



CR 92-15

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

101 South Webster Street
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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-6-92 was duly approved and adopted by this Department on July 30, 1992. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 21st
day of September, 1992

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Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

11-7-92

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING AND RECREATING RULES

IN THE MATTER of repealing and recreating s.
NR 46.15(8) of the Wisconsin Administrative Code
pertaining to the administration of the Managed
Forest Law

FR-6-92

Analysis Prepared by Department of Natural Resources

Statutory authority: s. 227.11(2)(a), Stats.
Statutes interpreted: s. 77.82(1)(b)2., Stats.

Owners of private woodlands may enroll land under a property tax incentive program known as the Managed Forest Law (MFL). Through the program, the Department improves management of private forests for many public benefits. Landowners who participate have the option of controlling public access by enrolling land as "open" or "closed". For MFL closed areas, the landowners pay an additional \$1.00 per acre annual tax. The base rate for land open to public access is \$.74 per acre. MFL open lands are available to the public for hunting, fishing, hiking, sightseeing and cross country skiing.

The MFL under s. 77.82(1)(b), Stats., provides that land "developed for commercial recreation" is not eligible for the program. Section NR 46.15(8) currently defines lands on which the owners receive consideration for recreational activities (including fee activities which require little or no development or alternation of the land such as hunting leases on closed Managed Forest Lands) as being "developed for commercial recreation". As a result, a landowner enrolled under the MFL who, for example, leases out fishing rights on closed land or charges for berry-picking rights on open lands could face withdrawal from the program. In reality, enforcing a prohibition on recreational leases is difficult for the Department. Such agreements are seldom recorded, and so the Department has little chance to discover them. The issue is, however, significant to some landowners who are discouraged from participating in the program.

The proposed rule will define lands "developed for commercial recreation" as those on which there have been actual alterations to the land or its features or the addition of improvements which would stand in the way of the practice of forestry. The rule also clarifies that fee activities such as hunting leases on MFL closed lands which do not involve development and which are compatible with the practice of forestry are permitted.

SECTION 1. NR 46.15(8) is repealed and recreated to read:

NR 46.15(8) "Developed for commercial recreation" means the alteration of the land or its features or the addition of improvements which impede, interfere with or prevent the practice of forestry.

Note: This definition is not meant to preclude or prohibit a landowner from leasing land for hunting or other recreational activities compatible with the practice of forestry which are consistent with the open or closed area restrictions under s. 77.83, Stats.

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on July 30, 1992.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats..

Dated at Madison, Wisconsin September 21, 1992

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

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September 21, 1992

Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

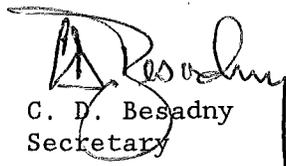
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-6-92. These rules were reviewed by the Assembly Committee on Agriculture, Aquaculture and Forestry and the Senate Committee on Urban Affairs, Environmental Resources and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.