

Council on Forestry

Forest Products Lab, Madison

March 28, 2018

State Forester's Report

1. Forest Management Guidelines (FMGs) will be going out for review soon.

- a. Background of FMGs
 - i. FMGs originally developed as publication of generally accepted forestry management practices that are recommended and approved by the department to promote sound management of a forest.
 - ii. Important because any generally accepted forestry management practice as listed in these guidelines are protected in statute from actions against forestry operations (S. 823.075, Wis. Stats.).
 - iii. A revision of the guidelines is required periodically by administrative code (S. NR 1.25(3)(b), Wis. Admin. Code).
 - iv. These guidelines were written to be used by forest landowners, resource managers, loggers, contractors, and equipment operators.
 - v. The first edition of the guidelines was published in 2003 and was last revised in 2011.
- b. This revision of the FMGs was not intended to be a full-scale revision, but instead put an emphasis on updating any outdated information, corrections, and to include any new relevant information.
 - i. Many of the updates and corrections were made to contact information, links to information on the web and references to print materials.
 - ii. Most the information presented in these guidelines has remained unchanged.
- c. We will be launching the 21-day program guidance public input process in April so that we can update the document from 2011 with this updated information.
- d. We understand that the Wisconsin Forest Practices Study (WFPS) will have an impact on some on the content of the FMGs
 - i. likely only a handful of chapters would have major changes
 - ii. outside of those chapters, what is currently in the FMGs is general enough that most of the document would not be impacted
 - iii. With that in mind, as new guidance from the WFPS is released, we will update individual chapters as needed to bring the FMGs up-to-date in a more timely fashion.
- e. Our plan moving forward is to be more nimble with updating the FMGs rather than waiting every five years for a major update.

2. GNA update

- a. TS bid results from February
 - i. Total Value of all sales sold in Feb. 2018, \$1,659,522.11 (2356 acres)
 - ii. 3 sales did not sell and will be rebid out in summer 2018
 - iii. Two out of 3 sales that did not sell in September sold this time, (other one was not offered and will rebid in summer 2018)
- b. New stand assignments received from CNNF
 - i. 4,227 acres with an estimated 26,000 MBF of volume
 - ii. Acres in every district, blend of pine thinning, aspen clearcut, northern hardwood selection and shelterwood harvests
- c. In discussions with CNNF on what the process looks like to expend program income
 - i. Likely spend program income next fiscal year
 - ii. Handout: a draft document describing our desired outcomes and procedures for program income We can come to the May Council meeting with an update. The handout provides our thinking and planning to date.

3. Forest Health teams update

- a. The HRD treatment guidelines and EAB silviculture guidelines review processes have been slightly lengthened to give the advisory committees more time to discuss and review the guidelines. The implementation date of January 1, 2019 for both has not changed.

4. Lakes States Forest Management Bat HCP Status Update

- a. Where the process is now:
 - i. The first five chapters of the HCP have been drafted and reviewed by the States. These chapters will tentatively be ready to share with stakeholders soon:
 - Chapter 1. Introduction and Background
 - Chapter 2. Project Description/Covered Activities
 - Chapter 3. Environmental Settings and Biological Resources
 - Chapter 4. Potential Biological Impacts and Take Assessment
 - ii. State comments on Chapter 5 were extensive and steering committee discussion of comments is underway.
 - iii. Expected timeline for project milestones:
 - Administrative Draft HCP estimated completion date: 8/18
 - USFWS Regional Office Reviews Administrative Draft HCP (8 weeks): 10/18
 - Publish Public Draft HCP and NEPA Document (7 months): 3/19
 - Close of Public Comment Period (60 days, HCP & NEPA Document): 6/19
 - Prepare and Release Final HCP and NEPA Document (5 months): 10/19

- b. background points in case a refresher is needed:
 - i. Wisconsin, Michigan, and Minnesota are developing the Lake States Forest Management Bat Habitat Conservation Plan (Lake States HCP) to provide for the protection of federally listed bat species and the continuation of forest management activities across all three states.
 - ii. The purpose for developing the Lake States HCP is to obtain a federal incidental take permit pursuant to ESA Section 10. The State DNRs will request authorization for the incidental take of Indiana bats, northern long-eared bats (NLEB), little brown bats, and tricolored bats for forest management activities.
 - iii. The HCP development effort is led by a steering team made up of endangered resources representative and one forestry representative from each of the three states DNR as well as a representative from the US Fish & Wildlife Service. A consultant, ICF International, has been contracted to develop the HCP.

- c. Points on why we are doing this now (if needed):
 - i. Cave-hibernating bat populations in Wisconsin, especially northern long-eared bat (NLEB), are in precipitous decline due to the fungal disease white-nose syndrome and are expected to become endangered.
 - ii. NLEB is currently a federally threatened species.
 - iii. Multiple intents to sue have been filed challenging the NLEB threatened listing; the 4(d) rule process, and the NEPA process.
 - iv. When NLEB becomes endangered, it is possible that the cutting of trees 3 inches DBH and greater between April and October could require approval from FWS to avoid the possibility of illegal take.
 - v. Without an HCP/incidental take permit in place, individual landowners and natural resource managers would be responsible for obtaining incidental take permission from the FWS on a case-by-case basis.

5. Forest Action Plan

- a. As you may recall, the Division of Forestry developed a 10-year Forest Action Plan in 2010. Each state must submit a FAP to qualify for federal funding
- b. Division of Forestry will begin the process for the next Forest Action Plan (FAP 2020) this summer (due June 2020)
- c. Purpose: Provide long-term, comprehensive strategies that can help guide and coordinate the work of forestry community (only a guide, does not direct our work!)
- d. Two parts to the plan:
 - i. Assessment: data rich description of the forests and analysis of trends
 - ii. Strategy: set of practical, long-term strategies for investing resources where they can be most effective
- e. State Foresters for each state are required to approve the plan before it is submitted to the Forest Service.
- f. More details to come- presentation planned for the May Council meeting

6. Federal Budget Update

On Friday, March 23rd President Trump signed the FY2018 Omnibus Spending bill which will fund the federal government through the end of FY2018 (September 31, 2018)

The bill includes a package of forest management reforms and a fire funding solution that has been sought by a broad coalition of public lands user groups, forest industry, private forest groups, and others for quite a long time.

The bill also increases funding over FY17 enacted levels for the following State and Private Forestry programs: State Fire Assistance and Volunteer Fire Assistance programs by \$3 million; the Urban and Community Forestry program by nearly \$500,000; the Forest Health Management Program on Cooperative Lands by \$2 million; and the Forest Legacy program by \$4.65 million.

FEDERAL FOREST MANAGEMENT:

- amendments to Good Neighbor Authority to allow road repairs, and
- 20-year Stewardship Contracts for certain forest types.
 - Eliminates restrictions on projects created by obscure government bonding requirements, and allows the value of timber sold to help cover those bonding requirement (so-called “cancelation ceiling” requirements).
 - It also allows (but doesn’t require) use of 20-year Stewardship Contracts on Federal forests with frequent fire return intervals, and creates a preference from projects that can demonstrate innovative use of forest products, including cross-laminated timber.
- It reauthorizes the Federal Land Transaction Facilitation Act (FLTFA) which allows the Forest Service and Department of the Interior to acquire inholdings on federal lands. It requires identification of public lands open to hunting, fishing, and shooting for which there is no public access, and authorizes use of funds to provide access to these lands.

Forest Management Items that not as impactful to Wisconsin:

- reverses the Ninth Circuit Court of Appeals' ***Cottonwood*** decision,
 - The Cottonwood language eliminates a need to consult on existing forest plans when a new species is listed or new critical habitat is designated, unless the National Forest has a forest plan that is more than 15 years old, and a species has been listed for more than 5 years from the date of enactment of the Omnibus bill.
- creates a new categorical exclusion for ***Wildfire Resiliency Projects***,

- amends the Healthy Forest Restoration Act to allow **creation of fuelbreaks and firebreaks** under that law, and
- reforms vegetation management around power lines.

FIRE FUNDING PROVISIONS:

- includes a new fire suppression funding mechanism, which will adjust funding caps to accommodate firefighting needs and end the need for regular fire borrowing from non-fire accounts at the Forest Service and Interior Department.
- provides a **new disaster cap allocation** for wildfire starting in FY 2020 at \$2.25 billion, which increases to \$2.95 billion in FY 2027.
- In addition, the legislation **freezes the wildfire suppression line item** at the Forest Service at the FY15 level to stop the slow migration of non-fire funding to the fire programs at the beginning of each fiscal year. This budget cap comes into effect in FY 2020. For FY 2018 and 2019, the bill provides \$1.946 billion in fire suppression funding, to be allocated to the Department of Interior and the Forest Service. If this funding, which is \$500 million above the current 10-year average, proves insufficient, the Congress will have to provide additional emergency spending.

The Omnibus implements minor cuts to most National Forest land management programs and transferred over \$504 million out of Fire Suppression accounts. Even with the transfers out the overall Fire Suppression line item jumps up by \$549 million over FY 2017 enacted. This reflects both the extra funds made available as part of the funding deal, as well as an unusually active fire season that ran into December in parts of the West.

- **Together, hazardous fuels and fire accounts total \$3.3 Billion out of the \$5.9 Billion total (55 percent) for the Forest Service.**

ADDITIONAL DETAIL that may be too much:

Other Provisions: SRS Extension: (*this impacts our northern counties with federal forest land*)

- The Omnibus deal includes a two-year extension of the **Secure Rural Schools** (SRS) program – funds that used to come from timber sales receipts, but now provides direct payments to over 700 Counties across the rural US. SRS expired in 2015. This provision provides two years of funding

Report Language: The Omnibus carries forward report language from the House passed bill, which is not legally binding, however, with the Executive Branch and the Legislative Branch controlled by the same party, you can generally expect a higher level of responsiveness. The following may impact WI:

White-Nose Syndrome - The four Federal land management agencies and the U.S. Geological Survey are expected to continue to prioritize research on, and efforts to address, white-nose syndrome in bats and to work with other Federal, State, and non-governmental partners to implement the North American Bat Monitoring Program.

Government Accountability Office Report: Over the past three fiscal years, the Committees have become increasingly concerned about the Service's lack of internal controls over budgetary resources, reimbursable agreements, and unliquidated obligations. The lack of controls indicates a weak financial system, which increases the possibility of inefficient and ineffective use, if not outright waste, fraud, and abuse, of taxpayer funds. After conducting an 18-month audit, the Government Accountability Office (GAO) recently made 11 recommendations in a report titled "Forest Service: Improvements Needed in Internal Control over Budget Execution Process" (GAO-18-56). While the Service is expected to implement the recommended changes as soon as practicable, Congress also recognizes the challenges of developing, updating, and implementing these important fiscal controls. As such, the Committees request that the Service work with the Committees to remedy any hindrances to their implementation.

Forest Products Laboratory - Of the funds available to the Forest Products Laboratory, no less than \$1,000,000 is to sustain funding with existing academic partners focused on research and technology development to create new and expanded markets and to advance high-value, high-volume wood markets from restorative actions on the Nation's public and private forests.

Expanding acceptance of wood certification systems - "Multiple forest certification systems have been recognized throughout the Federal government as supporting the use of sustainable products in building construction and other uses. The Committees are concerned that (its) efforts have not acknowledged many of these certification systems and are therefore limiting the procurement of some products that may be sustainable. The Committees understand that the (its) Wood/Lumber product category recommendation is currently under review. *The Committees direct the (federal government) to align its Wood/Lumber recommendation with the provisions of the USDA Bio Preferred program.*"

7. New Council Website (**council on forestry.wi.gov**)

- a. If you've been to the Council site recently, you'll notice it looks different and acts better.

- b. The old site had some security concerns and had several hacks where visitors were getting viruses. Luckily, the state just started a contract with a company to develop web portals that can be used by state agencies, boards, and commissions for free.
- c. We had a new site built and transferred all of the material from the old site.
- d. Want to mention just a couple things:
 - i. Old site automatically redirects to the new site
 - ii. If you want to find something, for example a document from a previous meeting but don't know the meeting date, use the search bar. It is very good and will be much easier than clicking through meeting dates.