



Forest Inventory & Risk Assessment

Final Report

Submitted to Assembly Speaker John Gard
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Task Force Membership & Purpose

Assembly Speaker John Gard convened the Task Force on Forestry on October 9, 2003. Task Force members included:

Representative Donald Friske, Chairman
Representative John Ainsworth
Representative Dan Meyer
Mr. Gene Francisco, Wisconsin Professional Loggers Association
Dr. Robert Govett, University of Wisconsin – Stevens Point
Mr. Dan Kretz, Kretz Lumber Company
Mrs. Colette Matthews, Wisconsin County Forests Association
Mr. Don Nelson, Packaging Corporation of America
Mr. Pat Schillinger, Wisconsin Paper Council
Mr. Elroy Schmit, Lincoln County Board of Supervisors Forestry Committee Chair
Mr. Jerry Van de Hei, DNR Forester, Retired

The Assembly Speaker's Task Force on Forestry was charged to complete an inventory and assessment of Wisconsin's public and private forests. The inventory was to include but not be limited to species types, numbers and forested acres. The assessment reviewed the overall health of Wisconsin's forests as well as the governmental procedures impacting the improvement or detriment to the inventoried forested acres in the State.

In addition, Assembly Speaker John Gard created the Task Force in October 2003 to make an assessment of forest fire protection and prevention in the State of Wisconsin. The forest fires of 2003 in the Western United States highlighted the need to conduct a risk assessment, given the growing number of communities within Wisconsin's forested areas. Continuing concern over invasive species and insects within the United States and the legislature's ability to adapt state environmental policies to change could also play a part in making this assessment timely.

Records of the Task Force and audio of the proceedings are available at:
<http://www.legis.state.wi.us/assembly/asm35/news/TaskForceOnForestry/>

Summary of Recommended Action

The recommendations of the Task Force can be segmented into eight categories, as listed below. A more detailed description of the recommended actions immediately follows this chart in the *Issues and Recommendations* section.

Reference	Recommendation
1.0	Statutory Clarifications
1.1	Require DNR and DATCP Redefine and Clarify Timberland Emergency Powers
1.2	Clarify Statutory Definitions within Timberland Management
2.0	Fire Prevention and Protection
2.1	Require DNR to Retain Fire Detection Air-Fleet
2.2	Require DNR Staffing Level Minimums Following Fire Season
2.3	Require DNR Develop Multi-Jurisdictional Training and Assistance Strategy
3.0	Timberland Management Authority
3.1	Require Division of Forestry to Manage All State of Wisconsin Timberland Properties
3.2	Require DNR Regional Foresters to Report Directly to Wisconsin's Chief State Forester
3.3	Require DNR to Initiate a Timberland Inventory of Uninventoried Lands
3.4	Require DNR to Establish a Continuous Timberland Inventory of All Forested Lands
3.5	Require BCPL to Divest Itself of Timberland Property
4.0	Timberland Management Responsibility
4.1	Require DNR to Meet Reconnaissance
4.2	Allow Cooperating Foresters to Set Timber Sales on State Property
5.0	Timberland Designations & Allowable Management Techniques
5.1	Establish a Presumption of Timberland Management
5.2	Limit or Prohibit Perpetual Easements
5.3	Set a Maximum of Natural Area Acreage
5.4	Call for an Audit by Legislative Audit Bureau of the Master-Planning Process
6.0	Mil Tax Limitations
6.1	Prohibit Mil Tax from Use as a General Research Disbursement
7.0	Federal Forests within Wisconsin
7.1	Issue an Official Statement of Federal Forest Issues
8.0	Small Non-Industrial Private Timberlands
8.1	Streamline Delivery of Services to Small Timberland Owners

Issues and Recommendations

Section 1.0 Statutory Clarifications

It is the conclusion of the Task Force that Wisconsin State Statutes and Administrative Code need clarification. The needs for clarification are different for each of the two recommendations.

1.1 Require DNR and DATCP Redefine and Clarify Timberland Emergency Powers

The Task Force concluded Wisconsin's Chief State Forester's role should be the decision maker in the event of a timberland emergency such as a fire, invasive species infestation or timberland disease outbreak. The number of exotic species in Wisconsin is expected to increase. Clarifications are needed prior to their arrival because the ambiguities within Wisconsin's administrative code currently allow for three potentially devastating consequences:

- (A) The lack of a single decision maker could allow two governmental agencies to follow separate methods of control or management, potentially in conflict, and emasculating the effectiveness each of the other's strategy;
- (B) The lack of a single decision maker could render any decision by either agency impotent if the decision-making timeframe needed to control or manage an emergency is drawn out too long; and
- (C) As seen in the current law with the Gypsy Moth situation, one agency may try to combat an emergency and only share or transfer total authority of a situation after the effort to eradicate the emergency has transitioned into controlling the emergency.

1.2 Clarify Statutory Definitions within Timberland Management

It is our opinion the Wisconsin State Statutes should be clarified and limit definitions of land type designation, as well as available methods of management on those lands.

It became apparent to the Task Force, particularly within the Division of Land, too many types of land designations have been created with unspecified and inconsistent rules for timberland management over a significant number of acres owned by the State of Wisconsin. Since these timberlands often are located adjacent to other federal, state, local and private timberlands, the inconsistent application of timberland management creates a serious risk of fire, disease or infestation to properties other than those owned and managed by the State of Wisconsin.

Section 2.0 Fire Prevention and Protection

The Task Force concluded the State of Wisconsin has established a fire prevention and protection policy that meets extremely high standards without the use of unnecessary or exorbitant funding levels. The partnerships established between the Department of Natural Resources, the United States Government, the UW system and local fire departments have created a sound system of protection.

The Task Force is concerned, however, over two aspects of fire protection in Wisconsin.

2.1 Require DNR to Retain Fire Detection Air-Fleet

It is our opinion DNR should regain the ability to own and operate its fire detection fleet.

It has been historically demonstrated that the ability of firefighters to contain a fire can be won or lost in a matter of minutes, not hours. The ability for an aircraft to detect a fire within those minutes has been demonstrated repeatedly.

The cost of running a Department of Natural Resources fire detection aircraft is approximately \$75 – 80 per hour. The Department of Administration has been charging DNR \$99 per hour. The excess costs are being used to help, in part, cover the maintenance costs and pilot training for the remainder of DOA's fleet, which do not provide fire protection service to the DNR.

This is an improper use of state mil tax revenue, which has been designated specifically for the preservation and development of Wisconsin's state forests.

DNR has the ability to absorb the costs of owning and maintaining three to five fire detection planes. The pilots are trained and working within the ranks of the DNR.

2.2 Require DNR Staffing Level Minimums Following Fire Season

The Task Force concluded the public sees increased waiting times on other DNR business due to increased use of compensatory time following the fire season.

By establishing minimum staffing levels, members of the public will see a reduced response time. At the very least, the certainty provided by a timeline for response will reduce public discontent arising from unanswered messages left at DNR offices.

Public and industrial needs for timberland management assistance are steady year round. Consistency in DNR availability is essential if larger blocs of timberland are to be managed optimally in the private sector. If larger blocs of timberland are fragmented for business reasons, the State of Wisconsin's ability to assist in managing that same land becomes more difficult. It will increase the number of landowners the DNR needs to reach and with a limited capacity to meet an already increasing workload. Fire, disease and infestation risks will increase with fragmented timberlands.

Section 2.0 Fire Prevention and Protection (continued)

2.3 Require DNR Develop Multi-Jurisdictional Training and Assistance Strategy

The task force recommends that the DNR develop a strategy to provide forest fire control training and assistance to local fire departments outside the DNR's current forest fire control jurisdiction. Rural volunteer fire departments are increasingly involved in life threatening forest fires and are not equipped or adequately trained to handle wildland fires.

Currently the DNR provides forest fire protection on about 18 million acres of the state's primarily forested areas. The remaining area of the state not receiving DNR forest fire assistance has experienced a significant increase in forested acres over the past 30 years through conversion of marginal farmland to forest. A subsequent increase in damaging forest fires has occurred as a result of this increase in forestland. For example, in the spring of 2000 a forest fire occurred outside DNR jurisdiction in West Central Wisconsin burning several hundred acres of oak and pine woodlands. This forest fire called the Four Corners Fire trapped several fire fighters in a "blow-up" that required medical attention and nearly cost them their lives.

Section 3.0 Timberland Management Authority

It is our conclusion the Division of Land was cooperative, but its focus is not on timberland management, maybe rightfully so. The Division of Land was unable to provide testimony, written or oral, outside of the information provided to it by the Division of Forestry. This lack of knowledge by the Division of Land, in addition of their lack of ability to meet the allowable annual harvests demonstrates the Division of Forestry should be empowered with the *authority* in addition to the *responsibility* to meet established and accepted agreements.

3.1 Require Division of Forestry to Manage All State of Wisconsin Timberland Properties

Given the Division of Land's lack of focus on timberland management and given the high cost/low return ratio of timberland management by the Board of Commissioners of Public Lands¹, it is our opinion the Division of Forestry is in the best position to manage the timberlands of the State of Wisconsin.

Currently, the Division of Forestry is in charge of managing the state forests to benefit the present and future generations of residents of this state, recognizing the state forests contribute to local and statewide economies and to a healthy natural environment². The Division of Forestry could implement a more effective timberland management strategy if given authority to manage state properties when management has been either overlooked or unprioritized by other Divisions within the DNR.

Section 3.0 Timberland Management Authority (continued)

3.2 Require DNR Regional Foresters to Report Directly to Wisconsin's Chief State Forester

It is our opinion that in order for the Division of Forestry to effectively manage all timberlands of the State of Wisconsin, Regional Foresters need to be able to gain access to the properties. Current DNR hierarchy has five Regional Managers in place, creating unnecessary and inefficient oversight. In some cases this can, and has, prevented the Chief State Forester from prescribing needed timberland management.

3.3 Require DNR to Initiate a Timberland Inventory of Uninventoried Lands

The Task Force concluded the progress made by the DNR on inventory of Wisconsin's Timberland is a monumental accomplishment. The victory of this success, however, will be lost if new lands acquired by the State are not similarly inventoried.

Proper timberland management cannot be expected to occur if the property managers do not have an accurate and scientific inventory of their assets.

3.4 Require DNR to Establish a Continuous Timberland Inventory of All Forested Lands

The Task Force believes a continuous timberland inventory is the next step in the goal of total quality timberland management. If an existing inventory is to remain an effective tool, then it will need to continuously and accurately reflect the changing timberland assets in State holdings.

This may be of assistance as the DNR investigates or pursues third-party forest certification. By maintaining a continuous inventory, the State of Wisconsin will do well to protect the integrity of assessments and changes within standards made by third party certifiers.

3.5 Require BCPL to Divest Itself of Timberland Property

It is our opinion the Board of Commissioners of Public Lands has expanded from its original constitutional charge. The State Constitution states the Board is constituted, "for the sale of the school and university lands and for the investment of the funds arising therefrom."³

It is also the opinion of the Task Force that the constitutional reference to the Board of Commissioners of Public Lands charges it only with the responsibility to manage the Trust Fund, not the timberlands. The BCPL has transferred FTE positions and timberland management responsibilities to the Division of Forestry in the past⁴ and it is the opinion of the Task Force such realignment should be restored.

It is in the interest of the State of Wisconsin to require the BCPL divest itself of its property. By providing the State of Wisconsin, Counties, Federal Government and Tribal Nations of Wisconsin a right of first refusal, it would ensure these tracts remain available to the State and national governments for public access.

Section 4.0 Timberland Management Responsibility

It is the opinion of the Task Force the current master planning rules governing management of Wisconsin's DNR timberlands is insufficiently meeting the needs of the forest. Only about 40% timberland on state forests is even being considered for harvest. This is something that should be corrected.

The DNR and interested groups in plan development have agreed to allow a certain level of harvesting. This has been pared back from what is optimal for timberland management in the first place. It is the opinion of this Task Force that if the state met the annual allowable harvest, the costs would be fully recovered in a 3 to 1 positive return.

4.1 Require DNR to Meet Reconnaissance

The Task Force concluded the DNR should be annually required to conduct, within 10%, the annual allowable harvest on State owned-timberlands. The DNR should report to the statutory Council on Forestry how close it came to meeting the annual allowable harvest over the previous 12 months. If the DNR has failed to come within 10%, the Council on Forestry shall make recommendations to the relevant legislative committees to ensure the 10% goal is met in the following 12 months. This should not prohibit the Council on Forestry from making recommendations to the Legislature. This 10% cushion will provide the flexibility to deal with wood markets that can fluctuate.

Coming as close to 100% of the annual allowable harvest will scientifically protect our timberlands from fire, disease and infestation, as originally laid out in the master plans for our timberlands.

4.2 Allow Cooperating Foresters to Set Timber Sales on State Properties

It is our opinion the DNR does not, nor should it, employ as many foresters as needed to meet the recommendation of $\pm 10\%$ in Recommendation 4.1.

An additional tool to help the DNR meet this goal would be to allow Cooperating Foresters to set up sales on state timberlands. By providing a certain preset percentage of the sale, determined by the Division of Forestry and approved by the statutory Council on Forestry, the remaining proceeds from the timber sale could be placed into a non-lapsing account to pay for contracting of cooperating foresters to assist in meeting the annual allowable harvest or Managed Forest Law mandatory practices.

Section 5.0 Timberland Designations & Allowable Management Techniques

It is the opinion of the Task Force expansion of land type designations has significantly reduced the capability of the State of Wisconsin to conduct timberland management. Each new designation has set ambiguous limits of when, where and what types of timberland management can occur. This has severely limited the ability for the State to protect itself from risks of fire, disease or infestation.

5.1 Establish a Presumption of Timberland Management.

It is our opinion management plans for timberland owned by the State of Wisconsin should assume a presumption that timberland management will occur on 100% of State owned timberlands. Burden should be placed on the party that believes timberland management, which is a recognized benefit in state statutes⁵, is a detriment rather than the recognized benefit to the public.

Before acreage is limited from timberland management, the Department of Natural Resources should conduct a cost/benefit analysis and cumulative effects analysis of not thinning or harvesting the timberlands.

5.2 Limit or Prohibit Perpetual Easements

It is our opinion perpetual easements will face a court challenge ruling on constitutionality. Until that day, however, the State of Wisconsin and private landowners may be improperly implementing restrictions on land use by limiting proper management and subjecting our timberland to risks of fire, disease or infestation.

The State of Wisconsin should set a precedent respecting timberland management and access rights by:

- (A) Prohibiting the government from imposing deed restrictions on its own lands; and
- (B) Prohibiting the State of Wisconsin from acquiring lands with imposed deed restrictions.

5.3 Set a Maximum of Natural Area Acreage

It is our opinion significantly sized natural areas within timberlands restrict the ability of the State of Wisconsin to manage them, putting adjacent timberlands at an increased risk of fire, disease and infestation.

One way to correct this would be to limit the number of acres within State holdings managed as natural areas. There is a legitimate argument for some acres to be set-aside as quiet recreation areas within the State in order to meet the recreational desires of the public. However, those acres should be formally limited in size and location.

Further, Natural Area designations should be limited within Wisconsin State Forests. Current master planning classifications meet the ecological and social criteria for natural areas, making natural area designation in state forests both redundant and confusing to the public & forest managers.

Section 5.0 Timberland Designations & Allowable Management Techniques (continued)

5.4 Call for an audit by Legislative Audit Bureau of the master-planning process

It is our opinion master plan development has become too lengthy to effectively perform its function to completion. While analyzing the master plan process was outside of the scope of this Task Force, it became apparent the Legislature should call for an audit by the Legislative Audit Bureau to ensure cost overruns and time delays are not unnecessarily draining Forestry Account resources best otherwise spent in other areas maintaining established State Forests and timberlands.

Section 6.0 Mil Tax Limitations

It is the opinion of the Task Force that the mil tax, as a significant revenue generator, has become used as a source to fund projects other than originally created, namely “acquiring, preserving and developing the forests of the state”.⁶

6.1 Restrict mil tax from use as a general research disbursement

It is our opinion the disbursement of Forestry Mil tax to the DNR Bureau of Research has had no required tie into preserving or developing Wisconsin’s forests.

We recommend prohibiting all research disbursements of the mil tax unless the request is specifically tied to a research request expressly in the interest of preserving and developing the Wisconsin forests.

Further, the Task Force recommends the Department of Natural Resources abolish the Bureau of Integrated Sciences entirely. It would be more preferable for institutions that were created for the purpose of scientific advancement and study to conduct research. The State of Wisconsin would be best positioned to send research funding to contract through a competitive bid system among universities.

Section 7.0 Federal Forests Within Wisconsin

It is the opinion of the Task Force the State of Wisconsin should not remain silent on federal forest issues. The United States Forest Service (USFS) and the United States Congress likely see silence from the officials of the State of Wisconsin as approval of federal forest policies, when it may not be the case.

7.1 Issue an official statement of federal forest issues

It is our opinion the Wisconsin State Legislature should make an official statement to the USFS and US Congress on three important issues:

- (A) Damaged Timber – It should be recommended the United States Government lift the cap on the removal of damaged timber from federal forests. The threat of fire, disease or infestation on State of Wisconsin's or private timberlands is unnecessarily high. This threat has become reality in the western United States. The State of Wisconsin should make a statement on this poor policy before a major incident occurs here, not after; and
- (B) Charter Forests – It should be recommended the United States Government change timberland policy by allowing for the charter control by States of US National Forests within their borders. This would make local communities safer by standardizing timberland management policies within the State of Wisconsin. By placing management of this significant acreage with the State of Wisconsin, the threat of fire, disease or infestation will be dramatically reduced; and
- (C) Argonne Research Facility – Indications have been the USFS is interested in closing down the Argonne forest research facility it operates in northern Wisconsin. It is the opinion of the Task Force it should be recommended the USFS keep this facility open. If the facility should be closed, provisions should be made to ensure data collected at the facility is available to other forest research institutions as well as the general public.

Section 8.0 Small Non-Industrial Private Timberlands

It is the opinion of the Task Force the Managed Forest Law does a great service to private landowners and the State of Wisconsin by helping promote sound timberland management. Scientific plans and management help maintain healthy timberland genetics, ward off invasive species and protect homes and communities from the ravages of fire, disease and infestation.

However, the entrance requirements for Managed Forest Law are best geared for larger tracts of land. The development of a management plan can be costly and cumbersome to the point of discouraging owners of smaller tracts of land (under 20 acres) from entering the Managed Forest Law. It is the opinion of the Task Force the Legislature should address the high costs of entry into a timberland management programs for increasingly fragmented timberland parcels throughout Wisconsin.

8.1 Streamline Delivery of Services to Small Timberland Owners

It is the opinion of the Task Force that new entry parcels, smaller than 20 acres, in the Managed Forest Law should be provided a less cumbersome mechanism for establishing a management plan. The reduced cost of entry will act as an incentive to owners of smaller tracts of qualifying timberland to properly manage their timberland through Managed Forest Law.

Conclusion

In conclusion, the Speaker's Task Force on Forestry believes that the State of Wisconsin performs exceptionally well preventing and protecting its citizens from forest fires. There is room for improvement in the clarification of emergency powers and expenditures of mil tax funding for airplane fire detection, which tie up funding for other forestry initiatives.

The Task Force is concerned regarding the state and federal governments inability to meet prescribed annual allowable harvests on state, federal and private forestland under their jurisdictions. The Department of Natural Resources (DNR), the Division of Land in particular, has established a master plan process limiting the authority of the DNR to conduct sustainable timberland management on lands that it has been given the responsibility to manage.

Inadequate timberland management on State and Federal acres in Wisconsin will systemically increase the risk of fires, diseases and infestations of native and exotic species spreading to private timberlands and local communities.

The State of Wisconsin should reduce these risks by empowering the Division of Forestry and cooperating foresters to set up timber sales on State-owned properties within the scope of established master plans. Further, by transferring the responsibility of timberland management for the Board of Commissioners of Public Lands (BCPL), we can reduce the cost of managing these 80,000 acres.

The BCPL has demonstrated a lower return rate than the Division of Forestry has shown. By empowering the Division over these lands and requiring the BCPL focus on trust fund maintenance, costs will be reduced and revenues increased for both agencies. The cost savings will enable the State of Wisconsin to develop and improve its forests and increase contact with small private timberland owners on sustainable management.

The DNR master plan process has become cumbersome and time consuming for the DNR to conduct. An audit should be conducted and the Legislature should implement a streamlined process based on the audit report.

The State of Wisconsin is a large owner and manager of timberlands. It is imperative it implement and oversee timberland management with extreme diligence. It is the duty of government to serve and protect. Government should ensure the economic, environmental and recreational benefits are derived from its timberlands equally at the same time protecting neighboring communities and timberlands from the increasing threats of fire, disease and infestation.

End Notes

¹ BCPL return rate on timberland management: 1%

² State Statute 28.04 (2) (a)

³ Wisconsin State Constitution, Article X, Section 7

⁴ 1993 Act 16

⁵ State Statute 28.04 (2) (a)

⁶ Wisconsin State Constitution, Article VIII, Section 10 (3)