

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

The Wisconsin Natural Resources Board proposes an order to amend NR 1.213(3)(b) and (d) and to repeal and recreate NR 1.212(1) and (2) relating to the cooperating forester program and private forestry priorities for assistance.

FR-11-01

Analysis Prepared by the Department of Natural Resources

Statutory Authority: ss. 23.09(2)(h), 26.35, 28.07 and 227.11(2), Stats.
Statutes Interpreted: ss. 26.35 and 28.07, Stats.

Private Forestry Priorities for Assistance: Department foresters provide forest management assistance to over 10,000 private landowners annually. Requests for assistance, however, are significantly greater than can be served with available staff. NR 1.212(1) and (2) provide guidance in setting priorities followed by Department foresters when scheduling their work. The rule establishes initial management guidance to landowners, timber harvest advice, referrals to cooperating private foresters for timber harvest marking, forestry incentives program administration, and landowner education among the highest priorities. Less emphasis would be placed on providing complex or detailed services that may be available from private enterprise or on practices that are not mandatory under the forest tax programs. These changes are designed to make more efficient use of DNR staff time and to integrate state forestry services more closely with assistance available from private enterprise and other groups in order to serve as many landowners as practical.

Cooperating Forester Program: Department foresters and foresters in private enterprise offer complementary services, each having particular strengths in motivating landowners and helping them implement forestry practices. The Cooperating Forester Program was established by rule in 1989 to provide a framework for giving out landowners' forestry assistance requests to private consulting foresters and industrial foresters that participate. Lists of Cooperators' names are also provided to landowners wanting to make their own contacts.

The proposed rule requires Cooperating Foresters to apply DNR approved silviculture guidelines on all private land where they provide service. Currently, Cooperators agree to follow DNR forestry standards only on work coming directly from DNR referrals, with a possibility of lower standards elsewhere. That variance can result in a lack of trust on the part of DNR foresters who promote the hiring of Cooperators and a reduction in confidence from landowners considering the services of foresters on the Department's Cooperating Forester lists. The rule change will remove potential conflicts of a double standard. The rule will also raise the minimum continuing forestry education requirement for Cooperators from six to ten hours per year in an additional effort to improve quality.

SECTION 1. NR 1.212(1) and (2) are repealed and recreated to read:

NR 1.212 (1) PRIORITY I ACTIVITIES. The following activities, listed in order of significance, shall be the highest priority for department foresters providing private forestry assistance except that department foresters may exercise discretion in applying the priorities within this subsection and sub. (2) based on statutory requirements, seasonal needs and scheduling efficiency:

(a) A first time request from a landowner for management guidance including an assessment of the landowner's objectives, a walk-through or cruise of the property, educational and advisory information, written management recommendations or referral to other resource professionals.

(b) Timber sale guidance including forest reconnaissance, a written harvest prescription or a referral to other resource professionals.

Note: Timber sale guidance is distinguished from timber sale marking, which is listed in sub. (2)(a).

(c) Administration and oversight of the forest tax laws including review of petitions for eligibility, preparation of management plans, mandatory practices follow up and enforcement of the provisions of the law.

(d) Establishment of mandatory practices under forest tax laws in subchs. I and VI, ch. 77, Stats., if a cooperating forester has not provided assistance.

(e) Administration of the Wisconsin forest landowner grant program in s. 26.38, Stats., and federal cost-sharing programs related to forest management practices.

(f) One-to-one educational opportunities with private landowners and cooperating foresters; landowner or educator conferences, workshops and field demonstrations; assistance to school and community forests; and news articles.

(g) Major pest outbreaks or other catastrophic occurrences.

(h) Coordination of state tree nursery orders and shipments.

(2) PRIORITY II ACTIVITIES. The following activities shall be important, but a lower priority for department foresters providing private forestry assistance:

(a) Timber sale marking and volume designation including painting, flagging or otherwise marking individual trees or cutting boundaries for the purpose of a commercial harvest on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., but for which there is a written management plan and within the limitations specified in sub. (3).

(b) Tree planting advice on land not under the forest tax programs in subchs. I and VI, ch. 77, Stats., or a state or federal cost-sharing program.

(c) Certification of need and performance for federal cost-sharing assistance programs not immediately related to management of forests.

(d) Educational presentations to school groups, civic groups, or at parades or fairs.

(e) Development of forest stewardship management plans on lands not enrolled or for which there is no application for enrollment under the forest tax laws in subchs. I and VI, ch. 77, Stats.

(f) Facilitation of any forest improvement, pruning, thinning, site preparation, release or tree planting practices which are not mandatory under the forest tax programs in subchs. I and VI, ch. 77, Stats.

(g) Insect and disease surveys and recommendations other than those related to catastrophic outbreaks.

SECTION 2. NR 1.213(3)(b) and (d) are amended to read:

NR 1.213 (3)(b) The cooperating forester shall manage private lands ~~referred to the consulting or industrial forester where the cooperator provides service~~ in a manner which ~~complies with standards established by the department for the management of department land~~ maintains the long-term capacity of the land to provide forest products, uses and values desired by landowners in accordance with the

silvicultural guidelines in department handbooks and directives or a written, science-based forest management commitment submitted to and approved by the department in advance.

Note: This section does not apply to land use conversions, such as the change of forestland to agricultural use. Land use conversions are not considered to be forest management.

(d) The cooperating forester shall attend a minimum of 6 10 hours of department-approved training annually.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 27, 2001.

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

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)