



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 166
[2005 Assembly Bill 254]

Managing State Forest Lands and Harvesting Timber From Certain Forested Properties

2005 Wisconsin Act 166 creates new provisions regarding state forest land management, planning, and inventory, the duties of the chief state forester, annual timber harvests on certain forested property, and a program for cooperating foresters.

Forest Land Plans and Management

Act 166 requires the Department of Natural Resources (DNR) to consult with the chief state forester on the development, review, or implementation of a master plan or management plan for any forest land under the DNR's jurisdiction. The Act also directs the DNR to manage forest land under its jurisdiction in a manner that is consistent with, and furthers the purpose of, the designation of that forest land as a state forest, state park, state trail, state natural area, state recreation area, or similar designation.

Duties of Chief State Forester

The Act authorizes the chief state forester to declare, and requires the chief state forester to manage, emergencies that threaten state forest land. "State forest land" is defined as all forested lands owned by the state and under DNR jurisdiction. The chief state forester's emergency authority does not apply to a state of emergency declared by the Governor. The Act requires DNR to promulgate administrative rules specifying the emergencies over which the chief state forester has management authority. The Act provides that the chief state forester's emergency authority does not supersede the authority of the Department of Agriculture, Trade and Consumer Protection (DATCP) to declare and manage emergencies relating to the detection and control of pests injurious to plants. Similarly, the Act provides that DATCP's authority does not supersede the chief state forester's authority or DNR's authority to prevent, detect, and control pests on forest lands.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

Forest Land Inventory and Report

Act 166 requires the DNR to undertake and maintain a current inventory of state forest lands. "State forest lands" are defined as any parcel of 10 or more contiguous acres of forested land owned by the state and under the jurisdiction of the DNR. The required inventory must specify the condition of forest resources in state forest lands. If the DNR prohibits timber harvesting on any state forest lands, the DNR must prepare a report containing a projection of the long-term forest health effects, economic effects and public benefits that result from the prohibition, and submit the report to the Council on Forestry and the appropriate Assembly and Senate standing committees.

Annual Allowable Timber Harvests

The Act requires DNR to establish annual allowable timber harvests for each forested property. "Forested property" is defined as forested property owned by the state and under DNR jurisdiction from which timber is harvested. The DNR is authorized to establish a single annual harvest that applies to two or more forested properties in a particular region of the state, as determined by DNR, if each forested property is smaller than 5,000 forested acres and if all proceeds from the sale of timber harvested on the combined forested properties are credited to the appropriate account in the conservation fund. The DNR must submit a report to the Council on Forestry that specifies the total timber harvest of each forested property for the previous biennium. The Act provides that if the DNR report states that the timber harvest for forested property in any biennium is less than 90% or more than 110% of the allowable timber harvest, the Council must prepare a report and submit it to the Governor and the appropriate Assembly and Senate standing committees. The report must provide reasons for the noncompliance with the allowable timber harvest and recommend methods of ensuring that the timber harvest is consistent with the annual allowable harvest established by DNR.

Cooperating Foresters

Act 166 requires the DNR to establish, by administrative rule, a program to allow private cooperating foresters to assist the state with the harvest and sale of timber from state forest lands. The DNR rules must authorize the cooperating foresters to receive a portion of the proceeds from each timber sale and establish a method for determining the portion of the proceeds from each timber sale that must be paid to private cooperating foresters.

Effective Date: The Act takes effect on April 5, 2006, with the following exceptions: (1) the provisions regarding the authority of chief state forester to declare and manage emergencies that threaten state forest land, and the program for private cooperating foresters take effect on August 1, 2006; and (2) the provisions regarding the forest land inventory and report and annual allowable timber harvests take effect on May 1, 2007.

Prepared by: Rachel E. Letzing, Senior Staff Attorney

March 24, 2006

REL:ksm:tlu