

Clearinghouse Rule 13-023

Report to
Legislative Council Rules Clearinghouse
NR 1, Wis. Adm. Code
Natural Resources Board Order No. FR-24-11

Wisconsin Statutory Authority

Section 28.05 (3) (am) Wis. Stats

Federal Authority

Not applicable

Comparison of Adjacent States

A search of rules in Minnesota, Michigan, Iowa and Illinois revealed that these adjacent states do not have any similar rules.

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

2005 Act 166 promulgated the process to provide an inventory of all forested Department of Natural Resource lands, identify the forest resources available for management, develop annual allowable harvest levels, and undertake such management within 90% and 110% of those levels. Act 166 further provided a mechanism, through the use of Cooperating Foresters, to assist the department in establishing timber sales. What was not provided was an additional funding source to implement pre and post harvest regeneration treatments in the areas harvested. These funds are needed to ensure the forest continues to be sustainably managed and to assure that the post harvest stand will continue to produce re-occurring forest products and other public benefits within state and certification guidelines. To date, Department owned lands have seen a 190% increase in timber sale activity since 2005 from approximately 9700 acres to approximately 25,000 acres per year. With an increase in timber sale activities, regeneration needs closely follow the acres harvested.

In the absence of the new rule the Department would rely on gifts, grants, and limited existing regeneration funds to implement regeneration activities on state owned lands. These funding sources fall short of regeneration needs and the ability to achieve future desired conditions on state lands will continue to be hampered. In addition, land managers may be apprehensive to harvest in more complex ecosystems where a quick response of regeneration is required. The new rule will provide assurance that funding will be available to implement forest regeneration activities after harvesting has occurred.

This rule will include provisions authorizing the Department to contract with cooperating foresters and private contractors to conduct artificial and natural forest regeneration activities including site preparation, tree planting, and invasive species control associated with forest regeneration. The rule shall authorize cooperating foresters and private contractors with whom the Department contracts under this paragraph to receive a portion of the proceeds from timber harvests on state lands.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, Governors approval, followed by legislative review, rule published.

Description of any Forms (attach copies if available)

None

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