.** To encourage the practice of forestry, maximize sound management of private forests in the state and provide forestry benefits to the public, a cooperative effort between the department and independent consulting foresters and industrial consulting foresters practicing in Wisconsin is established as provided in this section.

(2) Foresters or forestry firms who wish to enter into a cooperative agreement with the department shall apply to the department on department forms and submit the information requested by the department.

(3) The department may enter into cooperative agreements with foresters, including all persons identified as a consulting forester on the department's consultant foresters list as of February 1, 1989, and maintain a listing of cooperating independent consulting foresters or industrial consulting foresters or forestry firms available to provide forestry services to private landowners. The cooperative agreements shall provide that:

(a) The department shall establish a cooperative program of referrals of landowner requests for forestry assistance which will utilize cooperating consulting foresters to provide private forestry assistance.

(b) The cooperating consulting forester shall manage private lands referred to the consulting forester in a manner which 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.

History: Cr. Register, July, 1989, No. 403, eff. 8-1-89.

**NR 1.22 Establishment of coniferous plantations.** The department shall encourage the establishment and intensive management of coniferous plantations planted with suitable species and spacing. The landowner shall be encouraged to maintain access ways which will aid in the management, diversified use, prevention, detection and suppression of destructive forces which might endanger such plantations

History: Cr. Register, April, 1976, No. 232, eff. 5-1-75.

**NR 1.23 Fire control cooperation.** The department shall assist local governments in fire emergencies whenever possible, utilizing personnel and equipment from the department.

History: Cr. Register, April, 1976, No. 232, eff. 5-1-75.

**NR 1.24 Management of state and county forests.** (1) The natural resources board's objective for the management of state forests and other department properties where timber cutting is carried out and county forests is to grow forest crops by using silvicultural methods that will perpetuate the forest and maintain diversified plant and animal communities, protect soil, watersheds, streams, lakes, shorelines and wetlands, in a true multiple-use concept. In the management of the forests, it shall be the goal of the board to insure stability in incomes and jobs for wood producers in the communities in which the state and county forest lands are located, and to increase employment opportunities for wood producers in future years. Whenever possible, large sale contracts shall be for 4 years which will assist wood producers in dealing with uneven demand and prices for their products.

(2) To achieve this objective, sale areas or cutting blocks and timber harvest operations will be planned through an intra-departmental interdisciplinary review process when 10-year plans are developed in cooperation with the affected county to optimize management practices; to recognize the long-term values of preserving the integrity of the soil; to assure the maintenance of water quality; and to achieve multiple objectives of forest land management. Although multiple use shall be the guiding principle on state and county forests, the board recognizes that optimization of each use will not be possible on every acre. Desirable practices include:

(a) Fully utilizing available topographic maps, aerial photographs and soil surveys and combining these with local knowledge or field reconnaissance to ascertain on-the-ground conditions.

(b) Wherever practical, use perennial streams as harvest-cutting boundaries with provision for a streamside management zone to protect stream bank integrity and water quality, and with skidding planned away from these streams and the adjacent streamside management zones.

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(c) An appropriate silvicultural system and cutting design should be planned to optimize economic skidding distances, to minimize road densities and unnecessary road construction and for efficient establishment and management of subsequent forest crops.

(d) Cutting boundaries should utilize topographic terrain, ridges, roads and forest type changes where ownership patterns permit and should provide a harvest area size consistent with economical skidding, available logging equipment, silvicultural requirements and other management objectives.

(e) Plan cutting layouts to avoid leaving narrow unmanageable strips of timber susceptible to storm damage and windthrow.

(3) Department properties and county forests shall be zoned and managed primarily for esthetic values in selected areas as identified in the master plan to recognize the importance of scenic values to the economy of the state. When clearcutting can be used to develop specialized

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