

Meeting Minutes

Wisconsin Council on Forestry
Forest Products Lab – Madison, WI
December 16, 2008

Members Present:

Bill Horvath, Ken Ottman, Paul DeLong, Jim Hoppe, Bob Rogers, Fred Clark, Joel Nilsestuen representing Sen. Kathleen Vinehout, Fred Souba, Jane Severt, Mary Jean Huston, Tim Gary representing Rep. Don Friske, Jeff Stier, Rep. Mary Hubler, Jim Heerey, Jeanne Higgins, Troy Brown, Sen. Bob Jauch, Leon Church

Members Absent:

Sen. Kathleen Vinehout, Dennis Brown, Michael Bolton, Rep. Don Friske

Guests Present:

Darrell Zastrow, Gunnar Bergersen, Mary Brown, Gerry Mich, Lynn Wilson, Robert Peterson, Henry Schienebeck, Earl Gustafson, Tony Langenohl, Bob Manwell, Bob Mather, Joe Kovach, Sarah Herrick, Eunice Padley, Allison Hellman, Carmen Wagner, Paul Pingrey, Sarah Gilbert, Gene Roark, Sec. Matthew Frank, David Bubser, Kathy Nelson, Adam Collins, Mark Heyde, Kimberly Currie, Rebecca Gass, Brad Koepel, Quinn Williams, Mike Luedeke, E.D. Nadeau, Pat Osborne, Terry Mace, Mark Rickenbach, Matt Dallman, Sara Bredeson, Gunnar Bergersen

Welcome and Introductions

Chair Fred Souba called the meeting to order at 9:35 a.m. The members and guests introduced themselves. Fred distributed copies of a letter from Rep. Friske to the Council expressing his thoughts about the proposed Woody Biomass Harvesting Guidelines.

Woody Biomass Harvest Guidelines – Jim Hoppe with Darrell Zastrow

Jim began by commending the Council for acknowledging the emerging biomass market, and having the impetus to develop guidelines that would focus on sustainability. Before giving an overview of the process leading to the production of the final draft of *Wisconsin's Forestland Woody Biomass Harvesting Guidelines*, which he distributed to Council members prior to today's meeting, Jim made it clear that first and foremost, it was the recommendation of the Advisory Committee that the Council accept and approve this draft.

The effort to draft the Guidelines began in September of 2007, with a timeline for completion of December 2008. Staff work was to be done by the Division of Forestry. The Technical Team formed in November of 2007, comprised of Joe Kovach, Eunice Padley, and Carmen Wagner, with Darrell Zastrow, Sarah Herrick, with Allison Hellman providing policy and administrative support. An Advisory Committee of key stakeholders formed in December. The first draft of ten Guidelines was completed in April 2008, and revised in May. The second draft was reviewed by the Advisory Committee in June. The Subcommittee of Forest Soils Experts formed in July. A third draft of the Guidelines was completed in August. After considering input received from public listening sessions held from October to November and comments on the web, the Advisory Committee met in December and came up with this final set of eight draft Guidelines. Darrell Zastrow went through each of them and how they were affected by the comments, which were divided into the following eleven issue categories:

1. Scope of the Biomass Harvesting Guidelines – *generally comments received were that the scope was viewed as too narrow.*
2. Voluntary nature of the Guidelines – *fear that the Guidelines won't be voluntary if they become part of DNR Best Management Practices, are incorporated into the Silviculture Handbook, into MFL, or are required by certification programs.*
3. Economic analysis – *beyond the scope of the current process.*
4. Landscape considerations – *where and how much biomass removal is appropriate?*
5. Documentation of deviations from Guidelines – *requirement removed from Guidelines in response.*
6. Guidelines that refer to General Forest Management – *1.A and 3.A not biomass-specific, removed.*
7. Implementation – *feared difficult and expensive, uncertainty about measurement methods.*

8. Site and stand variability and management flexibility – *appropriate retention seen as variable.*
9. Monitoring, research, and additional information to be used in future Guideline revisions – *resources not available.*
10. Scientific uncertainty in identifying nutrient-poor soils – *lack of information, particularly on FWD.*
11. Comparison with Minnesota’s Guidelines – *Minnesota has less nutrient-poor soils.*

He noted that there are a number of exceptions, such as in silvicultural practices and the control of invasives, where we might not follow the Guidelines. He also noted that:

- ❖ Former Guideline 1.A, *Follow Silviculture Handbook – Chapter 24 – Marking Guidelines*, was removed from the Guidelines because it already exists in other sources.
- ❖ Former Guideline 5A, *No more than 3% of the harvest area should be occupied by permanent roads and landings that remove forestland from production. Roads, landings and skid trails should not occupy more than 15% of the harvest area*, was removed, as part of it already exists in the Forest Management Guidelines. It has been added to the Water Quality BMP Advisory Committee’s list of recommended guidelines to assess.

General Guidelines:

1.A Retain and limit disturbance to down coarse woody debris (CWD) already present, except on skid trails and landings.

This was formerly Guideline 2.A, and was retained without modification.

2.A Retain down fine woody debris (FWD) on site following harvest.

This was formerly Guideline 3.A, and was revised to 10% of the tops based on public comments that it was too hard to implement because of difficulty in measuring tonnage, and debate about how much should be retained.

3.A Do not remove the forest litter layer, stumps, and/or root systems.

Formerly Guideline 4.A, it was retained in its entirety.

Site Specific Guidelines:

1.B Protect and sustainably manage species of greatest conservation need and sensitive ecosystems.

This guideline received positive comments, and was retained.

2.B For complete salvage operations, following severe disturbance, implemented on areas > 10 acres under one ownership, that include the harvest of fine woody material, retain at least 5% of unsalvaged patches at least 0.1 acres in size.

The wording was changed to recognize that it would not apply to small, less than ten acre ownerships.

3.B Do not harvest fine woody material on shallow soils.

This would have the biggest affect on the Driftless Area in the Southwest and parts of the Northeast such as Door County. There were a lot of comments challenging the delineation. The guideline was retained unchanged.

4.B Do not harvest fine woody material on dry nutrient-poor sandy soils.

The language was changed to be more restrictive by the insertion of the words, “dry” and “sandy”. There were a large number of comments reflecting a strong desire for additional information to be developed.

5.B Do not harvest fine woody material on soils classified as dysic Histosols (wetland soils with at least 16 inches of organic material that are nutrient-poor with a low pH).

There was very little debate, and this guideline was retained unchanged.

About 20 million tons, or a little over 3% of our total woody biomass, would be affected by these guidelines.

Jim Hoppe communicated the Advisory Committee’s desire that the Council consider these additional recommendations while considering adoption of the Guidelines:

- That the Guidelines be reviewed in three years, and updated based on new information if warranted.
- That research be initiated early in the three year period, with priorities being on the amount of fine woody debris to be left after harvesting, and on dry nutrient-poor sandy soil.
- That effectiveness monitoring should be initiated early to gain results for the Guideline review.
- That implementation of a robust training and education effort is essential.
- That research, monitoring and education should be accomplished by the forest community, with leadership and coordination of efforts provided by the State.

Jane Severt was concerned about the tremendous effects the Guidelines would have on ownerships in the vast areas of dry, sandy, nutrient-poor soils. She thought they would be difficult to implement, and that there was still a lot of work to be done. Sen. Jauch stressed the need for flexibility and clarity to prevent undue burdens being placed upon users of the forest. Tim Gary said that Rep Friske was of the opinion, as stated in his letter to the Council, that given the complexity of the issues and number of variables involved, the Guidelines should be conditionally adopted, and quantifiable information gathered and analyzed over the next three years. Bob Rogers pointed out that the Guidelines and how the Guidelines are implemented are two separate issues. Fred Clark thought three years was a good interval to look at scientific data, and suggested the two issues could be separated, providing more time to define how to measure and to clarify other issues. Although he did not agree with the decision that Guideline 2.B would not apply to ownerships of ten or less acres, he said that failure to make a decision now would be putting the resource at risk. Paul DeLong recognized the work of the Technical Team and Advisory Committee, and Jim Hoppe's leadership. He reminded the Council that this effort was driven by a desire for sustainability and surety in the marketplace, and the opportunity to make energy from an unused resource. Chair Souba thanked Jim and the Advisory Committee for doing so much work in so short a time.

DECISION ITEMS:

- A motion was made by Jim Heerey (seconded by Bob Rogers) that the Council accept the fifth draft of *Wisconsin's Forestland Biomass Harvest Guidelines*, with a review period in no more than three years, pending results of DNR consultation with the Tribes prior to the March 17th 2009 Council on Forestry meeting.
- A motion by Ken Ottman (seconded by Fred Souba) to table the above-stated motion until it could be rewritten to reflect the conditions discussed passed unanimously.
- A motion by Rep. Mary Hubler (seconded by Ken Ottman) to take the above-stated motion off the table passed unanimously.

Note that it is the intention of the Council that the following two motions be contingent upon each other, and are together intended to convey that the Council accepts the fifth draft of Wisconsin's Forestland Biomass Harvesting Guidelines, with a review period in no more than three years, pending results of DNR consultation with the tribes prior to the March 17th, 2009 Council on Forestry meeting, and that further, the Council requests that DNR engage stakeholders in the development of an implementation plan to be presented to the Council at their March 2009 meeting.

- A motion by Rep. Hubler (seconded by Leon Church) that the Council request that DNR engage stakeholders in the development of an implementation plan for the Guidelines to be presented to the Council at their March 2009 meeting passed unanimously.
- A motion by Rep. Hubler (seconded by Ken Ottman) that the Council accept the fifth draft of *Wisconsin's Forestland Biomass Harvest Guidelines*, with a review period in no more than three years, pending results of DNR consultation with the Tribes prior to the March 17th 2009 Council on Forestry meeting, passed unanimously.

ACTION ITEM:

- Paul DeLong will come to the March Council meeting with an implementation plan for the Guidelines, explaining what needs to be done and who is going to do it.

FSC Forest Certification News Conference

Paul DeLong announced the Forest Stewardship Council (FSC) certification of Wisconsin's Managed Forest Law – Tree Farm Group. Small family forests account for more than half of Wisconsin forest lands, and are the most at risk in terms of their management for long-term sustainability. Certification is one way to give landowners incentives to keep their land in forests. Expanded marketability of forest products is one such incentive, as demand for FSC wood continues to be high. It was a major driver in our undertaking of this effort. Paul thanked DNR Certification Coordinator Paul Pingrey for his perseverance.

Paul introduced David Bubser, Regional Manager of SmartWood, the firm that conducted the FSC certification audit. Dave said that the MFL program is now the largest FSC group certification in the world, establishing Wisconsin once again as a true global leader in promoting the practice of forest management on all types of forest ownerships. He presented the five-year certificate to DNR Secretary Matt Frank, who accepted it on behalf of

Governor Doyle, the DNR, the Council on Forestry, and all of the people of Wisconsin who made the commitment to accomplish this. He thanked Chair Souba for his leadership and everyone on the Council for their help and leadership in moving Wisconsin forward. He said that forestry is a key part of growing Wisconsin, and that the label of certification will put Wisconsin in a position to be a leader in the marketplace. The first step toward group certification of private land was in June 2005 when Governor Doyle accepted American Tree Farm (ATF) certification of our MFL lands. Together, ATF and FSC offer recognition with appeal to both landowners and manufacturers. Wisconsin has been the nation's number one papermaking state for over fifty years. As we look to the future, we can now feel confident that we'll continue to have a strong wood products industry.

Invasive BMPs – Fred Clark and Jane Severt with Kim Curry, DNR Bureau of Parks

Fred announced that he would be stepping down from the Forest Invasives Leadership Team (FILT) after this meeting, and that Jane Severt, a current FILT member, would be taking over its leadership. Fred Souba thanked him for his leadership, passion, and dedication to the BMPs. Jane thanked him for all his work over the last four years. She said that the Urban Forestry Track was meeting regularly and making good progress, and that the Right-of-Way Track was working hard to get a very diverse group of people together.

Forest Management

The Forestry BMP Track was on the agenda today for a Council decision on approval of the finalized version of *Wisconsin's Forestry Best Management Practices for Invasive Species*, but the Advisory Committee has not yet met to go over the public comments received. Fred anticipates returning to the Council in March for the decision.

Recreation

The FILT discussed the Recreation Track during its recent conference call, and is asking the Council today to approve the Recreation BMPs going out for public comment. Kim Curry gave an overview of the Track's progress to date. The process began in August of 2006 when a group of recreationalists was brought together. A notice was sent out to over 300 recreation groups. The first meeting was at Devil's Lake in 2007. An Advisory Committee formed, made up of thirty individuals representing such groups as the snowmobile clubs, the Bicycle Federation, the CNNE, Friends of Wisconsin State Parks, the Governor's State Trail Council, and the Ice Age Park and Trail Foundation. Their goal was to develop a set of voluntary practices to increase awareness of invasive species by recreationalists and identify how their behavior could minimize further spread of invasive species. Collaboratively, they developed a very non-technical set of BMPs written from the vantage-point of the recreationalist, entitled *Wisconsin's Recreation Best Management Practices for Invasive Species*. It contains guidelines unique to seven groups, or "spokes" of recreation:

1. Animal-based Recreation
2. Bicycle Recreation
3. Camping Recreation
4. Hunter, Trapper and Angler Recreation
5. Motorized Recreation
6. Pedestrian Recreation
7. Land Management (for use by managers of recreational land)

It also contains twelve foundational "universal" guidelines common to all types of recreational activity:

1. Learn to recognize invasive species common to the areas where you enjoy outdoor recreational activities.
2. Wear clothing and footwear that are not "seed-friendly."
3. Inspect and clean hair, clothing, footwear and gear for soils, seeds, plant parts, or invertebrates before and after recreating.
4. Prior to moving equipment, vehicles and trailers onto and off an activity area, spray, scrape or brush soil and debris from exterior surfaces to the extent practical.
5. Inspect and remove soil, plant parts and seeds from the coat and feet of animals and their clothing/gear before and after recreating.
6. Properly dispose of soil, seeds, plant parts or invertebrates found during inspection and cleaning.
7. Stay on designated trails, roads, and other developed areas.
8. When off trail, avoid areas that appear to be infested with invasive species.
9. Report infestations of invasive species to the appropriate land manager or property owner.
10. Volunteer to help control invasive species.
11. When feasible, incorporate invasive species prevention into planning for special events.

12. Spread the word - help educate others about invasive species and their effects on our environment, economy, and recreational opportunities.

The plan, if approved, will begin a 30-day public input period in January. Kim will return to the Council in March to share comments received and to seek final approval. A series of in-person listening sessions throughout the state is planned to help disseminate information to users. With June 2009 having been named "Invasive Species Awareness Month", she hopes they can keep the momentum going. Fred Clark is hopeful that this effort will serve as a model for other states to follow.

DECISION ITEM:

- A motion by Ken Ottman (seconded by Rep. Mary Hbler) that *Wisconsin's Recreation Best Management Practices for Invasive Species* be placed out for public comment passed unanimously.

ACTION ITEM:

- Kim Curry will return to the Council in March to report on the comments received, and to seek final approval of *Wisconsin's Recreation Best Management Practices for Invasive Species*.

MFL Task Group – Bob Rogers with Mark Rickenbach

At the June Council meeting, the MFL Task Group was given the charge of reviewing information gathered on MFL from various sources, including DNR and the Private Forestry Summit held in April, and reporting back to the Council with recommendations for actions that will demonstrate the benefits of the MFL Program. In September, the Task Group couldn't make any recommendations, as it was awaiting the conclusions of a University of Wisconsin study on MFL and how it affects local taxes. It has since received that information, and is ready now to present the recommendations. Bob introduced Mark Rickenbach of UW -Extension, who shared some of the findings of the MFL study.

UW-Extension Study on Impacts of MFL on Taxes

Mark said that the study, started by the UW and DNR two years ago, was now undergoing peer review, and would be going out to the public after the 1st of the year. He thanked graduate student Luke Saunders, and Kathy Nelson and Carol Nielsen of the DNR for their work on it. The study looked at the impact on towns of increasing by 20% the acreage already enrolled in the MFL. Generally, assessments showed no impact from changing enrollments. In most places, there was very little impact (less than .1mil). For some towns, it was as high as .4 mils. There was some discrepancy over who was being impacted. The presence of Agricultural Forests made a difference. There was more impact in areas like Southwestern Wisconsin, where agriculture and forestry are mixed, and less in the north. When the Agricultural Forestry Program started, shared revenues were capped, and they remain so. So it seems that the big issue is really not MFL, but rather how MFL and other government programs interact with each other. When the report is released, the DNR and UW Extension will issue a press release and send out summary sheets.

MFL Task Group Report

Bob said that after analysis of all available information, the Task Group was able to draw these conclusions:

- Our forest resource is important to the economic, social, and environmental well-being of our citizens.
- Forests that are managed sustainably increase the likelihood that benefits derived from forests will continue into the future.
- Private forest landowners form the single largest class of forest landowners in Wisconsin.
- MFL is the single most important tool the state has for providing the capacity for private forest lands to produce public benefits.
- Since 1985, the MFL program has been successful in providing timber while maintaining other environmental values.
- The MFL may not be prepared to handle demands on the forest that were not anticipated at its inception 23 years ago, generated by:
 - Population Growth
 - Shift in Land Use
 - Changes in Forestland Ownership
 - Parcelization of Forest Land

- Taxation
- Growth of County Government
- Hunting Leases
- Global Warming, Forest Certification and Environmental Benefits
- Need for Renewable Energy
- Introduction and Spread of Invasive Plants and Animals
- Recent Changes in Domestic and World Economies
- Some legislators may be unaware of how important the MFL program is in providing public benefits.

The Managed Forest Law Task Group offered the following recommendations for consideration by the Council:

1. That the Legislature create a Legislative Council Study to review the application of MFL in light of changes that have occurred related to the current needs for managing private forest lands sustainably for a variety of goods and services, both traditional and emerging. If the Legislature elects not to create a Council Study, it recommends that the Natural Resources Board initiate such a study.
2. That the WDNR, Division of Forestry, either alone or with suitable partners, develop a one-page “talking points” fact sheet for legislators that would help them demonstrate the value of the MFL program to their constituents.

Some discussion followed. Rep. Hubler pointed out that a Legislative Council Study would take some time, since the Legislative Council only meets in even-numbered years, and once it decides on whether to introduce a study, it sends it to a Standing Committee, then to the Floor, then to the House and Senate, and so on. Paul suggested that waiting until 2010 might actually be a good idea since most of the focus right now is on the Budget.

DECISION ITEMS:

- A motion by Rep. Hubler (seconded by Fred Clark) that the Council approve and forward the above-listed recommendations of the MFL Task Group passed unanimously.
- The existing Managed Forest Law Task Group, under the leadership of Bob Rogers, will frame out details of what the Legislative Council Study will be and report back to the Council by September 15th.

State Forester’s Report – Paul DeLong

FY ’09-11 State Budget

- **DNR Budget Submission to Governor**
At its September meeting, the Natural Resources Board approved the DNR Budget, and passed a motion to include in it an additional one million dollar bonding request for tree planting. The Governor’s budget will be sent to the Legislature in early February. Paul said that by then there would be another announcement coming out pertaining to the DNR Budget.
- **10% Budget Reduction Process Outcomes**
When the bottom fell out of the economy, the budget submission process turned into a budget cutting process, with all agencies being required to cut their budgets. The DNR is the only agency that has submitted a 10% cut so far, due to our NRB process. We are also putting grants on hold until there is more clarification about the situation.
- **Other Anticipated Budget Challenges**
Federal economic stimulus talks have been focusing on investments in bioenergy. The key aspect of the stimulus is how quickly it gets people employed and working on something.
- **Role of the Council**
The Governor is weighing his budget now, so if the Council would like to communicate its support of the tree planting request, now is the time to do so. However, Paul cautioned Council members to remember that if they want to support the inclusion of any additional initiatives, existing programs will have to be cut.

DECISION ITEM:

- A motion by Bill Horvath (seconded by Ken Ottman) that the Council recommend to the Governor that he include the million dollar tree planting proposal in his budget for Forestry passed unanimously.

Statewide Forest Assessment/Strategy

Paul introduced Rebecca Gass from the Division of Forestry. Rebecca led the effort to produce *Wisconsin's Forest Sustainability Framework*, which provides a common system to measure the sustainability of Wisconsin's public and private forests. She distributed copies of the publication to the Council, and said that the Division would be mailing more to about 500 individuals and organizations. She thanked Mark Rickenbach for getting it published. Over the last year, the Division set up a process following the structure of the Framework to conduct the ten-year Statewide Forest Assessment. A large team has been gathering information for the criteria and indicators. The assessment will be done by 2010. They hope to have all the data together by February, and have a draft analysis done by spring, which will be ready for Council review this summer.

After the Assessment is completed, the results will be utilized in development of the next Statewide Strategy (or Strategic Plan). The Council and other partners will be asked for input on the design this coming fall. The Forest Service, through the Farm Bill, is requiring states to produce an Assessment and Strategy by May 2010. The timing of the completion of the Framework couldn't have been better. It will be as instrumental in producing the Strategy as it was in completion of the Assessment.

The Division is working on a report that will recognize the actions and efforts, such as the BMPs for Invasive Species, which accomplished the goals of the 2004 Strategy. It will also acknowledge the work of the Leadership Teams. The Division is compiling a list of accomplishments, and will send it to the Council and partners this winter to identify any missing accomplishments. A final draft should be ready for review in spring.

Legislative Issues – Tim Gary

Since we've just completed an election cycle, there has been no action in the Legislature. The Assembly Forestry Committee will be chaired by Representative Gary Sherman, who is currently one of its members. Representative Friske has been asked to stay on. Senator Jim Holperin will chair the Senate Committee on Transportation, Tourism, Forestry and Natural Resources. Fred Clark won the 42nd District Assembly seat.

2009 Meeting Dates and March Meeting Agenda

The Council will meet on the following dates in 2009:

- March 17th
- June 16th (with possible tour for Council members on June 15th)
- September 15th
- December 15th

Agenda items for the March 17th meeting will include:

- Emerald Ash Borer Action Plan
- Invasive BMPs for Forest Management and Recreation
- Biomass Guidelines
- Status of Biomass in Wisconsin
- State Forester's Report with Budget Update
- Legislative Update

The meeting was adjourned at 2:40 p.m.

Submitted by:
Mary Brown
WDNR