

George E. Meyer
Secretary

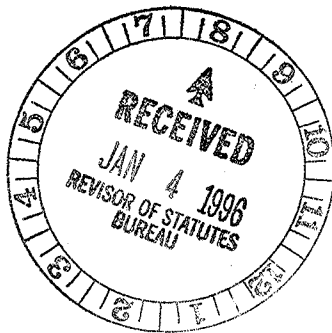
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, 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-33-95 was duly approved and adopted by this Department on October 26, 1995. 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.



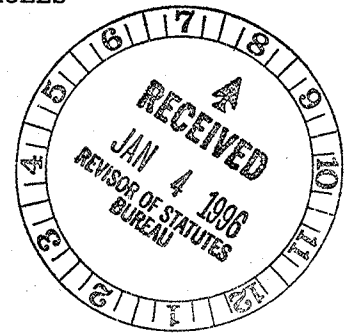
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 13th day of December, 1995.

George E. Meyer
George E. Meyer, Secretary

(SEAL)

ORDER OF STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 1.21(2)(h) and 1.212(1)(a); to renumber NR 1.21(2)(a) to (f), (i) and (j) and 1.212(1)(b) to (e); to amend NR 1.21(2)(g), 1.212(1)(intro.), 1.212(1)(d), 1.212(3)(a)3. and (b)2 and 3, 1.213(1) and (3); and to create NR 1.212(3)(a)5 relating to the administration of private forestry assistance.



Analysis Prepared by Department of Natural Resources

Authorizing statutes: s. 227.11(2), Stats.
Statutes interpreted: ss. 26.35, 28.01 and 28.07, Stats.

The following changes are proposed to clarify s. NR 1.21.

The proposed rule modifies the definitions to better distinguish between industrial and consulting foresters. These two types of private foresters have differing roles that need clarification. Consulting foresters work for a landowner in a client relationship while an industrial forester is employed by a wood-using industry and may also provide services to landowners. The proposed definition changes separate these roles more clearly and the terms are more easily understood.

As a result of the definition changes, the name of the program is changed to "Cooperating Forester Program" rather than "Cooperating Consulting Forester Program".

Management of department-owned lands is deleted as a priority of the private forestry workload, so the rule deals only with that portion of the DNR forester's workload that involves private lands.

The proposed rule modifies the present program to allow DNR to service a timber sale request only after a refusal from a consulting forester, not an industrial forester. Industrial foresters may purchase only specific timber species and products and may refuse a landowner service because the sale doesn't fit their particular market. Consulting foresters suggest they be given an opportunity to provide service to these owners.

DNR foresters may only set up timber sales on lands that have a current forest management plan.

The Agricultural Stabilization and Conservation Service is now the Consolidated Farm Services Agency and the proposed rule recognizes that change in name. Also, the authority of the Department to provide service to certain agencies and units of government without time limitations is clarified by indicating that the use of cooperating foresters may be encouraged for such assistance. The reference to "quasi-public agencies and similar groups" is deleted.

The restriction of DNR foresters to do timber and land appraisals for private landowners is clarified.

The minimum training requirement of cooperators to be eligible to participate in the Department's Cooperating Forester program is changed to six hours rather than one training session.

SECTION 1. NR 1.21(2) (a) to (f) are renumbered (2) (b) to (f) and (a), respectively, and (2) (a), (b), and (e) as renumbered, are amended to read:

NR 1.21(2) (a) "~~Independent consulting~~ 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.

(b) "Cooperating ~~consulting~~ consulting forester" means ~~an independent~~ a 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.

(e) "Forester" means a person other than one employed by the department who has received a forestry degree in an accredited forest management curriculum from a university or college with a 4-year curriculum, or accredited graduate degree in ~~forest~~ the management of forest resources.

SECTION 2. NR 1.21(2) (g) is amended to read:

NR 1.21(2) (g) "Industrial ~~consulting~~ forester" means ~~an industrial a~~ forester employed by a wood-using industry who as part of his or her employment, provides advice and assistance to private landowners to promote approved forest management practices.

SECTION 3. NR 1.21(2) (h) is repealed.

SECTION 4. NR 1.21(2) (i) and (j) are renumbered NR 1.21(2) (h) and (i).

SECTION 5. NR 1.212(1) (intro.) is amended to read:

NR 1.212(1) PRIORITY I ACTIVITIES. (intro.) Department foresters shall follow the priorities established in this section in ~~servicing~~ servicing requests. (Activities are of equal priority within this section.)

SECTION 6. NR 1.212(1) (a) is repealed.

SECTION 7. NR 1.212(1) (b) to (e) are renumbered NR 1.212(1) (a) to (d).

SECTION 8. NR 1.212(1) (c), as renumbered, and (3) (a)3. are amended to read:

NR 1.212(1) (c) Certification of need and performance of federal cost-sharing programs administered by the ~~agricultural stabilization and conservation service~~ consolidated farm services agency.

(3) (a)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 to 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.

SECTION 9. NR 1.212(3)(a)5 is created to read:

NR 1.212(3)(a)5. Department foresters may only establish timber sales on lands for which there is a current forest management plan.

SECTION 10. NR 1.212(3)(b)2 and 3, and (c)1 are amended to read:

NR 1.212(3)(b)2. Department cooperative services pertaining to administration of federal cost-sharing programs administered by the ~~agricultural stabilization and conservation service consolidated farm services agency.~~

3. Assistance to state and federal agencies, and local units of government, quasi-public agencies and similar groups, as time and workload priorities permit. This exemption does not preclude the use of cooperating foresters to provide service to these agencies and governments.

(c)1. Timber damage or right of way Appraisals of forest land, timber, timber damage, or right-of-ways. This prohibition does not preclude department foresters from providing general information on established stumpage values and current market trends.

SECTION 11. NR 1.213(1) and (3) are amended to read:

NR 1.213 Cooperating ~~consulting~~ forester program.

NR 1.213(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.

(3) The department may enter into cooperative agreements with foresters, including all persons identified as a consulting forester on the department's ~~consultant consulting~~ foresters list as of February 1, 1989, and maintain a listing of cooperating ~~independent consulting foresters or~~ and 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 or industrial 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~~ 6 hours of department-approved ~~meeting or~~ training ~~session~~ annually.

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

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 26, 1995.

The rule 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.

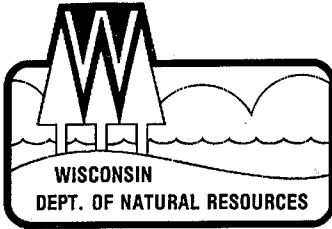
Dated at Madison Wisconsin

12-13-95

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

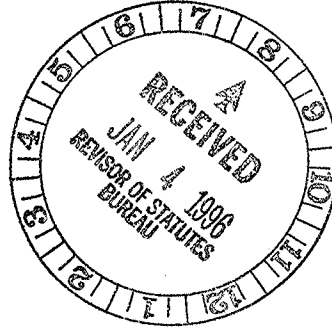
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December 13, 1995

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Gary
Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-33-95. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,

George
George E. Meyer
Secretary

Enc.