

☛ **05hr\_AC-Fo\_CRule\_05-087\_pt01**



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on Forestry...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (July 2013)

## Gary, Tim

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**From:** Gary, Tim  
**Sent:** Tuesday, March 14, 2006 9:10 AM  
**To:** Deering, Bonnie; Engelbert, Steve; Gary, Tim; Junck, Linda; Keleher, Marylou; Letzing, Rachel; Polzin, Cindy; Potts, Andrew; Redell, Carol; Rep.Ainsworth; Rep.Boyle; Rep.Friske; Rep.Hubler; Rep.Mursau; Rep.WilliamsM  
**Subject:** FW: MFL Deadline  
**Importance:** High

Please include this email with the bill folder for CR 05-087 for today's Assembly Forestry Committee Executive Session.

Thank you,  
Tim Gary  
Assembly Committee on Forestry, Clerk

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**From:** Ray & Chris Perry [mailto:fiveperrys@athenet.net]  
**Sent:** Monday, March 13, 2006 11:46 AM  
**To:** Gary, Tim  
**Cc:** Allan Waelchli  
**Subject:** MFL Deadline

Tim,

My name is Ray D. Perry. I am a forestry consultant and a member of Wisconsin Consulting Foresters. I am writing to request that you work to maintain the April 1 deadline for MFL plans to be submitted for inclusion in the following year's MFL entries. This gives both landowners and foresters a chance to react, apply for MFL participation, do the necessary field work, and write/submit the plan. Given that there is a certified plan writer system in place the number of edits/modifications should be at a minimum requiring less review time for the WDNR foresters and allowing the later due date while still enabling the final version to be completed by the May 15 deadline.

I understand that there is a hearing on this tomorrow and would appreciate it if you could get a copy of this input to the committee members as I will not be able to attend the hearing.

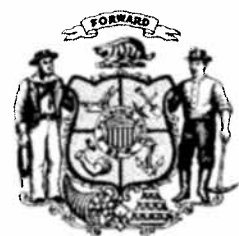
My name and address are as follows:  
Ray D. Perry  
Perry Forestry Consulting, LLC.  
2016 Baltic Terrace  
Green Bay, WI 54311

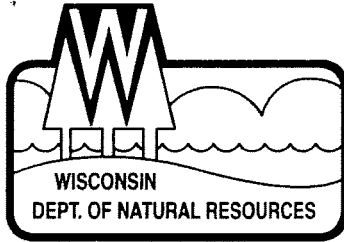
home (920) 469-8925  
cell (920) 660-2154

e-mail: [fiveperrys@gbonline.com](mailto:fiveperrys@gbonline.com)



# WISCONSIN STATE LEGISLATURE





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Scott Hassett, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

### Clearinghouse Rule 05-087

Assembly Committee on Forestry

Department of Natural Resources Testimony  
Carol Nielsen, Forest Tax Program Manager  
Division of Forestry  
March 14, 2005

Date ???

Mr. Chairman and Committee Members:

My name is Carol Nielsen and I am the Forest Tax Program Manager for the Department of Natural Resources Division of Forestry. I appreciate this opportunity to appear before you. I would like give a brief overview of the rule changes included in CR 05-087 and answer any question that you might have at this time.

These rule changes are proposed in response to 2005 Act 25 and Act 64. The changes made in these acts included:

- Removed the requirement that the Department prepare all Managed Forest Law (MFL) management plans requested by stating that the Department may decline to prepare a plan.
- If the Department agrees to prepare a plan the Department must charge a plan preparation fee which will be established annually and will be based on market rates.
- Reduced the MFL application fee from \$300 to \$20

The changes to statute were aimed at encouraging landowners to seek qualified private foresters (Independent Certified Plan Writers) to prepare their plans thereby freeing up some Department Foresters' time which can be redirected to critical unmet needs. The changes in Act 25 were initially set to be effective June 1, 2005 which split the 2007 application period and required that we treat those application in two separate manners (old and new). 2005 Act 64 (Assembly Bill 679) amended the effective date to July 2, 2005 which allowed for all 2007 applications to be treated the same.

The proposed rule changes are directed to accommodate the changes in 2005 Wis. Act 25 and 64, and to modify the Wisconsin Forest Landowner Grant Program (WFLGP) to address the increased demand to the states' cost share program for management plan preparation.

Emergency Rules were passed in October 2005 and extended February 16, 2006. The permanent rules presented here account for the clearinghouse changes recommended ad two other changes resulting from the public hearings and comments received.

## **Summary of the changes in CR 05-087:**

### **Managed Forest Law changes to Subchapter III NR 46**

**Develop a MFL referral program** to determine which plans the Department may agree to prepare. The Department will target plans to prepare in areas where there are not enough Independent Certified Plan Writers (ICPW) available to meet the need. The referral process will place all MFL petitions received for the July 1 application deadline on a referral list that is distributed to ICPW on the first of each month. The ICPWs have 60 days to make a written offer to a landowner. If no offer is made within 60 days, the Department may agree to prepare the plan. If an offer is made the Department will not prepare the plan. Emergency Rules provided a 45 day period to make an offer. Based on comments from Cooperating foresters and landowners this was changed to 60 days.

**Establish a plan preparation fee (PPF)** for plans that the department agrees to prepare for enrollment. Rule proposal establishes the rate to be used in the first entry year (2008) and a formula to be used to set the rate for future years. For entry year 2008 the rates are set at \$375 per plan plus \$5.60 per acre covered in the plan. The rates for future years will be set on July 2 each year and will be the average of data collected from ICPWs for work they did in the previous 12 months.

**Define** Independent Certified Plan Writer. It is a CPW hired by the landowner directly.

**Modify deadline for draft plan** to be submitted as a qualification for the May 15<sup>th</sup> application deadline to March 1. May 15<sup>th</sup> is a second and shorter application deadline established in 2003 Act 228. It requires that the plan be prepared and approved by the Department before the application is submitted. In order to give some assurance to the ICPWs that there will be enough time to review and return the proposed plans to them before May 15 a deadline for draft plans was created in Act 228. Applications that come in for the other July 1 deadline come in without approved plans. Emergency Rules set the draft plan deadline at February 1, based on public comments the date was changed to March 1.

### **Wisconsin Forest landowner Grant Program (WFLGP) administrative and rule (Subchapter VII NR 47) changes**

Our main concern with the Wisconsin Forest Landowner Grant Program centers on an anticipated increase in demand on the available funds for cost sharing of plan preparation. We made several administrative changes to stretch the dollars available and have proposed additional changes to the rules.

#### Administrative changes included:

Setting the cost share level at 50% instead of 65%. Current rules allow for a level of 50% to 65% so no rule change was needed.

Setting aside 10% for emergencies instead of 20%. Current rules allow for up to 20% to be set aside for emergencies at the start of the year. Money not used is distributed in the last batching period for the year. Historically we have not used more than 10% for emergencies.

#### Subch. III NR 47 changes include:

##### **Modify distribution of cost share funds**

- Limit available funds designated for management plan development (a priority 1 practice) to no more than 50%.

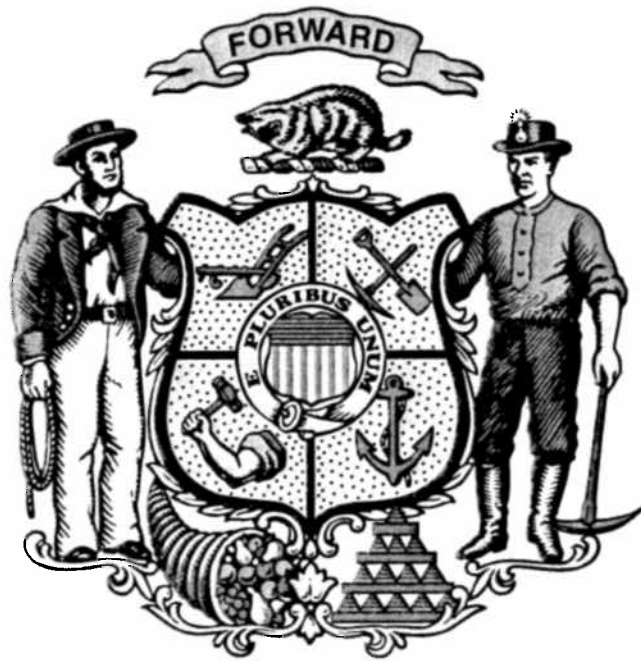
- Limit available funds to no more than 10% for priority 2 practices identified on s. NR 47 (3) (c) 3., Wis. Admin. Code.
- Designate remaining funds (at least 40%) for tree planting and timber stand improvement (other priority 1 practices).

**Repeal language** that allows an assignment of pay, which does not allow the landowner an opportunity to review work completed before payment is made.

**Modify language** to allow cost sharing of mandatory practices in the MFL program.

**Added November 1 as a fourth batching period** to accommodate cost sharing for plans. Currently there are three batching periods: August 1, February 1 and May 1.

I appreciate this opportunity to appear before you and would be glad to answer any questions you might have.





March 14, 2006

Representative Donald Friske  
Committee on Forestry  
Madison, WI 53702

Chairman Friske and Committee on Forestry Members:

I am writing on behalf of the Wisconsin Consulting Foresters to thank you for your efforts to encourage the sustainable management of Wisconsin's forest resources. We are also concerned for the future management of the woodlands of our State.

WCF supports most of the proposed changes to the Managed Forest Law program. WCF does have a concern regarding the change in the deadline for a draft management plan packet from April 1<sup>st</sup> to March 1<sup>st</sup>. Many landowners inquire about the MFL program in January after receiving their tax bill in late December. The March 1<sup>st</sup> deadline reduces the time to explain the program and complete the application, collect the field data and prepare the management plan packet. Retaining the April 1<sup>st</sup> deadline for the draft plan packet completion will provide time to allow additional landowners to enter into the MFL program.

Thank you again for the opportunity to provide input into the management of Wisconsin's forests.

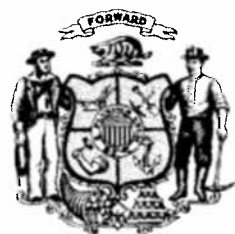
Sincerely,

Allan G. Waelchli, Chairman  
Wisconsin Consulting Foresters  
1224 Ridlington Ave.  
Shawano, WI 54166 (715) 526-6020 forest2@frontiernet.net





# WISCONSIN STATE LEGISLATURE



Allan Warlicki

Wis. Consulting Foresters

Opposed to March 1<sup>st</sup> Deadline  
Would like to see the April 1<sup>st</sup>  
Deadline

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Concern about Disclosure of ~~AA's~~  
Charged for planning to DNR so  
They can set their average Rate  
The information would be Available as  
part of an open record request.

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