

Meeting Minutes

Wisconsin Council on Forestry
Forest Products Lab – Madison, WI
December 15, 2009

Members Present:

Bill Horvath, Ken Ottman, Paul DeLong, Jim Hoppe, Bob Rogers, Rep. Fred Clark, Jane Severt, Matt Dallman, Jeanne Higgins, Leon Church, Troy Brown

Members Absent:

Sen. Kathleen Vinehout, Dennis Brown, Fred Souba, Rep. Mary Hubler, Jeff Stier, Sen. Bob Jauch, Jim Heerey, Rep. Don Friske, Michael Bolton

Guests Present:

Darrell Zastrow, Gunnar Bergersen, Mary Brown, Henry Schienebeck, Bob Manwell, Bob Mather, Carmen Wagner, Thomas Boos, Sara Bredesen, Steve Schmieding, John DuPlissis, Carol Nielsen, Rebecca Gass, Jeremy Solin, Mark Heyde, Nancy Bozek, Deb Kidd, Geoff Chandler, Kathy Nelson, Susan Butler

Welcome and Introductions

Chief State Forester Paul DeLong called the meeting to order at 9:35 a.m. in Chair Souba's absence. The members and guests introduced themselves. Paul announced that Vice Chair Mary Jean Huston had stepped down from the Council, and that Chair Souba would soon be announcing a new Vice Chair. Matt Dallman of the Nature Conservancy will replace Mary Jean on the Council as its nonprofit conservation organization representative.

Legislative Issues – Rep. Fred Clark

Rep. Gary Sherman was appointed to the State Board of Appeals, and will no longer be heading the Assembly Committee on Forestry. Rep. Clark was asked to take over as Chair. He said that the Committee was holding an Executive Session today on some bills it heard last month. It is voting on:

- AB 531 - A bill introduced by Rep. Hubler that permits MFL enrollees to withdraw land from the MFL program without penalty for purposes of siting a public safety communication tower.
- A bill that changes the name of the Master Logger Certification Scholarship Grant Program.
- AB 580 – A bill containing administrative changes to the MFL program that improve the Department's ability to manage it, such as allowing use of electronic signatures, improving how stumpage values are produced and published, and harmonizing application deadlines by going back to one unified application date.

The Assembly Committee on Forestry, along with the Council on Forestry, has asked for a Legislative Council Study to look at the MFL in the coming year. Rep. Schneider told Rep. Clark that there probably wouldn't be any decision on that until the end of January. Rep. Clark expects that there will be legislation out by the end of this year that will address Workers Compensation reform for loggers, allowing the industry to create a self-insured fund. Legislation has been drafted, and is being looked at, that would allow trucking weight limits to be changed on Class A roads. Rep. Clark has spoken against a bill pending in the legislature concerning conversion of MFL land to agricultural use. It would allow cattle into forests, and he feels it would set a bad precedent. Another bill, AB 271, "the Surveyors' Bill", would require that a survey be conducted before trees are harvested. Rep. Clark is working on an exemption for foresters practicing forestry.

Because a lot of work is not getting done in the forests, and a lot of young people are in need of work, Rep. Clark and some of his colleagues have been exploring the possibility of bringing back the Wisconsin Conservation Corps. They've had conversations with the BCPL and others about administration and funding. The BCPL seems like a logical choice for an agency to administer it, and the technical college system could serve as the structure necessary to host crews around the state.

Legislative Tour – Jane Severt and John DuPlissis

Jane distributed a proposal to the Council on Forestry to host a legislative tour to familiarize members of the Legislature with current forest issues. She said that WCFA had occasionally conducted them in the past. John, UW Forestry Outreach Specialist, said that the time is right for a tour. It could be tied to the 2010 Assessment, which could be used as a springboard, comparing data that goes back to 2000, looking at forest certification and all that has happened between now and then, and thinking about what the next ten years will be like. He said that there was not much interest generated the last couple times he was involved in efforts to host a tour, and that an invitation from the Council might carry enough weight to convince legislators that the tour is important enough to attend. The Council would have the advantage of being able to present the issues to the legislators firsthand. John offered to facilitate the tour, and suggested inviting the Governor, the Natural Resources Board, the legislative committees, and the U.S. House of Representatives and Senators, or their aides. Matt Dallman suggested that town and county officials be invited as well. John suggested that if the Council accepted the proposal, a Council subcommittee be appointed to work with him on planning and funding issues. Bill Horvath, Jane Severt, and Troy Brown volunteered to staff it.

DECISION ITEM:

- A motion by Bill Horvath (seconded by Leon Church) that the Council accept the proposal to host a legislative tour, and support the Chair appointing a subcommittee of Council members to work with the Chair of the Assembly Forestry Committee and John DuPlissis on planning the tour passed unanimously.

ACTION ITEM:

- Other Council members interested in being appointed to the above-mentioned subcommittee will contact Chair Souba directly.

Invasive BMPs for Rights-of-Way and Funding for Implementation – Jane Severt and Tom Boos

Invasive BMPs for Rights-of-Way (ROWs)

Jane said that she and Tom were coming before the Council for approval of the final BMP track, Transportation and Utility Rights-of-way. She introduced Tom, DNR Division of Forestry, who delivered a PowerPoint presentation entitled, “Transportation and Utility Right-of-Way Best Management Practices for Invasive Species”.

The Advisory Committee formed in May of 2008, and was made up of representatives from public and private organizations that create and manage corridors, including highway departments, utilities, and pipelines. Three DNR staff assisted. The railroads did not join the Committee, though they frequently offered comments, so they were somewhat represented. The goal was to provide a set of voluntary guidelines to help limit the spread and introduction of terrestrial invasive species during all prescribed management and construction activities on Wisconsin’s corridors. A draft BMP manual was developed, and because of the direct impacts that implementation of the BMPs would have on them, underwent an internal review by all stakeholders before going out for public comment. The public comment period extended from September 24th to October 23rd. This BMP track received more input than the others, with 312 comments from 92 individuals. Very few substantial changes were made as a result.

The *Invasive Species Best Management Practices for Transportation and Utility Rights-of-Way* is divided into four main chapters that entail most activities along utility and transportation corridors:

- Chapter 1 – Soil Disturbance
- Chapter 2 – Vegetation Management and Inspection/Monitoring
- Chapter 3 – Transport of Materials
- Chapter 4 – Revegetation and Landscaping

If accepted by the Council, the next steps will be to post the BMPs on both the DNR and Council on Forestry websites, and to begin outreach and education. Tom does not expect that the BMPs will ever become regulatory, except in implementing them for purposes of complying with the requirements of NR 40, the invasive species bill. The main thing that Jane saw come out of this process was an awareness of the issues. She thanked Rep. Clark for all his work on the BMP efforts. Rep. Clark thanked the whole Council for initiating and supporting the process

through to implementation. Paul DeLong said that U.S. Forest Service, State and Private Forestry would share Wisconsin's process with states undertaking formulation of their own BMPs for invasives.

Funding for Implementation of Recreation BMPs

Not much progress has been made since the September Council meeting in funding the implementation of the BMPs. Tom said that although the pocket field guide is expected to be finalized by the end of June, there is no funding. He has been in contact with DATCP and the UW Extension. A grant was received that will cover about 5,000 copies, but about 27,000 are needed to fill orders that have been placed by 250 separate groups. Each will cost around \$2.00, and most organizations have responded positively to purchasing them, but there are not going to be nearly enough guides. The FILT Education Committee will meet in mid-January to discuss this further.

DECISION ITEM:

- A motion by Jane Severt (seconded by Jim Hoppe) that the Council approve the *Invasive Species Best Management Practices for Transportation and Utility Rights-of-Way* passed unanimously.

MFL Legislative Council Study, Council Input – Bob Rogers

At the September 2009 Council meeting, the MFL Task Group delivered a report to the Council. Its focus was to identify MFL issues for legislators to consider, while in deliberations, as items for a Legislative Council Study. The Council found the report too narrow in scope, and in need of more information and input from additional MFL interest groups.

Since then, Chair Souba sent a letter on behalf of the Council to Sen. Risser and Rep. Schneider requesting support of a Legislative Council Study to evaluate the MFL. Bob sent questionnaires concerning the benefits of MFL and MFL issues to various partners throughout the state, with the help of Bob Mather and Kathy Nelson of the Division of Forestry, who also helped analyze the responses, which were shared with Task Group and Council members. The report was revised to reflect the new information, in a format emphasizing the issues. One new issue was added, concerning an arbitration process.

Bob led a discussion of the revisions, asking Council members to consider whether it might be preferable to use a format emphasizing the benefits of MFL, which had been removed by the Task Group for conciseness. Most felt they should be added back in, making the document longer, as some readers might need the background material to understand the issues. When asked about the content of the issues section, Jane Severt commented that someone who isn't very familiar with MFL would have a very hard time understanding the issues as written. The language is too abstract. She also objected to a comment concerning county level responsibility in the Technical Assistance section. Troy Brown cautioned against suggesting remedies, rather than merely outlining the issues for the Council Study to consider. Bob echoed this concern. Bob Mather pointed out some inaccuracies. Bob Rogers said he would edit the report to reflect the changes suggested and send out a revised document for Council comment. He volunteered to coordinate online comment sharing and Council conference calls to facilitate finalizing the report.

ACTION ITEMS:

- Bob Rogers will add the language outlining the benefits of MFL back to the report, and will edit the language on the issues as discussed today, having a Division of Forestry representative review it for accuracy.
- Bob Rogers will prepare and send a revised report via email to Council members within a month's time.
- Council members will send further comments to Bob Rogers by December 18th.
- Bob Rogers will arrange for the report with comments to be shared by Council members electronically, sending members instructions, by January 8th, and will arrange a conference call with members to discuss same before January 15th.
- Mary Brown will send a Doodle Poll to Council members to find a time to hold a one-hour conference call during the last two weeks of January to finalize the report.

Forest Management Guidelines Revision – Carol Nielsen

Wisconsin's Forest Management Guidelines (FMG) were created and first published in 2003 to establish basic sensible concepts that outline responsible resource management at the site level for resource managers and

enthusiasts. Since 2003, they were incorporated into the Cooperating Forester Agreement, requiring that private foresters follow both the Silvicultural and the Wisconsin Forest Management Guidelines. They are referenced in the Right to Practice Forestry in the definition of “generally accepted forestry practices”, and have become what people generally turn to for guidance.

NR 1.25 of the Wisconsin Administrative Code became effective in 2007, requiring the DNR to update the FMG at least every five years, incorporating public participation and comments into the process. The process has begun with a paper and online survey to determine the scope of revisions. Updates suggested so far are:

- Including Invasive Species BMPs
- Including Updated Water Quality BMPs
- Including Green Tree Retention Guidelines
- Expanding Economics (Chapter 8) to include carbon and non-carbon benefits

A guidance team of seven Division of Forestry staff will review input and recommend revisions to address. Subject Matter Experts from the DNR and the University of Wisconsin will review their areas of expertise. The first draft will be sent to both internal (DNR) and external (forestry partner) reviewers, hopefully by May 2010. There will be consultation with the tribes. Public meetings and other opportunities for public comment are hoped to take place during the fall of 2010, though there is a need to first identify methods of obtaining higher levels of public involvement in the process. The Division Forestry Leadership Team will serve as the project acceptance team, with the final document going to the Natural Resources Board for approval by winter of 2010-2011. The Biomass Harvesting Guidelines may be referenced, but won't be included in this update. The current FMG and survey can be viewed at: <http://dnr.wi.gov/forestry/private/fmg/survey.htm>.

BMPs for Water Quality Revisions – Carmen Wagner

When the *Woody Biomass Harvest Guidelines* were presented to the Council in 2008, the Council directed the Water Quality BMP Advisory Committee to address the topics relating to water quality, feeling these five issues would best be addressed in the Water Quality field manual:

1. Infrastructure Concerns.
2. Establishing Riparian Management Zones (RMZ) standards for retaining fine woody materials.
3. Clarifying RMZ standards on dry washes.
4. Protecting erosion prone sites (based on soil and slope characteristics).
5. Utilizing filter strip around wetlands.

The 21-member Advisory Committee, which includes two logging representatives, identified the issues for review and potential revisions in April 2009, and forwarded them to expert reviewers in the fields of forestry BMPs, forest hydrology, forest soils, forest management, forest wildlife, water resources and wetlands. The Advisory Committee reviewed their comments. A Field Manual Subcommittee of nine forest stakeholders then drafted updates based on their direction. In October, the Advisory Committee reviewed and further refined the draft manual, and in November, extended an offer to the Voigt Task Force to review it. A final draft will be going out for public comment on December 21st. Comments will be accepted until February 12th. Three informational meetings will take place in January. After revisions are made based on comments, the Field Manual is expected to be presented to the Chief State Forester for approval, and then to the Council on Forestry in the spring of 2010.

The existing Field Manual has 143 individual BMPs. The proposed one will have nine BMPs added, eight removed, and 52 modified, for a total of 144 BMPs. See the attached document for highlights of these changes:



BMP_WQ_Highlights.
pdf

SFI certification for loggers requires BMP training, which is offered every other year though FISTA. There is currently a PDF version available, and grants to fund printing of the BMP Field Manual have been applied for.

ACTION ITEMS:

- Carmen will return to the March Council meeting with an update.

BCAP Program – Susan Butler, FSA

The Biomass Crop Assistance Program (BCAP) provides financial assistance to producers or entities that deliver eligible biomass material to approved biomass conversion facilities for use as heat, power, bio-based products, or fuels. When an eligible owner delivers materials to an approved biomass conversion facility, USDA will match whatever payment they get for that material up to \$45 per dry ton. In Wisconsin, the focus is strictly on forestry biomass right now. As part of the 2008 Farm Bill, BCAP is approved through 2012. The Farm Service Agency (FSA) was designated to implement the program, which is now in Phase I. In 2009, the Agency had \$25 million, and \$514 million was recently given to it for payments through March 31, 2010. FSA is in the rule-writing process, and has been in deliberations with Management and Budget since summer. There will be a 60-day comment period on the proposed rule. Susan estimates that by March 31st, they will be operating under a regulation, instead of a notice of funds availability.

In Phase II, the program will be project based. There will be a process through which various projects, consisting of biomass conversion facilities with geographical areas surrounding them to grow biomass on, will submit applications to compete for contracts which will provide 75% of the cost of planting biomass, an annual rental payment on the land, and collection, harvest, storage and transportation payments for products delivered to that facility. FSA will offer contracts of five years to growers for switchgrass, and of up to fifteen years for woody biomass. There is a two-year limit on participation in the program, beginning on the date of approval. FSA has approved five facilities so far, and there is a lot more interest. Unlike other parts of the country, Wisconsin facilities are interested only in forestry biomass, not switchgrass. Proposals will probably be solicited this spring.

The sustainability provisions are now being interpreted by FSA. The language currently states that harvests must be done in accordance with a Forest Stewardship Plan or other process approved by the State Forester. Some concerns have been expressed because unless the person harvesting is the owner and sells to the approved biomass conversion facility (BCF), that person doesn't need to produce a Forest Stewardship Plan. So there is no assurance of sustainability except in the case of the person who delivers his or her own wood. There are also concerns that delivery receipts could be falsified, and there would be no way to find out without the BCF being audited. Paul DeLong emphasized that it is in Wisconsin's interest to push sustainability, and said that there will be comments submitted during the 60-day comment period on the lack of assurance of sustainability.

DECISION ITEM:

- BCAP will be an agenda item at the March 2010 meeting of the Council on Forestry.

Statewide Forest Assessment and Strategy – Rebecca Gass

Rebecca is a DNR Forest Planner who manages the Statewide Forest Assessment and Strategy, which are required by the Forest Service to be completed by June 18, 2010. The Assessment analyzes the state of affairs of our forests and, based on that analysis, identifies threats and issues. It must be done every ten years. The Strategy includes multiple ideas on how the forestry community as a whole can address these major issues and priority topics over the next ten years. A first draft of the Assessment was sent to Council members and other partners and posted on the DNR website for stakeholder and public comment. Division staff have met with partner groups to discuss the findings and conclusions. Rebecca provided the Council with a document describing the major conclusions and comments received on each in advance of today's meeting. She asked the members to review the 30 major conclusions and to offer their opinions on them, and on the prioritization and focus of the four "Priority Issue Groupings", or major themes, that they have been divided into:

1. Fragmentation & Parcelization
2. Simplified Forest Composition and Structure
3. Forest Economy = State Economic Health
4. Energy & Climate Change

One suggestion was to modify the wording of the second Priority Issue Grouping to read, "*Threats to Forest Composition and Structure*". Another was to clarify the timeline describing the changes that have taken place in the body of Criterion 1.a., "Simplified Forest Composition & Structure". Rebecca asked that specific comments be sent to her electronically.

A DNR Strategy Team, composed primarily of Division staff, will develop draft strategies to address the major conclusions in the coming month. The first step is to develop a vision for what the next ten years should be like so the desired outcomes can be identified. Then strategies can be developed that will hopefully produce those

outcomes, and make that vision a reality. A first draft of the Strategy should be ready for partner input in March or April, so it can be edited and finalized in May to meet the June 18th deadline. Rebecca will return to the Council in March, and asks that members send her any ideas they have for strategies.

DECISION ITEM:

- Rebecca Gass will give an update on the Statewide Forest Assessment & Strategy at the March meeting.

ACTION ITEM:

- Council members will send any comments on the Assessment or ideas for the Strategy electronically to Rebecca Gass.

LEAF Program Update – Jeremy Solin, UWSP

The Learning, Experiences, and Activities in Forestry (LEAF) Program, a partnership between the DNR Division of Forestry and the Wisconsin Center for Environmental Education, was established in 2001 with funding coming primarily from a surcharge on nursery stock. By engaging students in their local communities with forestry issues relative to them, it helps keep forest issues in the forefront in Wisconsin. The program is unique to Wisconsin and entirely Wisconsin focused. The LEAF Conceptual Guide provides a framework that is the basis of all its programs, and is one of the only efforts in the country to try to identify what students should know about forests in a geographical area. LEAF Lesson Guides, school forests, and outreach are the vehicles LEAF uses to help schools integrate forestry education into their curriculums.

Leaf K-12 Lesson Guides are provided to teachers when going through professional development. Though they are also available online, teachers tend to use what they've been trained to use. About 3,000 teachers have gone through professional development, and between 80% and 90% of them are using the materials in the grade-specific Guides, which contain Wildland Fire and Urban Forestry units. The Urban Forestry unit was developed when it became evident that Milwaukee students had no basis for understanding Wisconsin forests.

LEAF provides support for school forests. In 2003, it was able to hire a full-time School Forest Coordinator, which reinvigorated the School Forest Program. LEAF helps schools access funds available from the Wisconsin Environmental Education Board (WEEB) in the form of grants to school forests. It also maintains a school forest website, provides resources to help with management plans, and helps schools understand how school forests can be utilized in the classroom. With 365 registered parcels, about half the districts in the state have a school forest. At least a third have management plans. It is a challenging for the DNR to find time to work with school forests.

LEAF provides outreach in the form of:

- Forestry field days for teachers designed to keep them engaged.
- *LEAFlet*, a quarterly newsletter.
- A website that provides a network of field experience providers for schools with no school forest.
- Training for field experience providers.

About 180,000 students a year benefit from the program, which provides a link between schools and forest stakeholders. Interest continues to grow, especially since it is a very low-cost, high-value program for the schools, which are cutting back on higher cost teaching tools, like paid speakers. However, the program faces a challenge, as about 90% of its funding comes from the seedling surcharge, and seedling sales are declining. The remainder of LEAF's funding currently comes primarily from the University of Wisconsin. A proposal has been made to have WEEB support LEAF for the next two years.

State Forester's Report – Paul DeLong

The *Wisconsin Council on Forestry Biennial Report* is past due. A draft will be sent out to the Council for review before it is finalized in March. Paul alerted Council members to a bill introduced December 14th that may be in the next budget: AB 649, the Clean Energy Jobs Act. It includes forestry provisions, though urban and rural forestry are not included because there is no money for them now. The focus is on carbon sequestration. Claiming to have been contacted three times by different entities about the definition of biomass, the Legislative Reference Bureau struck the word "wood" from the definition, and replaced it with "plant material". Its rationale

was that plant material includes wood. The DNR was not notified of the change. The lead authors of the bill, due out after the 1st of the year, are Sen. Miller and Rep. Black. The LRB draft is out now. Paul encouraged everyone to let their comments be heard on the bill.

FY '09-11 State Budget

The most significant item since the last Council meeting has been the fallout of vacancies and furloughs.

- Workload Reductions

Paul sent Council members a copy of the Division's workload reductions, which it will refer to during the process of planning for the fiscal year beginning July 1st to ensure consistency. FY '11 workload reductions will be available this summer. Changes in the Division's structure have been implemented with the elimination of one bureau and one region, and the loss of the two senior management positions as specified in the Budget. There are now three bureaus and four regions. The Division is now in the process of filling positions, and many staff have, or will have, new supervisors. Guidance has gone out on the FY '11-13 budget process. More reductions are expected. The Budget will go to the NRB for approval in September 2010. A budget repair bill is unlikely.

Division Strategic Direction and Alignment

Because it needs to be very clear about what its priorities are as it goes into the next biennium, beginning next summer, the Division will go through a process of aligning its people and funding based on what it determines its niche to be in the overall Statewide Strategy. Paul will send the Council an outline of the process this week and will outline in more detail at the March meeting.

FY '10 Federal Budget

The Interior Budget was completed and is out. Forestry was treated well overall.

Status of Deer Issue

There will be back-to-back Legislative Hearings on December 17th. One will be on population goals, and will be open to the public. The other, a closed session, will be on the hunting season. Both committees received the Council's paper on the issue. Alternative season framework hearings already took place, and were very heated. Deer will be on the NRB agenda for January. Paul encouraged folks to weigh in.

March 2010 Meeting Agenda

The Council will meet in 2010 on the following dates:

- March 16th
- June 15th (with a tentative field tour for Council members only planned on June 14th)
- September 14th
- December 14th

Possible items for the March 16th agenda include:

- Update on BMPs for Water Quality
- BCAP
- Statewide Strategy
- MFL Issues
- Biennial Report of the Council on Forestry
- Cost Sharing Programs – WFLGP & EQIP
- Legislative Tour Update – venues and ideas, by Jane Severt and John DuPlissis
- State Forester's Report
- Legislative Update

The meeting was adjourned at 3:25 p.m.

Submitted by:
Mary Brown, WDNR