

Meeting Minutes

Wisconsin Council on Forestry
Forest Products Lab – Madison, WI
March 18, 2010

Members Present:

Bill Horvath, Ken Ottman, Paul DeLong, Jim Hoppe, Bob Rogers, Jane Severt, Matt Dallman, Debra Kidd representing Jeanne Higgins, Troy Brown, Fred Souba, Michael Bolton, Jim Heerey

Members Absent:

Sen. Kathleen Vinehout, Dennis Brown, Rep. Mary Hubler, Jeff Stier, Sen. Bob Jauch, Rep. Don Friske, Leon Church, Rep. Fred Clark

Guests Present:

Gunnar Bergersen, Mary Brown, Bob Mather, Carmen Wagner, Sara Bredesen, Steve Schmieding, Rebecca Gass, Gerry Mich, Scott Sawle, Jim Kerkman, Bob Peterson, Gene Roark, Allison Hellman, Earl Gustafson, Dave Ladd, Terry Mace

Welcome and Introductions

Chair Fred Souba called the meeting to order at 9:40 a.m. The members and guests introduced themselves.

BMPs for Water Quality – Carmen Wagner

As Carmen explained in an update to the Council at its December 2009 meeting, public comments were accepted on the final draft of *Wisconsin's Forestry Best Management Practices for Water Quality: Field Manual for Loggers, Landowners and Land Managers* from December 22nd to February 12th. Informational meetings to introduce proposed changes to the manual and get feedback were held in Spooner, Wausau, and Madison. They were attended by a total of fourteen people. An online survey was completed by 26 people, the majority foresters, with 23 representing organizations, including the Menominee Tribe. Eleven letters were received.

The Water Quality BMP Advisory Committee made recommendations based on the comments, most of them clarifying, not changing the intent of the BMPs. Three issue areas received the majority of recommendations:

- Riparian Management Zones
- Dry Washes
- Wetland Filter Strips

A summary of the recommendations along with the comments that led to them is attached:



BMP AC

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After the recommendations are incorporated, the manual will be sent to the Chief State Forester for approval. A PDF version of the new BMP Field Manual will be made accessible late this summer. Funding has been secured from the Forest Service to help produce printed manuals, which will be distributed this fall. The Advisory committee has forwarded a recommendation that beginning on January 1, 2011 foresters and loggers follow the new BMPs when establishing sales. BMP monitoring will be conducted on state and county forests in 2013.

DECISION ITEM:

- A motion by Fred Souba (seconded by Bill Horvath) that the Council send letters of appreciation to all members of the Water Quality BMP Advisory Committee thanking them for their work passed unanimously.

Council Biennial Report – Paul DeLong

Section 26.02 of the Wisconsin Statutes requires the Council to produce a report each biennium covering the two preceding calendar years, specifically addressing the following prescribed topics:

- I. The magnitude, nature, and extent of the forest resources in this state.
- II. The current use in this state for forest products and the benefits that these forest products provide to the state.
- III. The projected future demand for forest products and the projected benefits that these forest products will provide to the state in the future.
- IV. The types of owners and forms of ownership that apply to forests in this state, including the reasons why persons own forest land.
- V. Incentives offered to stimulate the development of forest resources.
- VI. The possible economic opportunities that may result if improved forest-product marketing, and increased business dealing in or use of forest products, occurs in this state.
- VII. Recommendations for increasing the economic development of the forestry industry and employment in the forest industry.
- VIII. The effect of state and local governmental laws and policy on forestry management and the location of markets for forest products.
- IX. Recommendations for staffing and funding needs of forestry programs and other conservation programs related to forestry.
- X. Recommendations to increase the public's knowledge and awareness of forestry issues.

The current report, which was due June 1, 2009, is behind schedule. A draft of the report was distributed to Council members for their review prior to the meeting. Bill Horvath commented that he saw no mention in the report that the Council had taken action to support a Woody Biomass Exchange. Paul said that he would look into the timeframe of that action and update the report if appropriate. Bob Rogers expressed concern that a reference that the report was prepared by DNR staff could be misleading, and was perhaps unnecessary. Paul said that he would review that statement, and asked that any other comments be given to him before the end of the day, as he would like to get the report out before the end of the month.

Currently, the Biennial Report is structured primarily as a historical document. Paul proposed that the Council work on turning it into a shorter, more effective document, that is more usable by others. He asked the Council to consider the removal of the ten above-listed prescribed topics, reporting instead on items of importance to the Council. He suggested that members consider ways to improve the report and be prepared to discuss them in December, after which any agreed-upon changes could perhaps be requested in the context of a report to the Governor before the end of the current biennium.

DECISION ITEMS:

- A motion by Bill Horvath (seconded by Bob Rogers) that the Council accept the 2007-2008 *Wisconsin Council on Forestry Biennial Report*, with the modifications suggested, passed unanimously.
- The next Biennial Report will be discussed by the Council at its December 2010 meeting.

ACTION ITEMS:

- Paul DeLong will make any changes to the 2007-2008 Biennial Report warranted by comments received from Council members and distribute the final document.
- Council members will get comments on the 2007-2008 Biennial Report to Paul DeLong today.

Deer Management Policy: Next Steps for Council – Paul DeLong

With the deer population in excess of goals set by the state, the DNR has been trying to reduce the herd down to goals, resulting of course, in fewer deer. As a result, hunters, used to very high numbers, are seeing fewer deer, and are dissatisfied. Though deer are below goal in part of the state, they are actually above goal in others. The estimated winter population was 900,000. The past year's harvest was in the top 20 in the history of the state. However, in response to hunter dissatisfaction, the Earn-a-Buck Program has been suspended. DNR has asked the Natural Resources Board (NRB) to increase goals in certain parts of the state in the goal setting process, which is done every three years by administrative rule, from approximately 740,000 to 790,000. The decision now rests with the Legislature. Therefore, it is critical for the Forestry community to make sure that the Legislature understands its perspective about what constitutes an acceptable level of deer impact on the environment. Jane Severt said that the Wisconsin County Forests Association had made its position very clear, testifying at several hearings. Bill Horvath said that the Wisconsin Woodland Owners Association had sent a letter to the NRB indicating that deer are not spread evenly over the state. He suggested that forests be managed to manage deer populations, and identified a need in the forestry community to talk about spreading them out. Jim Kerkman

said that the Society of American Foresters had developed a position paper. Chair Souba said that the Council needs to ensure that the legislators know that this is also a forestry issue which is important to the health of the forests and the economy of this state. He offered to draft letters to this effect to the Chairs of the Assembly Forestry Committee and the Senate Committee on Transportation, Tourism, Forestry and Natural Resources. The members concurred. Jim Hoppe offered to provide testimony on behalf of the Council at a hearing, if there is one. Bob Rogers suggested showing legislators the damage caused by deer firsthand during the Council's planned legislative tour. Matt Dallman suggested recommending a legislative study on the deer issue. Paul proposed that the upcoming Environmental Assessment being done by the Department would be an ideal vehicle to convey the message.

Jim Heerey distributed copies of proposal he wrote in the form of a letter to the Council entitled, "Animal Damage to Crops", which he read to the Council. It recommended that the Council formally request its legislative members to take the issue to the floor of the Legislature, that the statute be reviewed for excessive regulation, and that the following deficiencies be rectified:

- The monetary threshold should be changed or eliminated.
- Forest, horticultural and agricultural crops should receive equal recognition under the statute for protection.
- Kill permits should be issued without restrictions on who may hunt with them and without restrictions on the manner of carcass disposal.
- Landowners shouldn't be required to incur the cost of alternative abatement measures.

A discussion followed about what action, if any, the Council should take. Bob Rogers suggested that the idea be incorporated into the letter to the Committee Chairs being drafted by Chair Souba. Matt Dallman proposed adding just one sentence to the letter that suggests that if the higher deer numbers are to be the social goal, some sort of compensation for the economic loss to forestry needs to be considered. Members agreed, and discussed sending a second letter to the Conservation Congress conveying a similar message.

DECISION ITEMS:

- A motion by Jane Severt (seconded by Bob Rogers) that the Council send a letter to Senator Holperin and Representative Hraychuck stating the Council's position on deer numbers, and that the Council provide oral testimony at any legislative hearings regarding the Clearinghouse Rule for setting deer goals, passed unanimously.
- A motion by Jane Severt (seconded by Bob Rogers) that the Council incorporate the concept expressed in Jim Heerey's proposal to the Council entitled "Animal Damage to Crops" into the Council's letters to the Legislature, passed unanimously.
- A motion by Bill Horvath (seconded by Michael Bolton) that the Council send a letter to the Conservation Congress containing a similar message to the one contained in the letter being sent to Senator Holperin and Representative Hraychuck, passed unanimously.

ACTION ITEMS:

- Chair Souba will draft both of the above-mentioned letters by next week.

State Foresters Report – Paul DeLong

Letters of thanks have been sent from the Council to everyone who worked on the four invasive BMP tracks, and were very much appreciated by the recipients. At the last Council meeting, Tom Boos reported that there was no funding to produce enough copies of the *Pocket Field Guide for the Identification of Invasive Species* to fill the orders that had been placed. Paul announced that NewPage Corporation had agreed to donate all the paper necessary to print them. Paul acknowledged NewPage for its generosity, and thanked Chair Souba for taking the initiative to make it happen. He said that Tom Boos would be sending out additional information.

FY '10 Federal Budget

The allocations have finally been received for FY '10. They include reductions in several program areas, with Stewardship again receiving a significant one. There will likely be more. Paul is trying to get more information. The President's Federal Budget for FY '11 looks good overall, though there is talk of sending EAB back to the states, and there is a reduction in state fire assistance. Forestry fared better than other areas. The coming biennium is expected to be very difficult, so we need to be very clear about priorities and public values at issue.

Division Strategic Direction and Alignment

Paul distributed a timeline entitled, “Adapting to New Realities”, explaining the series of events and activities listed that are being or have been undertaken by the Division of Forestry to prepare for its future direction. In 2009, the Division had to implement close to \$1.5 million of budget reductions, cutting two management positions, and consolidating operations from five regions to four, and from four bureaus to three. The Fire Program and other programs are now being looked at closely so that the Division will be prepared as it goes through the Statewide Forest Assessment and Strategy, which needs to be completed by June 18th, and will show what priorities the forestry community at large believes the Division needs to be working on to address. The Division Strategic Plan will define what the DNR niche is in accomplishing that work over the next five years. Then, the Resource Alignment of staff and funding will examine how resources are being used internally now and where they should be used, considering such factors as the likelihood that we will be operating for the long-term with high vacancy levels, and will be getting a new budget, a new administration, and a new legislature, all at the same time, and under less than ideal conditions. If the work is done well, the Division will be able to articulate the value it returns and the key things it should be working on in the future to best serve the public.

ACTION ITEMS:

- Paul DeLong will send Council members organizational charts of the Division’s Central Office and consolidated Southern Region.

Statewide Forest Strategy – Rebecca Gass

As Rebecca, a DNR Forest Planner, explained to the Council at its December 15th meeting, the Statewide Forest Strategy includes multiple ideas on how the forestry community as a whole can address the major issues and priority topics identified in the Statewide Forest Assessment over the next ten years. Fifty-two draft strategies with multiple actions under each were developed by the DNR during January and February, and the first draft of the Statewide Strategy will be accessible for partner input from March 22nd to April 23rd by means of an online survey on the Forestry page of the DNR web site.

The draft Strategy is divided into the four major themes, or “Priority Issue Groupings” that the major conclusions of the Assessment were divided into, and a fifth theme, related to protecting life and property, particularly from wildfire:

- Theme 1:** Fragmentation and Parcelization
- Theme 2:** Forest Composition and Structure
- Theme 3:** Energy and Climate Change
- Theme 4:** Forests as Economic Contributors
- Theme 5:** Protection of Life and Property in Forested Areas

Several goals are listed under each theme, and strategies, with specific actions listed to accomplish those goals, can be found under each. The survey asks:

1. Whether each strategy should be implemented statewide or only in specific landscapes.
2. Which two of the actions listed are the most important to address that strategy in the next ten years.
3. If the person or organization wants to be involved in implementing any of the actions.
4. For suggested revisions to the strategy or recommendations for different actions.

In May, after the comment period has ended, the Strategy will be edited based on the survey responses and other comments received, and finalized to meet the June 18th deadline for submission to the Forest Service.

Paul DeLong suggested convening the Council in April to discuss the Strategy. Deb Kidd said that it should meet during the comment period to make it possible for the Strategy to forward with Council support. Chair Souba said that it is the Council’s role to come forward with what it deems most important to work on in the next ten years. The goal of the meeting will be to produce a document stating the Council’s opinion of what should be included in the Strategy that can be submitted to the DNR before April 23rd. Ken Ottman suggested that the meeting take place in the central part of the state to accommodate the most Council members.

DECISION ITEM:

- The Council will hold a special meeting in late April, before the 23rd, in Wisconsin Rapids, to seek consensus among members on what should be included in the Statewide Strategy.

ACTION ITEMS:

- Chair Souba will select a date for the April Council meeting after polling members for their availability.
- Council members unable to attend the April Council meeting will submit any comments on the Strategy to Chair Souba as soon as possible before April 23rd.
- Council members will start completing the online Statewide Forest Strategy survey when it becomes available on Monday, March 22nd.
- Council members will send any feedback on the survey, or on the Forest Sustainability Framework utilized during the Assessment process, to Rebecca Gass.

BCAP Program – Allison Hellman and Pam Porter

Pam is from Wisconsin's Office of Energy Independence (OEA), which was created to facilitate the achievement of Wisconsin's goal of attaining renewable energy usage of 25% by the year 2025. Allison is working with Pam on preparing a joint DNR/DATCP/OEA letter, on behalf of the state, to submit during the comment period on the proposed Biomass Crop Assistance Program (BCAP) final rule. The 60-day comment period ends on April 9th. Over 23,000 have been received to date. Only written comments are being accepted.

The interim rule, Phase I, which dealt with infrastructure, was suspended when the final rule, Phase II, dealing with supply, went into effect. Phase II will be a regulation, whereas Phase I functioned under a notice of funds availability (NOFA). The proposed rule offers incentives to farmers who might not otherwise be willing to undertake planting biomass crops because of the potential time lag between planting and harvest. Pam discussed issues that have arisen from the comments received. From the agricultural side, many thought BCAP would encourage planting more switch grass and other crops for the production of biofuels, to replace coal, but instead, the funds seem to be subsidizing the existing wood industry. In this budget climate, money might be viewed as being spent too much in the wrong way. Within the first six months, \$500 million was spent on BCAP. Now USDA is estimating the program will cost \$2.3 billion. Allison pointed out two main items in the proposed final rule significantly affecting Wisconsin:

1. Change in the Forest Stewardship Equivalent – from being determined by State Forester to being determined by SFI and American Tree Farm or equivalent as determined by DATCP Secretary.
The State's Position: The State Forester should make determinations.
2. Proof of Sustainable Harvest – interpreted from NOFA as being unnecessary for logger to sell material.
The State's Position: An owner or operator who provides material should be required to show proof of sustainability.

Before today's meeting, Allison sent Council members an overview of the proposed final BCAP rule and a document identifying areas contained in it on which the Commodity Credit Corporation (CCC) is requesting comments. She and Pam asked for the Council's perspective on the final proposed rule, and encouraged the Council to submit comments both as a body and as individuals. Paul DeLong commented that people shouldn't be getting paid to do what they are already doing, or for doing something that takes away from another activity that already has value added. Fred Souba said that the idea of BCAP is to increase supply, and put incentives into place to generate more biomass, but it does not do that. Instead, it is redirecting what we have into other industry, which won't be long term, and won't work. Jim Hoppe said that redistribution is not the answer, and that his company, Packaging Corporation of America, would not like to see any subsidies. He said that wood is going right by existing markets to new ones because of matching funds. Terry Mace is of the opinion that a grant program would help give companies the incentive to get chippers and other biomass harvesting and extraction equipment. It would make better sense than paying for wood and distorting the market. Pam suggested that it might be worth suggesting the elimination of matching payments in the comment letter. She said that the individual agencies could provide more detailed comments to USDA if they choose to. Paul said that doing so could help inform what might be a useful approach to address biomass for energy in the state.

ACTION ITEMS:

- After finalizing DNR's comments on the proposed rule, Paul DeLong will share them with the Council.
- Council members should share their own comments with Paul DeLong.

Legislative Issues – Jane Severt and Paul DeLong

Because the Legislature is in session, none of the legislators were able to attend today to deliver the update, although Paul has been in contact with Rep. Clark. The Joint Finance Committee (JFC) has taken action on the MFL streamlining bill. The Governor signed the MFL bill on towers into law. A bill on withdrawal from the MFL without penalty was heard, but JFC did not advance it. Paul reminded everyone that they can track the status of bills by clicking “Legislative Notification” at the Wisconsin State Legislature’s web site, www.legis.state.wi.us, and entering key words or committee names.

Legislative Tour Update

Although assignments have not yet been made to the subcommittee of Council members that is to work on planning the tour, Jane still feels that a tour could be arranged in conjunction with the Logging Congress. She and John have been talking with Henry Schienebeck and Nancy Bozek. Nancy said that the Wisconsin Woodland Owners Association will be having their state meeting at the same time that the Logging Congress is being held, and hopes to incorporate it if the tour gets scheduled. The legislators could see some biomass equipment, Henry could take them out in the woods to see some logging, and then they could be served a lunch.

Gunnar Bergersen said that because of the upcoming fall elections, the legislators will be staying in their districts, and are not likely to attend a tour. Bill Horvath agreed, and added that the legislators would not be reimbursed for travel outside of their districts if they did attend. He suggested not tying the tour to the Logging Congress, but instead inviting individual legislators, and focusing on whole committees. Then the tour would become a Committee activity, which would be reimbursable. Chair Souba suggested that the tour take place during the summer of 2011, after the new committee assignments have been made. Paul DeLong said one possibility might be to invite the Chairs of the Assembly Committee on Forestry and the Senate Committee on Transportation, Tourism, Forestry, and Natural Resources, and request a Joint Field Hearing on Forestry. There could be a field tour, and then possibly a hearing the following day. The tour would definitely be part of their work then. Jane asked that a subcommittee be appointed to work on planning a tour for 2011. Earl Gustafson volunteered to help.

DECISION ITEM:

- Jane will continue work on planning the Legislative Tour for 2011 with John DuPlissis, Earl Gustafson, and Bill Horvath, and will report back to the Council on progress.

Upcoming Meetings

Chair Souba told members to watch their email for information about the special April Council meeting on the Statewide Strategy discussed earlier.

The next regular Council meeting is scheduled for June 15th. A separate field tour for the Council members will be arranged for June 14th, probably beginning around noon. Chair Souba asked members for ideas about tour locations and issues. The Driftless Area was suggested, as it contains many sites that illustrate issues of importance to the Council. There are issues with parcelization, and with soil loss, which could be reduced with tree planting. LaCrosse County would be ideal because it contains the Coulee Experimental Forest, which is not far from an EAB area, Hixton Community Forest, which has deer issues, and Xcel Energy’s French Island Power Plant, which is burning biomass now.

DECISION ITEM:

The Council will meet in LaCrosse on June 15th, with a tour for Council members on June 14th.

The meeting was adjourned at 3:35 p.m.

Submitted by:
Mary Brown, WDNR