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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Forestry...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2013)

Gary, Tim

From: Charles Wagner [CWAGNER@wpsr.com]
Sent: Tuesday, July 01, 2003 8:25 AM
To: rep.friske@legis.state.wi.us
Cc: rep.bies@legis.state.wi.us; sen.lasee@legis.state.wi.us
Subject: Changes to Wis MFL program

Dear Representative Friske;

I would like to make a few comments pertaining to the proposed changes in the MFL program. First let me start by saying that I have been in the program for almost ten years now. I feel it is a very good program for getting people to develop a plan for managing their woodlands in a more responsible manner. I have been an active member of the Wisconsin Woodland Owners Association for almost the same length of time. I am currently the Chairman of the North East Wisconsin Forest Owners chapter of WWOA representing Door, Kewaunee, Manitowoc and Brown Counties.

Everyone has a different plan for their woodlands. We all have different needs and wants. But we need to keep the big picture in mind. That is to maintain these woodlands for the betterment of the environment. These lands need to be maintained for sustainable forestry. I feel this plan gives the landowner a lot of freedom to choose what they want from their woods. At the same time the woodlands are maintained for the future. We will all benefit from this. Good water, air, and a better place for wildlife are just a few of the major benefits.

My concern is mainly with the rates. Is the goal simply to get more money into the general fund for the purpose of easing the state deficit? We all know how any income from any source always seems to find its way into the general fund. Just look at the mill tax. Somehow, these funds never seem to stay where they were intended.

We have record numbers of people trying to get into the MFL plan. The DNR can't keep up with the enrollments. More cuts in the DNR personnel will only make that worse. This will only continue as more people buy up land in the country and divide up the larger woodlots. Parcelization is another major problem.

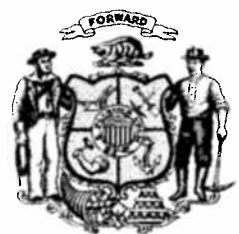
Making people go to private foresters to get these plans reviewed or drawn up will only make the people think twice about getting into the plan. If the rates go up for enrolling into the plan, will people still want to get in? I feel that we need to get more people into this plan for the betterment of the woodlands. That should be the bottom line. Keeping the rates low will encourage more participation. That's what we need.

Thank you,
Chuck Wagner
Kewaunee County Supervisor
District #3 Town of Red River

Chuck Wagner
Project Coordinator
Project Services - D2
Wisconsin Public Service Corporation
Tel (920) 433-1225
Fax (920) 433-1170
cwagner@wpsr.com



WISCONSIN STATE LEGISLATURE



July 2, 2003

To: Representative Donald Friske, Assembly Committee on Forestry Chair:

Subject: Managed Forest Law (MFL) bill- AB 323:

When I applied for MFL in 2001, I thought I had a 25 year contract with the Wisconsin Dept. of Natural Resources that I could count on to continue as stated in the application for Wisconsin's Managed Forest Law.

In bill AB 323, there are significant proposed changes to the Managed Forest Law contracts. I think that all contracts in place should be "grandfathered" and all proposed changes would only effect new contracts.

In the application form that I completed, it states that in 2003 and every 5th year thereafter, both the acreage share tax and the closed acreage fee will be adjusted by statutory formula to reflect changing tax rates. My opinion is that we should continue to follow the present statutory formula for all existing MFL contracts. Land values have increased substantially in the last few years and therefore this formula will also increase the tax on open and closed MFL lands.

The proposed rate for open MFL land increases by 58%, significant but livable. However the increase for closed land is not fair compared to what you propose for open land, closed land increases by 237%.

If the rate for closed land was fair in the past, then I think the proposed is way out of line. If the old contracts cannot be "Grandfathered", then I agree with WWOA'S Board proposal of setting the annual per acre rate for closed lands to be recalculated to 10% of the average statewide property tax per acre for lands classified as swamp/waste lands and productive forest lands. This proposal would still increase the rate on closed land by 102%.

One other item I question in Assembly Bill 323, I question the need to create a grant program to be used by the DNR for land acquisition for nature-based outdoor recreation. Every time we take private land and create public land, we take land off of the tax rolls and thereby create the need to increase taxes further. If you really want to create this grant program for the DNR, the general population should share in this tax not just MFL landowners.

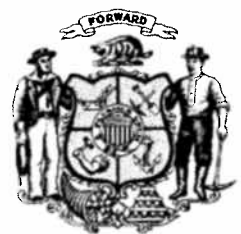
Respectively:

James Fitzpatrick
1012 W. Marion St.
Lake City, MN 550-41

My tree farm is in Chippewa county.



WISCONSIN STATE LEGISLATURE



July 3, 2003

To: Honorable Representative: Friske
Ainsworth
Seratti
Williams
Hubler
Boyle
Assembly Committee of Forestry

Re: Assembly Bill 323

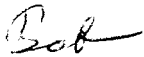
I question the states proposal to change a contract, written in good faith, before it expires. No one else can do this.

When the lands go into MFL the municipalities lose some tax base. Any increase in annual rate should go to the municipality. I question the need for more DNR land.

I agree with penalties for non compliance, however changing the wording regarding specifying the period in which the practice is intended to be completed to will be completed. This can cause unnecessary penalties due to loggers and paper companies being unable to work within specified times. Remember temporary storage on the stump of forest products is not a bad thing.

I feel the proposed rate increase for closed lands is far too high. In my case my lands have sufficient hunters per 40 acres to safely hunt for deer. Most anyone can come for small game by asking.

In summary, these proposals will make radical changes in the MFL. I am a member of WWOA but don't entirely agree with their support of AB 323. Had I not been a member I doubt that I would have known about this proposed legislature.

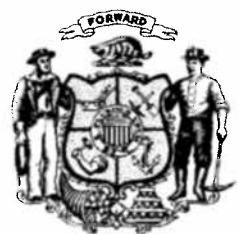


Bob Andersen
4094 Benton Rd
Sparta WI 54656
Phone/FAX 608-272-3230

CC: Representative Musser, Rm 114N, State Capital, Madison WI 53708



WISCONSIN STATE LEGISLATURE





TIMBERWOLF TREE FARM
GARY & ANNETTE HOCKERMAN
N 8451 COUNTY E
BLACK RIVER FALLS, WI. 54615-5320
Phone & Fax: (715) 284-2633

4 July 2003

Re: Assembly Bill 323, Managed Forest Law

Dear Representative Friske,

We very much appreciate the public hearing concerning MFL changes, especially by holding this meeting outside of Madison, thank you .

The MFL was an incentive to us as new woodland landowners to seek more information on forest management. We learned from DNR, Wisconsin Woodland Owners Association, UW Extension, US Forest Service, and Private Consultants about the benefits.

We have some great concerns about Wisconsin's # 2 INDUSTRY, FORESTRY :

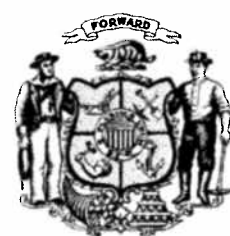
- We have 25 & 50 year contracts under MFL. MFL is a binding contract in which various conditions were agreed to, this contract is binding to the Landowner/s and the State of Wisconsin.
- We feel that the changes proposed by AB 323 will cause a breach of contract, if enacted. AB 323 voids all existing MFL contracts.
- Create a New Program and allow the current MFL contracts to expire, similar to the Forest Crop Law Program from the 1970's.
- Managing Forest Land in Wisconsin helps the economic base, provides a sustainable forests, cleans the air, conserves the soil, provides wildlife habitat, and has tourism & aesthetics benefits. *Although in the other agricultural world in Wisconsin OUR WOODLANDS are called swamp & waste land*
- The tax surcharge on closed MFL lands to enable the DNR to continue to purchase more land, taking this land off of the tax base, removing another source of income to the Towns, Counties & State. At this time this plan is fiscally irresponsible.
- The 20% proposed increase to closed properties is a huge increase, negating the value to MFL enrollment. Rural properties have very limited protection for fire, criminal trespass /drug lab, and timber theft NOW. Will the tax increase solve these problems?

We Appreciate your Consideration,

Gary C. Hockerman & Annette Hockerman



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: clarence C. olson [ccolson1@wisc.edu]
Sent: Friday, July 04, 2003 2:54 PM
To: rep.friske@legis.state.wi.us
Subject: Assembly Bill AB 323

To Mr. Friske, Chair
Assembly Committee on Forestry,
Dear Mr. Friske,

I wish to register my opposition to Assembly Bill AD 323 regarding changes in existing and new MFL contracts.

The current low tax rate on MFL should encourage production of timber/recreation. The proposed change does not

The proposed formula represents a HUGE tax increase at a time when you and your partners in the legislature claim to represent a "no tax increase and or tax freeze." Please do what you claim to be.

My greatest objection is the added fee for "closed land" where this money is to create a program for land aquisition by the DNR for "public use." Why am I, a private citizen and other MFL participants, obligated to fund projects for public use. Does this not conflict with private property rights?

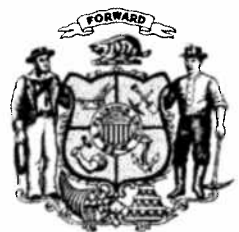
I have land in the MFL program and it is closed. To most people, this means "no hunting."
This is not true in my case and I believe for most others....We just want to know WHO is on my property and to be accountable for their activities. Prior to closing, I have had to contend with:
cut fences, gates left open, christmas trees cut and taken, genseng almost iradicated etc.
Again, the proposal for extra tax on closed land conflicts with property rights of the owner.

In final, please leave the current tax structure alone, as is, and not give the DNR an open ended authority for an unending and uncontrolled tax increases in the future.

Thank you, I am
Clarence C. Olson
537 Togstad Glen
Madison, 53711



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: Dan Bohlin [endoway1@mwt.net]
Sent: Saturday, July 05, 2003 10:46
To: rep.friske@legis.state.wi.us
Subject: AB 323

Dear Representative Friske,

I'm writing to urge you and your colleagues to pass AB 323, the Managed Forest Law (MFL) bill. I believe changes to the current MFL program are badly needed.

Specifically, I strongly endorse the provision of increasing the number of "closed" acres from 80 to 160. My 260-acre property in southwest Wisconsin has over 150 acres of woodland, of which only 80 are in MFL. I wanted to enroll more acres, but 80 was the maximum amount I could enroll and have the property closed to the public. So now, I'm grappling with poor choices on what to do with the unenrolled woodland. For instance, I can bring cattle back to graze so the property taxes are reduced (since the use value would make that woodland "agricultural") Or, I can retitle the acreage so the new owner(s) can enroll the wooded acreage in a "closed" MFL plan (but I'd fragment woodland ownership/management on acreage that's been intact since settlement days).

Increasing the number of closed acres from 80 to 160 solves my problem. I simply enroll my remaining woodland acres into an updated MFL that takes into account **all** my wooded acres. Doing so enables me to sustainably manage **all** my wooded acreage in a compatible, not fragmented, manner.

If you, or any members (or staff) of the Committee on Forestry would like to see firsthand what I'm talking about, please contact me. I'd be happy to have anyone interested in this issue either talk with me, visit my property, or both.

Rep Friske, AB 323 is an important bill. I'm committed to responsibly managing **all (not select portions of)** my woodland but I need the assistance that AB 323 provides. Help me and other woodland owners, present and future, do what's right for Wisconsin's privately owned/managed woodlands by increasing the number of closed acres from 80 to 160...and I'll do the rest.

Thank you for giving me the opportunity to comment; I look forward to a reply and hope I'll be able to enroll my remaining wooded acres in an improved and expanded MFL program.

My contact information is as follows:

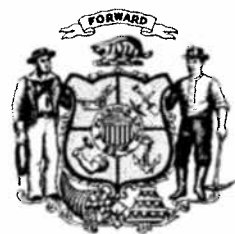
Dan Bohlin
10854 Robin Lane
Stitzer, WI 53825
Telephone: 608-943-8239

Sincerely,
Dan Bohlin

07/06/2003



WISCONSIN STATE LEGISLATURE



PIERRE & SWEENEY LAW OFFICES
307 SOUTH MAIN STREET, P.O. BOX 238
SEYMOUR, WISCONSIN 54165-0238

PERRY D. PIERRE
(Court Commissioner)

ROBERT D. SWEENEY

Area Code (920)
Seymour 833-6844
Appleton 731-9166
Fax 833-6436

July 6, 2003

Representative Donald Friske
Assembly Committee on Forestry Chair
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Managed Forest Law Bill AB 323

Dear Representative Friske:

It is my understanding that there will be a public hearing on the above referenced bill on Tuesday, July 8th, 2003 at 11:00 a.m. at the Merrill City Council Chambers. Since I would not be able to attend that hearing, I am sending my comments on the bill as I currently understand it. They are as follows:

1. Either leave the annual tax structure as it currently exists, and increase the severance rate to 10%, or increase the annual tax rate pursuant to the proposed formula in AB 323, and completely do away with the severance tax.

Argument:

The goal of the Managed Forest Law Program is to get landowners involved in active management of their forest lands and to preserve those lands as timber and wood product producing sites. The carrot to achieve this has historically been the lower tax rate afforded to enrollees. Increasing the annual tax rate will simply encourage the fragmentation of Wisconsin's woodlands, because landowners will no longer be able to afford to hold onto their lands. Increasing the severance tax would come at a time when a harvest has occurred, and the landowner has money is available to pay the tax.

Or, in the alternative, increase the annual tax, as presently proposed under AB 323, but due

away with the severance tax, which is an administrative nightmare for D.N.R. Foresters anyway, and, who, if polled, I am sure would agree with this position.

2. I do not have a problem with the increases in the application or transfer fees, or other fees proposed in AB 323, provided that either the current tax structure stays in tact, or, if the new tax structure is adopted, that the severance tax is done away with. If the application fees are increased along with the severance tax, and the current annual tax structure, it seems to me that you are kicking people in the shins, and telling them that it doesn't hurt.
3. I do have a problem with the bill affecting existing contracts. It seems to me that landowners who are currently enrolled did so in exchange for certain representations made to them by the state and by changing those representations, as per AB 323, in mid contract, smacks of fraud in the inducement with respect to existing contracts.
4. In closing, I would state that it seems to me that the legislature is literally, not seeing the forest for all of the trees. While I realize the breadth and scope of the state budget crisis on the one hand, and the need to balance the budget, I have to wonder about legislators, who in the case of AB 323, are ready to seriously diminish the attractiveness of a program meant to protect and preserve Wisconsin Woodlands, while at the same time, being afraid to raise the cost of a resident deer license by \$12.00. In fact, if you want to see Wisconsin's problems with deer escalate, messing around with the Managed Forest Law Program to the point where forest fragmentation accelerates, will surely accomplish the same.

As the owner of lands in Shawano and Outagamie Counties that are enrolled under the Managed Forest Law Program, and as an avid hunter and sportsman, I realize and understand the need to perhaps increase the revenues from Managed Forest Law Program; however, I would hate to see changes to the program that would in effect throw the baby out with the bath water.

Very truly yours,

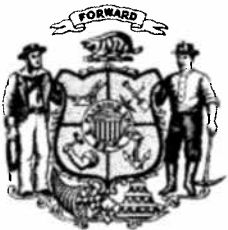
Perry D. Pierre

PDP:clz

cc: Virgil Kopitske
N795 Lessor-Navarino Road
Bonduel, WI 54107



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: Alvin [bardenalb@nnex.net]
Sent: Monday, July 07, 2003 10:24 AM
To: Rep Donald Friske
Subject: AB 323 -- A bill to amend the MFL program
TO: Assembly Committee on Forestry
RE: AB 323 -- A bill to amend the MFL program

I am unable to attend the public hearing in Merrill Tuesday so will offer my comments by email.

The purpose of the Managed Forest Law to encourage sustainable management of Wisconsin's private forest land for timber and other values is commendable and should be protected in whatever changes are made through this bill.

A nonrefundable application fee of \$200 would be adequate to deter frivolous applicants, yet is more reasonable than the \$300 as proposed. Since part of the concern seems to be that landowners don't understand their obligations under MFL, workshops to explain MFL procedures and applications would be helpful. Attendance at such a workshop can be rewarded with a \$100 voucher to be applied to the \$200 noted above.

Increasing the allowable closed acreage to 160 per municipality should reduce the subdividing of property just to close more acres.

Existing contracts should not be altered by any changes included in this bill. Those changes should apply only to new contracts after the effective date of this new law. This is not without precedent, as noted when the tax rate was changed in new contracts under the private forest crop law on January 1, 1972.

I support the proposal for a noncompliance assessment of \$250 for failure to complete a mandatory practice. However, it is imperative that the DNR forester have latitude in working with the landowner on those things that are beyond the landowner's control such as markets, weather and family circumstances (extended illness or death) in determining when to assess the fine.

DNR should continue to notify landowners of the imminent expiration of their MFL contract. A business makes every effort to get repeat business from a customer they have acquired. The effort to get the customer is more costly than keeping the customer the next time around. Why shouldn't DNR do the same? Also, the reapplication period should terminate no more than nine months prior to expiration of the current contract.

I do not support moving the application deadline earlier. It should be possible with the proposed contracting of the preparation of plans and the necessary field work to schedule completion of the application within the present time frame. Extending the time to 19 months between application deadline and completion of the entry stacks the work of one year upon another and gains the extra time only the first application cycle.

Within the intent of the present law, it would seem that more landowners would enter forest land in the MFL program if the ratio of old to new annual tax rate for open land and the ratio of old to new annual tax rate for closed land were similar. If taxes on closed land increase under MFL, there is less incentive for landowners to place their land in the program. They may or may not, then, manage their forest land if it is not in the MFL program.

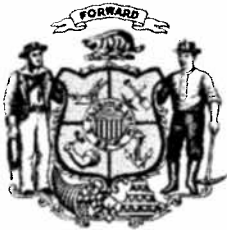
I appreciate the opportunity to comment on the proposed changes to the MFL. If you have questions or wish to discuss any of my comments, please contact me.

Alvin L. Barden
4427 Chain O'Lakes Rd
Eagle River, WI 54521
715-479-8449
bardenalb@nnex.net

07/07/2003



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: Becken, Kim [kbecken@uwsp.edu]
Sent: Monday, July 07, 2003 11:04 AM
To: rep.friske@legis.state.wi.us
Subject: MFL

Hello Representative Friske,

Please include these comments in the discussion on the Bill 323 for M.F.L.

The proposed amendments to the Managed Forest Law (MFL) Assembly Bill 323 erode the benefits of participating.

All Wisconsinites benefit from the MFL program. It allows participating landowners to maintain a sustainable forest, prevents forest fragmentation and it is essential to supply our paper forest product industry well into the future.

While all WI residents benefit only a few are given a tax increase. This is contrary to Governor Doyle's' campaign promise of no new taxes. Our legislators have the authority to amend the MFL program however they should resist the temptation to increase revenue through additional taxation.

It is evident that the increases are the result of the states deficit. Am I to assume that when the economy is robust and the state coffers are full that a tax reduction in the MFL program will allow? or will a short term downtime in the states economy affect my MFL contract for 25 to 50 years?

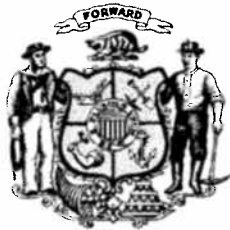
What you are proposing does not encourage new enrollment. It gives all current and future participants the perception that the legislature can and will change the program. Long term contracts where only one party must abide is not a wise venture.

Changing the MFL tax calculations will not only have adverse affects it s wrong to change existing contracts after signatures have been made.

Kim Becken
UW-Stevens Point
Department of Biology - CNR 167
Stevens Point, WI 54481
(715)346-4524
Fax(715)346-3624



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: R & K Cooper [rkcooper@genevaonline.com]
Sent: Monday, July 07, 2003 8:19 AM
To: rep.friske@legis.state.wi.us; tim.gary@legis.state.wi.us; jennifer.western@legis.state.wi.us
Cc: sen.lazich@legis.state.wi.us; rep.gundrum@legis.state.wi.us; nbozek@uwsp.edu
Subject: Public Hearing on Proposed changes to Managed Forest Law - AB 323

Dear Representative Friske,

First I want to thank you for your strong support for Forestry in Wisconsin. I will not be able to attend the Public Hearing in Merrill on Tuesday July 8, but would like to comment on the proposed changes to the Managed Forest Law. My wife Karen and I have 110 acres of woodlands in Oconto County entered under the MFL program. We support most of the proposed changes to the Managed Forest Law, except the proposal to raise the MFL Closed Acreage rate. Under the proposed change to the MFL Closed Acreage rate, the taxes on our managed woodland will go up by \$400-\$500 each year when the Closed Acreage Rate is next revised. I believe the dramatic raise in the MFL Closed Acreage rate will discourage other landowners from making the long term commitment to manage their woodlands under the MFL, and make it more difficult for landowners who have already made the long term commitment to MFL. Please reconsider the drastic increase in the Closed Acreage Fee as currently proposed under AB323. Thank you.

Sincerely,

Randy Cooper
3895 S. Woelfel Rd.
New Berlin, WI 53146

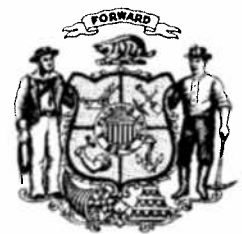
H: 262-542-7906
W: 262-884-2390
email: rkcooper@genevaonline.com

cc: Sen. Lazich, Rep. Gundrum, Nancy Bozek - WI Woodland Owner's Assoc.(WWOA)

07/07/2003



WISCONSIN STATE LEGISLATURE



MEMO TO: Representative Friske
Senator Welch
Senator Breske
Assembly Committee on Forestry

FROM: Paul L. Kienitz

SUBJECT: Managed Forest Land Program

DATE: July 7, 2003

By way of introduction, I am Paul Kienitz, a life-long resident of Merrill, WI. Currently, I own and operate Riverside Athletic Club, as I have done for the past 22 years.

My father purchased land in Lincoln County in 1946, land that was burned over by the great Newwood Fire. During my father's tenure, he planted over a 120,000 trees, by hand, and was rewarded as the State's runner up for the Tree Farmer of the Year in 1975. To date, as my father I too am a landowner, tree farmer, and active in local forestry matters.

The Wisconsin Legislature enacted the Forest Crop Law (FCL) in 1927 to encourage sound forestry on private lands.

In 1985 the Legislature passed the Managed Forest Law. "The purpose of the Managed Forest Law is to encourage the growth of future commercial crops through sound forestry practices, while recognizing individual property owners objectives and societies' needs for compatible recreational activities, forest aesthetics, wildlife habitat, erosion control, and protection of endangered resources."

As a landowner in 1996, I entered into a 25-year contract with the DNR to manage my land with the assistance of the DNR and a private forester. Originally, I understood and agreed to follow the rules. Then, in 1999 changes were made regarding buildings on MFL land. In 2003, other restrictions are being added to the program and the proposed rule changes for 2008 are enormous.

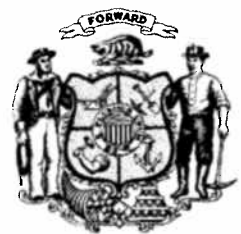
MFL was based on "Sound Forestry Practices," why the changing target?

To date, 60% of Wisconsin's forestland is owned by private landowners. If the State's goal is to encourage forestry, then increasing the tax on the land in 2008 by a whopping 235% will at some point force landowners to high grade their forest to keep their land. Landowners should not be penalized or forced to subsidize the State's goal to buy public land by increasing taxes on MFL land, in effect taking more land off the tax roles.

I ask you to keep the land calculations the same or consider a grandfather clause to existing MFL contracts or provide the landowner with an exit without penalty, if you are going to make a change. Also, as legislators, help us to truly manage our land so that we as landowners leave our land in better shape for the next generation.



WISCONSIN STATE LEGISLATURE



Gary, Tim

From: Nancy Livingston [nancyl@palacenet.net]

Sent: Monday, July 07, 2003 9:32 AM

To: rep.friske@legis.state.wi.us

Subject: MFL Hearing

Dear Representative Friske;

I am a second generation landowner who is carrying on the dream of my parents to practice sustainable forestry practices on 280 acres in Adams County. If I was not able to have most of my land under MFL, I frankly could not afford to carry on as a private landowner. I live on a fixed income but believe in the principles of sustainable forest practices.

I serve on the board of WWOA and chair the Education committee. I believe we need to have private landowners investing in the education of children around the values of the forest and its management in our environment. Each year all of the 4th graders from Adams Elementary school come to my woodlands for a day of nature activity in the woods.

For the MFL hearing tomorrow (July 8th), I support the WWOA Board's statement that will be presented. We have worked hard to maintain the integrity of the MFL and to be open to some changes. However, we as private woodland owners should not be lumped into the same category as farmers who have yearly crops....our crop takes 20-25 years to begin to yield.

Thanks for taking time to listen to our concerns.

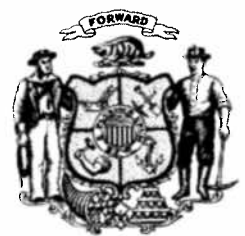
Sincerely,

Nancy Livingston, Board member WWOA
Full Cycle Tree Farm
832 8th Ave
Hancock, WI 54943
608-564-7086

07/07/2003



WISCONSIN STATE LEGISLATURE



Comments on AB 323 (2003)P. 1 of 8Ilya MFL & FCL Woodland Owner 6/20/03Name:RON PIENING
N4917 CO. RD. "M"
DELAN, WI 53115-2784

Ph 262-728-8381

FX 262-740-0489

I'm managing the following woodlands:

	<u>Acres</u>	<u>Year</u>	<u>Orig. term</u>	<u>approx. time left in term</u>
FCL	80	1978	50 yrs	25 yrs.
MFL	17	1995	50 yrs	43 yrs
	28	1997	50 yrs	44 yrs
	72	2001	50 yrs	48 yrs
	<u>46</u>	1997	50 yrs	44 yrs.
	243			

I developed over half of this woodland as a result of reforestation of poor cropland and grazed woodlands and pasture beginning in 1966. The remainder was high graded woodlands that were underplanted by hand with hardwoods and improvements such as selective spraying of unwanted adventitious trees and shrubs.

Reforested acres (140) are in conifers started in 1966 and thinned for Christmas trees as they grew. Older plantations are now being for pulp. All manage practices are currently being carried out under plans required under current MFL & FCL plans.

Specific
Comments
AB 323

p. 2 of 8

Sec. 36
Item 20.77.8% Noncompliance assessment

P. 12 June 19-25

I believe this assessment (fine) is too arbitrary. It could be modified by A Sm. Code but the way it is it doesn't consider the circumstances, such as no reasonable bid for harvestable timber under a mandatory practice. Can this fine levy be appealed? under what statute? Let's get MFL to consider the real world.

I have a contract on my desk right now that a logger agreed to verbally 4 times.

after spending 2 days with the logger, 5 days marking the trees, \$360 for a lawyer to draw up the contract (the rough draft the logger approved), the logger now refused to sign without significant changes in his bid.

all this for 300 cords of pulpwood with an estimated value of \$5,000 before severance taxes. The state forester also helped process the required (state) cutting notice.

Specific Comments
AD 923

P. 3 of 18

277. 86 Non. Comp. Cont'd.

Now I'm compelled to seek another logger to sign the contract. Other in the business say the bid was reasonable. The bid is 15-20% less than what the adm. Code of the DNR says I'm going to be charged for insurance tax on.

Under the new law I could be fined, and if I was, there would be litigation and have to get lawyer to try to get a fair deal. The legal costs would probably come to more than the pulp is worth. I might as well get out of MFL now while I'm ahead.

If these fines were included in the law before I signed I would've known what I was in for but now your (state) wanting to change the agreement without due process or allowing me to opt out before the law applies to me without saying back taxes plus interest and insurance taxes on the whole timber volume on the woodlot. Is this this fair play under contract law in Wisconsin?

P.4 of 8

Specific
Comments

AB 323
Sec. 30.31, 32, 33, 34, 35

Item: s. 77.84(2); 77.84(2)(b); 77.87(2)(c); 77.84(2)(am);
77.84(3)(b) 77.87(1g); 77.87(3)

These statutes appear to be methodology to significantly increase property taxes on MFL lands on both those under current law and those entered in the future. Maybe there's some rule or statute I missed when I signed up for (applied) to enter my lands in FL and MFL but I don't recall anything about these laws or that the State could impose these "new" taxes under existing contracts or laws.

I do believe the State can impose higher taxes but as I recall not based on assessments on other real estate which has been escalating at exponential rates in recent years as we all are aware of.

I don't believe this new methodology to put MFL (existing) lands on an escalator to increasing property taxes incrementally unless the State is willing to allow existing ~~the~~ landowners to opt out without penalty and go on the regular tax rolls first.

Item: Sec. 30-35
 cont'd

Specific
 Comments
 AB 323

P. 5 of 8

There are two principle reasons for why I believe this is wrong.

① This new methodology of ^{tying} MFL bands was not included in current law and therefore I believe they are a gross violation of all current MFL agreements or contracts, if you will.

I suppose some legislative lawyer will say it's due process and under some statute the State has a "vested right" to change it as long as hearings are held "due process type" are met. However, somebody up there doesn't understand that forest management is a long term enterprise, and there is long term management involved that it takes decades to measure the results.

When I planned the management of my woodlands almost 40 years I considered economics and this means property taxes in Wisconsin. That's why I signed up for 50 yrs for each entry. Now, that I have all this investment in time not to mention expenses, the Legislature is seeking to throw an economic wrench into the plans. Is this fair play?

Sp. Comments
18513

p. 6 of 8

Item: Sec 30-35
cont'd.

② This new taxation scheme applicable to MFL lands was not part of the original requirements for entry and there is no way to opt out without stiff penalties. It's almost as if MFL landowners are being penalized for getting in the program & a real slap in the face from my point of view. I can see it being applied to new entries but not those who are well into their respective plans and are following and fulfilling all the requirements of them.

I don't care if you want impose these new taxation schemes but in all fairness let me opt out without penalties. Although I'd rather stay in under the current law. Why not just have it apply to new entries? Instead of all of us that have been in for decades and significantly improved Wisconsin's woodlands for future generations.

General Comments
AB 323

R7 of 8

AB 323

In general, some of the revisions proposed in AB 323 are for the better esp. in SE Wis. where I am. Such as allowing landowners to close 160 acres and instead of the current 80 to public access promiscuously.

I argued for the 160 acre option at a legislative hearing back in the late 1980's. I argued that the State lands are all subject to public access control depending on conditions, but MFL landowners have to give up part of their right and 160 closed

option is, I believe a step in the right direction. By the way, I'm in FEL (25 yrs) and have always allowed trespass, with permission, to all.

In addition I understand the DNR's problems. I believe the program just got too big. I also understand the enforcement problems with the carrying out of mandatory practices in place. There may be too few responsible people.

I also believe that if there are not some drastic changes in AB 323

General Comments
AB323

P. 8 of 8

AB 323 cont'd

especially regarding provisions for the automated increase in taxes and penalties there will be many who won't get in the program and many more who are in will opt out as soon as possible.

Perhaps this is really what's behind AB323. That is, get fewer entries and therefore less work to do by making it more difficult financially thru higher taxes and penalties.

I hope this isn't true because I believe, in my case all the programs (WTL, MFL, FCL) I've been in helped me hold on to the woodlands & manage for future generations thru being incentives.

[Forward Wisconsin]

Sincerely
Don Digning
Owner/Manager
Kornel Farm
Delavan, Wis.



Gary, Tim

From: mikey [omwald@wwt.net]
Sent: Monday, July 07, 2003 1:21 PM
To: nbozek@uwsp.edu
Cc: rep.friske@legis.state.wi.us
Subject: Assembly Bill 323

Otto and I are tree farmers who have had extensive involvement with Forest Crop for almost 50 years. We've been through it all. Though in Ontario Canada on vacation this month, we want to be involved in the dialog concerning Assembly Bill 323 via e-mail.

We wonder to ourselves about the foggy understanding some Wisconsin legislators must have of woodland mgt. in Wisconsin. It is through the old Forest Crop and MFL that we have the degree of sustainable forestry in the state today. Now, the legislature is attempting to undermine our 25-50 year old legal contracts, which in turn will act to reverse the gains so painstakingly made thus far.

The gov't. should not be allowed to change these legal contracts just to suit itself. Adding insult to injury, we woodland owners under the same contracts are being held to completing mandatory practices because we've signed a legal contract. For instance, we have already cut trees that we didn't want to cut yet, because of mandatory practices. Is someone going to pay us now for those trees we didn't want to cut?

The legislature wants to create fines, withdrawal fees, and increase transfer fees among many other changes. For this the woodland owner is to receive nothing. Forestry in Wisconsin will suffer for it.

On creating a Grant Program w/increased closed acre fees; We already have incredible numbers of acres available for nature based outdoor recreation. These acres are currently being closed by landowners at a rapid rate. If NEW contracts would require people who want access to open lands to ask permission of the land owner in the way of our state trespass laws, landowners would feel better in the knowing of who is on their land. Many more acres would be left open for access, reducing the need for DNR land acquisition which only takes more land off the tax rolls. Those persons required to ask permission would feel more responsible for their action on the land and be more environmentally responsible as well.

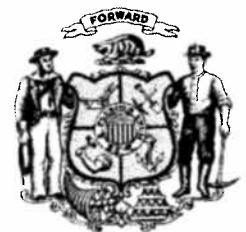
We are against ANY changes in our already signed contracts. In fact we would be in favor of WWOA hiring legal assistance if the state continues to press for changes in our already signed legal contracts. We would be willing to pay our fair share if members were assessed on a per acre basis to protect our rights in these legal contracts. New contracts are a different issue. With open informational meetings on new proposals for new contracts, which would allow woodland owners the opportunity to lend their knowledgeable voice to the changes, new contracts can be agreed upon that will continue our already major efforts in sustainable forestry for the state of Wisconsin.

In the March/April 2003 issue of Tree Farmer magazine, the article, "Building on Core Ideals of Good Stewardship" quoted Collins and Porras in their book Built To Last. The authors found that in their study of successful companies for 3M to Motorola, one common denominator emerged. These companies never lost sight of their core ideals. Gov't. and Woodland Owners working together must not lose sight of their core ideals. Core ideals are not about making more money from increased fees or for acquiring new lands. We're wanting the best of sustainable forestry and recreational opportunity for the citizens of Wisconsin.

Otto and Marilyn Waldbuesser
E4602 479th Ave.
Menomonie WI 54751



WISCONSIN STATE LEGISLATURE



July 7, 2003

Representative Donald Friske
Assembly Committee on Forestry Chair
State Capitol
P.O. Box 8952
Madison, WI 53708

Re: Proposed MFL Bill - AB 323

Dear Representative Friske:

I think allowing more acreage to be designated closed is a good idea. I would prefer to see more than the 160 acres proposed. I own 200 acres in several parcels in Dewey Township, Burnett County, currently enrolled in MFL for 50 years with open designation.

In my experience, some of the public seems to have an entitlement mentality, especially regarding ATV use. I have had severe trespassing problems with ATVs, and to a lesser extent, littering. ATVs have damaged areas I worked hard to reforest, and caused severe damage in wetland areas.

I appealed to the sheriff's department for help and found none. This year (2003), I have designated 80 acres closed and was forced to withdraw another 40 acres from MFL so I can legally post no trespassing signs. Without any changes in the law, I may be forced to withdraw the rest of my acres to protect them from public misuse.

Upon withdrawing one 40-acre parcel, the county has promptly increased my tax by over 125% (this is from what I would have paid last year if my land was not enrolled in MFL). Burnett County tax policy seems to be biased toward development, as opposed to forest management and open space. I guess in the final analysis, Rep Friske, is the state's goal with the MFL program to encourage good forest management, open space preservation, more public land, or a combination of the above?


I believe the option to designate open/closed acres should be allowed more than once during the life of the contract. Perhaps a change every 5 to 10 years should be permitted. Twenty-five to 50 years is a long time - a lot can change in this amount of time. Having the flexibility may prevent land from being withdrawn, as I was forced to do. If sometime in the future the ATV idiots go away, I would be tempted to switch back to open to the public. But as it now stands I don't have the option.

Lastly, at the present rate of growth, the human population in the US is expected to grow to over 1 billion in the next century, joining present-day China and India in this respect. Consequently, any rate increase going toward the purchase of public land is a very good

idea, assuming non-motorized usage. In my opinion, the more land that can be conserved today, the better. Publishing land acquisitions in the MFL newsletter would show MFL enrollees the money is being well spent.

I hope you will consider my input on this matter. Please contact me if you would like clarification on any of my ideas. I would be happy to discuss the matter with you or your staff.

Sincerely,



Tim Wallace
309 Benton Avenue N
Wayzata, MN 55391
952-473-5664

cc: Wisconsin Woodland Owner's Association



To: Representative Friske of Merrill Wisconsin and Cosponsors Senators Welch of Redgranite and Breske of Eland

Re: ASSEMBLY BILL 323 – PROPOSED CHANGES TO THE MANAGED FOREST LAW

From: Henry L. Anderson of Osseo Wisconsin - July 8, 2003

I strongly feel the loss in dollars from agriculture real estate taxes should not be placed on the MFL program. If one compares the benefits to the public from agriculture farm real estate ownership and forested lands under the MFL there is a decided advantage to forested lands under the MFL

MFL

1. Sustainable forest products
2. Lands are open to public (unrestricted) for hunting, fishing, hiking, site-seeing, Cross-country skiing – 1, 200,010 acres
3. Forest products short-term adequate availability, long-term limited supply
4. MFL reduces fragmentation by contract

AGRICULTURE REAL ESTATE

1. Sustainable agriculture products
2. Lands closed to public. **Open only on a few basis and to family and close friends.**
3. Ag production in surplus short-term and long-term
4. Fragmentation – unchanged related to farm income with real estate taxes having minor impact on fragmentation.

Efforts by the Legislature should be to encourage the entry of more lands under the MFL with special incentive to the Open Land Program.

I agree with the annual recommended open and closed rate changes of 5% and 20% starting in 2008. However, this should pertain to only new applications. Participants already under the MFL have a contract that must be honored. The taxes lost from a reduction in agriculture taxes should not be made up by the MFL.

Creation of a fine (noncompliance assessment) of \$250 for not following through with mandatory practices is unnecessary. The Law, as stated, already has the necessary language to enforce noncompliance with mandatory practices. The department has to follow through with the law.

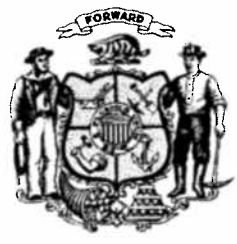
The cost of withdrawing lands from MFL is high enough and there should be no change.

Increasing the transfer fee and application fee should not take place. All effort should be made to increasing the number of participants to enter land under the Law.

Again, I would like to emphasize the importance that legislation should encourage woodland owners to enter land under the MFL. This program is extremely important now and will continue to be extremely important to the State of Wisconsin in providing a sustainable supply of forest products.

Encouragement of open lands under the program will provide more land at less cost for use by the public rather than State acquisition of nature-based lands for recreation.

My background: Graduate Forester from the University of Minnesota. I worked as a field forester for the Wisconsin DNR for 10 years in Grant and Trempealeau Counties. From there I worked one and a half years as Forest Tax Supervisor at Madison, Wisconsin. The next 20 years, I worked as Area Forest Supervisor in the Eau Claire Area. After retirement in 1990, I started and operated a private forestry consulting business. At retirement in 2001, the business included 4 professional foresters, 1 laborer, a secretary and 6 part-time workers. I was also owner and operator of a beef and dairy operation for about 15 years. I mention my agriculture business experience because of the huge impact created by the loss of tax dollars from real estate taxes on agriculture lands. My financial experience in farming vs. forestry is that both are of equal difficulty in realizing a positive return on investment. My wife and I are the owners of just over 1,100 acres of woodland. All of the woodland except for 80 acres is entered under the MFL and FCL Programs. There are only 160 acres of woodland closed to public use.





**Testimony Before the
Assembly Forestry
Committee
July 8, 2003**

In Regards to AB 323

Good morning, Chairman Representative Friske and other committee members. I am Linda DePaul, Chief of the Forest Tax Section, Division of Forestry, in the Department of Natural Resources. I want to thank you for this opportunity to come before you today in regard to AB 323. Let me start by reiterating what we stated at the first hearing, the Department of Natural Resources strongly supports this bill.

Through my work with other NE states, I have learned that Wisconsin's Managed Forest Law (MFL) program is envied outside our state because it not only encourages landowners to maintain their land in forest cover by deferring some of their property taxes until income is generated from the property, but it goes further by requiring that the landowner practice sustainable forestry. It is this long-term commitment from landowners to manage their land in a way that protects the environment and provides public benefits. Consequently, because of MFL we now have more private forest land under sound management than any other state in the NE. We are justly proud of this accomplishment, but realize that there are many other landowners we are not still not reaching. In order to reach out to more landowners, we need a program that meets the needs of the forest resource, helps landowners retain ownership, and does not penalize local governments. The former Governor's Council on Forestry made the decision to assess MFL and see if revisions could be made to the existing program to make it more responsive and less cumbersome.

The former Governor's Council on Forestry formed a task force in September 2002 to study possible changes or enhancements to the law. The Task force membership represented a diversity of organizations and interests. Department of Natural Resources staff from the Division of Forestry and Bureau of Legal Services provided assistance and information to the task force. Most of their recommendations were made only after careful deliberation and with full support of the membership.

The changes identified in this Bill closely reflect the recommendations of this Task Force, and are not a product of the Division of Forestry. Department staff has been involved only in determining how the intent of the Task Force's recommendations can be captured and best implemented. This Bill reflects the goals of the Governor's Council on Forestry as described in their December 2002 report. However, as Paul DeLong stated we welcome additional dialogue with you and interested parties to discuss improvements in the bill.

Again, I want to thank you for this opportunity to appear before you to discuss this important piece of legislation. The department is pleased to support this bill and I am willing to answer any questions you may have. Thank you.





GATHERING WATERS CONSERVANCY

SERVING THE LAND TRUST COMMUNITY OF WISCONSIN

July 8, 2003

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The Honorable Donald Friske
Chair, Assembly Committee on Forestry
312 North, State Capitol
Madison, WI 53702

Dear Representative Friske,

Thank you for the opportunity to submit comments on behalf of Gathering Waters Conservancy and our 45 member land trusts regarding AB 323. The revisions of the Managed Forest Land law are of great interest to the land trust community. One of our common goals is to help preserve Wisconsin's forested lands from fragmentation and other threats. We appreciate your efforts in addressing this critical issue.

Gathering Waters Conservancy's Policy Committee is especially pleased that AB 323 creates a new program to provide grants to non-profit organizations for land acquisition for nature-based outdoor recreation (23.09(18m)). As you may know, Wisconsin's land trusts have already protected over 100,000 acres of land across the state by working directly with private land owners. This new grant program will help us protect additional forest lands specifically for hunting, fishing and other out-door recreation by the public.

STAFF

Vicki Elkin
Executive Director

Karen Bassler
Program Director

Phil Kerckhoff
*Director of Development
and Communications*

Beth Bier
*Outreach and Policy
Coordinator*

Sara Murphy
Program Assistant

David Clutter
Peter McKeever
Project Coordinators

William P. O'Connor
Legal Counsel

In addition, land trusts can help leverage private dollars through this new grant program to stretch the state's investment in forest conservation. Given the current budget crisis, this makes tremendous sense. To date, Wisconsin's land trusts have raised over \$75 million dollars in donations from the private sector and federal and local grants to purchase land and conservation easements from willing sellers. With 45,000 members around the state, we can also draw on thousands of volunteers to help with the management of protected forest lands.

We are aware that an amendment may be offered to direct a portion of this funding to the Department of Natural Resources. Although we support the legislation as currently drafted, if negotiations are to occur on this issue, we would greatly appreciate being part of the discussion.

We also understand that there may be an effort to amend the "nature-based outdoor recreation" requirement for acquisition grants to the narrower requirements for public access on MFL lands (hunting, fishing, hiking, sightseeing and cross-country skiing). We are opposed to this change and strongly support the requirement that lands be acquired for nature-based outdoor recreation.

GATHERING WATERS CONSERVANCY 211 SOUTH PATERSON STREET, SUITE 270 MADISON, WI 53703
PHONE: (608) 251-9131 WEBSITE: www.gatheringwaters.org



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We thank you again for your strong commitment to protecting Wisconsin's forests and look forward to working with you in the upcoming months. Please feel free to contact me with any questions or concerns or for additional information. I have attached a list and map of Wisconsin's land trusts for your review, as well as an article on how land trusts can help landowners protect their woodlands.

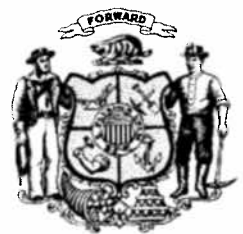
Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Elkin".

Vicki Elkin,
Executive Director



WISCONSIN STATE LEGISLATURE





WPLA

WISCONSIN
PROFESSIONAL
LOGGERS
ASSOCIATION

Testimony Before the Assembly Forestry Committee July 8, 2003

In Regards to AB 323 Managed Forest Law Revisions

Good morning Chairman Friske and committee members. My name is Gene Francisco and I am the Executive Director of the Wisconsin Professional Loggers Association. I appear before you today on behalf of WPLA to express our support for the provisions outlined in AB 323.

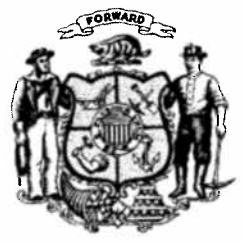
The Managed Forest Law is a tremendous incentive for private woodland owners to keep and manage their forest land for the economic and ecological values that are so important to our economy and quality of life in Wisconsin. AB 323 addresses the major concerns about the workload and effectiveness of the MFL as outlined in the Governor's Council on Forestry Special MFL Report and the 2002 Legislative Audit Bureau's Evaluation of the Forestry Account. We are concerned that MFL has become a tax shelter to avoid paying property taxes rather than an incentive to practice sustainable forestry. The changes proposed in AB 323 will reinvigorate the MFL's original objectives of providing a steady supply of raw material to our forest industry; promote sustainable forestry on private land; and provide public access to private land for recreational purposes. WPLA suggests a couple of changes in AB 323 to improve its ability to meet the goals of the MFL.

- **We recommend that the \$300 application fee less the recording fee be deposited in an account to be used for contracting with private foresters to prepare MFL plans.** Simply raising the application fee only increases the unallotted balance in the forestry account and does not provide additional resources to prepare the plans or enforce existing contracts. Until the 10,000 plus overdue forest management practices are brought into compliance, thousands of MFL acres will be left unmanaged, over a million cords of wood will not be available to our industry and millions of dollars in local tax revenue will be left in arrears.
- Our second recommendation relates to the use of the closed area fee to provide outdoor recreation. **WPLA recommends that funds generated from closed area fees be earmarked for public purchase of working forests or public access to working forests all of which would continue to be managed as working forests.** The intent of MFL is to provide public access to forest land for recreational use – primarily hunting and fishing. The provision in AB 323 related to purchasing land for nature based recreation is too broad and does not insure that the money will be spent on maintaining additional working forests open to public recreation. Wisconsin has over a million acres of high quality industrial forests that are gradually being taken out of forest production through development. Closed area fees provide an opportunity to maintain these lands as working forests.

Thank you for the opportunity to present WPLA's position on AB 323. I would be happy to answer questions at this time.



WISCONSIN STATE LEGISLATURE





DAVID F. JACKSON
Consultant Forester

N5391 TOWN HALL ROAD < > GLEASON, WISCONSIN 54435 < > PHONE OR FAX 715-873-4695

July 8, 2003

Good Morning:

I'm representing my family who has about 600 acres enrolled in the Managed Forest Law (MFL). My forestry background includes 31 years with Wisconsin DNR and 14 years as a consultant.

1. Analysis by Legislative Review Board Page 3, item 7. Changes to acreage share and closed acreage payment calculations: I find no mention of exempting current contracts from the proposed changes. The Committee should be aware that thousands of landowners signed their MFL contracts with the State of Wisconsin in the good faith that "a deal is a deal". The proposal to remove agricultural land values and switch the closed acreage payment to 20% of swamp, waste and forest land acreage assessments is unfair to current enrollees. DNR foresters, myself included, have explained to prospective enrollees that the signed documents constituted an agreement between them and the State. I'm not aware of a single forester or landowner who ever expected that the State would attempt to renege on the existing contracts. Please keep this in mind; both previous forest tax laws, Forest Crop and Woodland Tax, went through major revisions during their existence. Existing contracts were not affected by the revisions!

I retired from the Department in 1989. Since then I've gotten a better perspective on the high degree of ill will and outright resentment towards DNR. I attribute most complaints to a lack of understanding of resource management and/or people not liking to follow rules and regulations that interfere with their selfish interests. However, should your committee pursue the present attempt to revise portions of existing MFL contracts you deserve to be fair game for the criticism that will be coming.

2. Analysis by LRB Page 3 item 11. Failure to complete specified practice: Timber harvests are governed by weather and market conditions. An overzealous DNR forester or disgruntled town board (a few of both exist) will occasionally use the present wording of "by the time specified" unwisely. I suggest formulation of a series of written warnings with the \$250 noncompliance assessment imposed only after a three year grace period.

3. Revised application Fee. I feel the proposed \$300 fee is too high. \$200 seems more reasonable.

Thank you for listening to my views and also for holding this hearing in an area where the Managed Forest Law is so widely used.

David F. Jackson