

## **Report From Agency**

### REPORT TO LEGISLATURE

NR 1.212, Wis. Adm. Code  
Referral of private timber sale requests to cooperating foresters

Board Order No. FR-03-07  
Clearinghouse Rule No. 07-012

#### Basis and Purpose of the Proposed Rule

The capacity of private sector foresters to provide timber harvest assistance to woodland owners has grown considerably since s. NR 1.212 was created in 1989. During the same time, DNR foresters' workload grew to address other management needs on private and public lands. To make the most effective use of Department staff, an interim directive was issued in 2001 to refer all private timber sale requests to cooperating foresters. That pilot is working to the satisfaction of the Department, cooperators and most landowners. Limiting DNR forester assistance on private timber sales will also further efforts to address the allowable harvest on DNR lands.

The proposed rule will require referral of all timber sale requests from private landowners to cooperating foresters. DNR foresters would not provide timber harvest set up assistance to private landowners, regardless of the size of the forest tract, unless help is not reasonably available from private enterprise cooperators. The proposed rule also drops redundant language about refusals from cooperators to provide service.

#### Summary of Public Comments

By written comment, Mr. George Rogers of Stevens Point opposed the rule change. While he would be willing to hire a cooperator to set up timber sales on his 40-acre tract, Mr. Rogers expressed concern that owners of smaller tracts would not. He felt that small tracts might be mismanaged if free assistance is not immediately available from DNR. The Department agrees there is some risk that owners of small parcels might not be willing to take the time to search out assistance from private foresters. We are encouraging more training for loggers and piloting private programs to aggregate small timber sales, which will hopefully be efficient alternatives. The Department still does help a substantial number of landowners annually who have gone through the timber sale referral process.

#### Modifications Made

No modifications were made as a result of public hearing comments.

#### Appearances at the Public Hearing

No one appeared at the public hearing.

#### Changes to Rule Analysis and Fiscal Estimate

No changes were required.

#### Response to Legislative Council Rules Clearinghouse Report

The recommendations of the Rule Clearinghouse have been incorporated.

### Final Regulatory Flexibility Analysis

The proposed rule has an economic impact on a substantial number of small businesses. The rule would create an opportunity for private consulting forestry firms to expand to meet the demand for private timber harvest assistance. The rule would remove competition from the State to provide timber harvest assistance on private land. The rule does not, however, impose any new regulatory or reporting requirements on small businesses. The rule would also impact landowners who operate their woodlands as a small business, causing them to pay for timber sale set up and administration services from private enterprise foresters rather than receive free assistance from the State. Since the harvest activity generates a ready source of cash for landowners, it is appropriate that they deal with costs to sell timber as a business expense rather than rely on tax-supported help.