

Committee Name:

**Assembly Committee – Rural Affairs and Forestry
(AC–RAF)**

Appointments

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AB202, AB504, AB555

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TO: Forestry and Rural Affairs Committee
FROM: Paul Stone, Bayfield County Forest Administrator
RE: LRB-0179

UN-introduced

I would like to take this opportunity to encourage you to support this important bill. It would provide additional protections for the forest land owners in Wisconsin and help them to recover adequate damages if their forest lands are wrongly cut.

The first significant change it would make would be to prohibit the cutting of forest products from lands that are tax delinquent. A legal opinion from our Corporation Counsel in Bayfield County regarding the existing law currently prevents the County from halting harvesting on lands which are tax delinquent, but for which the County does not yet have a tax certificate. This usually allows a window of about 8 months for logging to take place without recourse. Marginal lands can and are cut, and then allowed to go back to the County. In some cases where the County has had a tax certificate, timber cutting has still taken place on tax delinquent lands because the fifty-dollar penalty under the existing law is insufficient to discourage this activity. The higher possible penalties for actually cutting wood on tax delinquent lands would serve as a much greater deterrent, and would allow judges more leeway in determining appropriate penalties in light of the amount of taxes that were delinquent and/or the amount of wood removed.

There is a little more freedom for counties to determine the methods by which they may be notified about cutting as well under the proposed bill. If a county chooses to accept cutting information over the phone, by Email or through a form to be filled out on a web site, this bill would make that allowable.

There is a provision requiring more advance notification to the counties in this current version. That is to ensure that County Treasurers have time to determine if the land is tax delinquent or not, and to take the proper steps to ensure that cutting does not start. On occasion in the past, a logger or landowner could file an intent to cut form, as it has been known, on the day cutting commenced and finish cutting and removing the forest

products on small tracts before the Treasurer determined that the taxes were indeed delinquent, a tax certificate was held, and the harvesting process could be halted.

The next important provision of this proposed bill would allow a landowner to recover damages through civil action for the unauthorized harvesting of timber. It has been extremely difficult in the past to prove the intent aspect of timber theft. This bill provides specific avenues to collect damages in what many of us believe is a manner that is fair to the landowner, and to loggers or landowners who make a good faith effort to cut only wood they are authorized to cut but make an honest mistake. Allowable damages would also be changed to include legitimate expenses such as slash removal, reforestation costs, and management planning costs.

The next notable portions of this proposed bill are the provisions that would encourage more communication with adjacent landowners, and more responsible boundary line determination. This would be done by reducing the allowable damages if an error were discovered after an agreement had been reached with the adjacent landowner, or barring a signed agreement, documented efforts had been made in determining the actual boundary.

The final improvement included in this bill are the increased penalties for removal of seized wood or damaging seizure tags. This would also serve to discourage those activities to a much greater extent.

Thank you for the opportunity to comment on this important legislation. I think it is in the best interest of the forest landowners of the state, and I hope that you will support it.