

Council on Forestry Meeting
Fresh Market Madison – Madison, Wisconsin
May 14, 2013

Council Members Present: Troy Brown, Rep. Fred Clark, Matt Dallman, Paul DeLong, Tom Hittle, Jim Hoppe, Jim Kerkman, Rep. Jeff Mursau, Kim Quast, Mark Rickenbach, Jane Severt (Council Vice-Chair), Henry Schienebeck (Council Chair), Tyler Wenzlaff (in lieu of Sen. Tom Tiffany), and Richard Wedepohl, Bruce Allison

Council Members Absent: Randy Champeau, Paul Strong, Virgil Waugh and Matt Dallman

Guests Present: Terrisa Mulder, Bob Mather, Allison Hellman, Nancy Bozek, Jim Puchter, Robert (Bob) Benson, Gunnar Bergersen, Earl Gustafson, Rick Kalvelage, and Tim Gary

Chair Schienebeck called the meeting to order at 9:10 am with introductions of Council members and guests.

Meeting Minutes

Managed Forest Law Presentation

Tom Hittle

The goal of the presentation is to finalize the package of proposed modifications to the Managed Forest Law which was previously presented at the Council meeting in Stevens Point on April 2013.

Rep. Fred Clark expressed the urgency of finalizing the package in order to get in front of the legislature in a timely manner as other interested parties may have questions or concerns regarding the proposed changes. Tim Gary agrees with Rep. Clark's statement.

Outcomes:

- Finalize package of proposed changes

After the April Council on Forestry meeting a summary questionnaire was sent out to Council members for feedback. Below are the results of the Council discussion regarding the survey feedback as well as suggestions for moving the proposed issues forward for legislative review:

Issue #1 - Reduce/restructure withdrawal taxes and fees

- Council agreed to move this issue forward with the stipulation that the withdrawal tax formula to calculate highs and lows be researched by legislative attorney's and made stiff enough.

Issue #2 – Change procedure to allow Counties to generate and collect financial transactions for MFL yield and withdrawal taxes

- There has been dialog with the Counties and the overall general consensus is positive.
- Council agreed to move this issue forward.

Issue #3 - Eliminate the 5% yield tax comparison requirement for determining withdrawal taxes

- No comments or concerns
- The Council agreed to move this issue forward

Issue #4 - Allow small acreage withdrawals without full description withdrawal and fees

- Nancy Bozek clarified the reasoning behind the 5 acres withdrawal amount.

- Jane Severt expressed the importance of limiting the allowed number of withdrawals
- Council agreed to move this issue forward.

Issue #5 - Allow lands to remain in MFL, or allow exempt withdrawal if natural events cause lands to no longer meet productivity requirements

- Council discussed the definition of “natural event” as there seems to be some confusion. Bob Mather explained that this is typically due to increased water in turn rendering the land unable to be forested.
- DNR legal team coupled with legislature will have to determine whether the verbiage “if splits cause land to not meet the 80/20 then allow for exempt withdrawal, not remaining in program” remain or be deleted. The MFL Committee felt this verbiage should remain in the proposal.
- Council agreed to move this issue forward.

Issue #6 - Increase minimum acreage entry size allowed

- Council agrees to move this issue forward

Issue #7 - Allow additions to existing MFL entries regardless of entry year

- Clarifying language “adjacent and can’t stand alone” needs to be added
- Council agrees to move this issue forward

Issue #8 - Eliminate lands with improvements with assessed values

- No questions or concerns
- Council agreed to move this issue forward

Issue #9 - Shift the contents of s. NR 46.18 (4), Wis. Adm. Code (large owners), to the managed forest land subchapter of Ch. 77, Stats

- Clarification was given to Jane Severt regarding the true motivation for this proposed change.
- Council agreed to move this issue forward.

Issue #10 - Allow for electronic signature/approval by DNR and the landowner on revised management plan documents for existing participants

- No questions or concerns
- Council agreed to move this issue forward.

Issue #11 - Eliminate the application referral process

- No questions or concerns
- Council agrees to move this issue forward

Issue #12 - Revise the current application process for renewal of MFL lands

- Include a provision to assure next mandatory practices are scheduled.
- Council agrees to move this issue forward with above mentioned change.

Issue #13 - Allow lands to remain in MFL, or allow exempt withdrawal if splits in ownership cause lands to no longer meet productivity requirements

- Council agreed on the need to allow exempt withdrawal for ONLY the lands that become unproductive. All other eligibility requirements will still apply.
- Council agrees to move this issue forward with the above mentioned change.

Issue #13A – Allow the sale or transfer of a portion of a MFL legal description without having to withdraw the entire legal description prior to ownership transfer

- Clarification was made that this would allow partial withdrawals
- Council agrees to move this issue forward.

Issue #14 - Require modified management plans for DNR designated large ownerships to include the establishment of an allowable harvest calculation

- Remove CE and 3rd party exemption, the issue needed to be written to reflect the Council's recognition that the issue of continued production of timber on large ownerships be addressed within the requirements and parameters of the managed forest law to include considerations for timber volume and the time component of timber being on the market
- Council agrees to move this issue forward.

Issue #15 - Allow landowners to close lands regardless of acreage

- Council recognizes the issue but is hesitant to move forward because Council agrees with the intent of the law as it stands.
- The language needs to be updated, “this is a goal to address landowners gerrymandering.”
- Council agrees to move this issue forward.

Issue #16 - Require landowners to identify legal access to lands open to the public or deny the ability to enroll (or keep) MFL lands as open. Require all large owner lands to be open for public recreation

- Bob Mather felt the terms “legal access” should be removed
- This would affect 10-12% of all MFL properties
- Could this be retrospective?
- DNR legal staff is currently reviewing the verbiage as Council feels access provided to public needs to be the same or similar to that of the land owner.
- Council agrees to move forward with requiring landowners to identify legal access to lands open to the public or deny the ability to enroll MFL lands as open.

Issue #17 – Repeal prohibition on recreational leasing except for large owners

- Council agrees to move this forward.

Issue #18 - Reduce DNR oversight intensity in on-the-ground-management for certified large owners

- Change the word “reduce” to something else; possibly streamline
- Focus on outcome-based forestry
- Council agrees to move this issue forward with outcome-based model

Issue #19 – Change in the rate for open/closed acreage to include lowering the closed acreage rate (with the possibility of directing a portion of the closed acreage fee to the Counties and municipalities rather than all into the Forestry account

- Council agrees the closed acreage fees should be sent to local municipalities.
- Legislature should evaluate rate calculation as the Council has varying opinions and consensus could not be reached.

Forest Economic Summit

Allison Hellman

The Economic Summit Planning Committee has been defined. A conference call was held on May 2nd to discuss feedback from the Michigan Summit. A conference call was scheduled for May 14th to introduce

the Committee to the summit idea and generally discuss what the work of the committee would be. The first working meeting for the Economic Summit Planning Committee has been scheduled for May 28th in Stevens Point. The general focus will be brainstorming and developing the goal of the summit, desired outcomes, and designing the format of the summit.

State Forester Report

Paul DeLong

The Joint Finance Committee is meeting on May 15, 2013. Paul will send an update to the Council detailing the results of the meeting. There is a motion to eliminate 32 Department positions; however it has not yet been determined where these positions will come from.

The most recent revenue estimates suggest there will be a balance in the state Forestry account based on cost to continue and the Governor's budget proposal. Currently 13.5 million annually comes from the forestry account for Stewardship Debt Retirement. An additional \$5.5 million annually comes from the Forestry account for payment in lieu of taxes on state owned lands.

Silviculture

Paul DeLong

Henry and Jane reviewed all applications for the new Silviculture Guidance Team. Carmen Hardin briefed Paul on May 13th after which Paul made the final selection. Carmen is in the process of contacting the appointed individuals. The terms vary to ensure turnover each year. In addition to the Silviculture Guidance Team, Ad-Hoc teams will be set up for each individual chapter.

Assignment(s)

- *Paul will send a list of all team members once all appointees have been notified.*

MFL Efficiency

Paul DeLong

Work is currently underway to assess where to begin. The process is moving forward.

Legislative Report

Rep. Mursau/Rep. Clark/Sen. Tiffany

Rep. Jeff Mursau –A motion was drafted for consideration by JFC on current unmet needs in Forestry.
Sen. Tom Tiffany –Money for closed acreage fees on MFL land will go back to the Counties and Townships.

Rep. Fred Clark – Representative Clark talked about the Legislative tour in September as well as the importance of the JFC meetings on May 15th.

Future Meetings

Decision Item(s)

- *July 9th Meeting will be held in central Wisconsin. Terrisa will work on planning logistics.*
- *Terrisa Mulder will work with Jane Severt and Rep. Fred Clark regarding logistics for the September 9-10, 2013 Council meeting and field tour. The meeting will be held at the Aldo Leopold Center in Baraboo. Potential tour items discussed were touring TNC properties in the area, MFL properties in the area, and areas of high deer population and invasive species.*

Meeting adjourned @ 3:15 pm

Respectfully submitted by Terrisa Mulder, Wisconsin Department of Natural Resources