

Dispute Resolution Process Development Committee

Members:

1. Hans Schmitt (Kretz Lumber) Nominated by Troy Brown
2. David Dhaseleer (Steigerwaldt) Nominated by Tom Hittle
3. Jeremy Koslowski (WCFA) Nominated by Jane Severt
4. Earl Gustafson (Paper Council) Nominated by Jim Hoppe
5. Charles Mentzel (SAF) Nominated by Jim Kerkman
6. David Congos (WWOA) Nominated by Richard Wedepohl
7. Don Peterson (WCF) Nominated by Kim Quast
8. Jessie Augustyn (GLTPA) Nominated by Henry Schienebeck
9. Allison Hellman (DNR)

Purpose: Until express statutory language can be developed to provide some alternative dispute resolution process (DRP) to the existing binding quasi-judicial processes outlined in Wis. Stat. ss. 77.90 and 227.42 for challenging forestry related decisions associated with the Managed Forest Land (MFL), Forest Cropland (FCL) and Cooperating Forester program, the Department needs to develop interim advisory DRP, to be implemented through guidance, for use when disagreements cannot be readily resolved between DNR foresters and private sector foresters (cooperators and others) , loggers or landowners.

Charge: By November 5, 2015 (if possible) draft guidance, operating policies and associated criteria for a dispute resolution process (DRP) based on the basic framework provided by the Council on Forestry (COF). The DRP should:

- be independent, objective and not promote bias towards one party or the other
- be able to be completed on a timely basis and
- facilitate ownership and trust in the process by those involved (i.e. involvement in selection of expert)

On November 12th the draft work of the committee will be provided to the COF for their review and input. The draft DRP will then solicit input from the public and DNR staff using the DNR's public input process. It is anticipated that the process will be finalized by the end of 2015 and the final DRP will be provided to the COF at their January meeting.

(If we are unable to have a draft by November 12th, then we will have to wait until the January COF meeting.)

Committee members should routinely inform the Council members they were nominated by of the progress of the committee and development of the DRP.

Initial DRP framework discussed by COF: (To a degree, these steps can be modified by the committee)

Step 1: A forestry 'expert', agreed to by both parties, will arbitrate a mutually agreed upon solution to the dispute.

If unsuccessful, continue to Step 2

Step 2: Expert will conduct a site visit within 10 days and provide a written report to the Division of Forestry with any additional follow-up information to DRP Panel for final resolution within 15 business days.

Step 3: DRP Panel, which consists of 3 members drawn from DNR, WWOA, WCF, GLTPA and SAF, will review materials provided by the expert and provide the State Forester with recommendation(s) for resolving dispute. The recommendation(s) should have consensus by all members of the panel. If this is not possible, the panel will provide the State Forester with recommendation(s) and an explanation why consensus was not achieved. The parties in the dispute will be bound by the decision.

Step 4: Decisions will be documented and a report shared with the Council on Forestry annually. The report will outline the use of the DRP, length of time until decision and how issues were resolved.