

**Assembly Bill 323...** relating to: the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

**BILL**

Introduced by Representative **Friske**

**SPONSORS**

Cosponsored by Representative **Welch** and Breske.

**BILL HISTORY**

Assembly Bill 323 was introduced on 05-13-03 and referred to the Assembly Committee on Forestry

A public hearing was held on 05-1-03 and on 07-08-03.

An executive session were held on 10-14-03

**On 10-27-03 the Assembly Forestry Committee recommended AB 323 for passage as amended on a vote. 5-0**

**AB 323 was referred to the Joint Committee on Finance on 10-27-03 which recommended adoption of Assembly Substitute Amendment 2 Ayes 12, Noes 4**

**The Senate Committee on Agriculture, Financial Institutions & Insurance held a public hearing on AB 323 on 12-02-03. An executive session was held on 01-13-03.**

**The Senate Committee on Agriculture, Financial Institutions and Insurance concurred on AB 323 on a vote 5-0.**

**LRB ANALYSIS**

**Current Law:** Currently a parcel of land may be designated as managed forest land (MFL) under a program administered by the Department of Natural Resources (DNR). Under the program, the owner of land that is designated as MFL under an order issued by DNR makes an annual acreage share payment that is lower than, and in lieu of, the property taxes that normally would be payable on the land. In exchange, the owner must comply with certain forestry practices and may keep a specific area closed to public access; the remainder of the land must be kept open for recreational activities such as hunting, fishing, and cross-country skiing. In order for a landowner to participate in the MFL Program, DNR must approve a management plan for the MFL. The management plan includes the owner's forestry objectives and a description of the forestry practices to be used.

**Proposed Changes:** 2003 Assembly Bill 323 makes numerous changes to the Managed Forest Law (MFL) program. Assembly Substitute Amendment 2 and Assembly Amendment 1 to the substitute amendment, make the following changes to the bill: 1. Removes the provision in the bill directing the Department of Natural Resources (DNR) to establish a program to award grants to local units of government and nonprofit conservation organizations to acquire land to be used for nature-based outdoor recreation, and the provision directing the deposit of the MFL closed acreage fees to a DNR appropriation to fund the grants. Under the substitute amendment, beginning on July 1, 2005, all fees paid for closing MFL lands to public access would be retained by the county where the land is located. Assembly Amendment 1 deletes this provision and instead provides that on the effective date of the bill, the municipality where the MFL land is located will receive 80% of the closed acreage payments and the county will receive 20%. 2. Authorizes a state forest ranger, town

chairperson, conservation warden, or other duly appointed deputy to arrest a person, with or without a warrant, when a person is detected actually committing, or has reason to believe has committed, a violation under the MFL program.

3. Expands the eligibility for participation in the MFL program to land located in cities. 4. Creates a DNR appropriation to pay for MFL management plans prepared by plan writers under contract with the DNR. Under the bill and the substitute amendment, the fee for filing a petition to enroll in the MFL program without a management plan, to convert land in the Forest Cropland Program to the MFL program, and to renew an MFL order is increased from \$100 to \$300. A portion of this fee is deposited to a DNR appropriation used to pay recording fees (\$20 under the bill and the substitute amendment). Under the substitute amendment, the remaining portion of the fee (\$280), plus a portion of the fee DNR assesses petitioners who submit petitions with management plans that are not initially approved by DNR, must be used to fund the new appropriation. 5. Specifies that landowners with property enrolled in the MFL program on or after the effective date of the bill may petition DNR to include additional acreage under their MFL agreement if the additional parcel of land is in the same municipality, is at least three acres in size, and is contiguous to the owner's land. The substitute amendment creates an alternative procedure for landowners with property enrolled in the MFL program before the effective date of the bill to designate additional land as managed forest land. Under this procedure, if an owner of land under an existing MFL agreement wants to add an additional parcel of land that is at least 10 acres in size and that satisfies the eligibility requirements for MFL designation under current law, the owner may petition the DNR for a new order covering the additional land. However, if the additional land: (a) is in the same municipality as the owner's designated land; (b) is at least three acres in size; (c) does not satisfy MFL eligibility requirements; and (d) is contiguous to any of the owner's designated land, the owner may withdraw the designated land (covered by an existing MFL agreement) from the program and petition the DNR for a new order covering both the withdrawn land and the additional land. 6. Changes the deadlines for MFL program applications and approvals. Under the substitute amendment, if an MFL petition is received on or before March 31 from a petitioner who owns 1,000 acres or more, the DNR must approve or deny the petition on or before the following November 21. If a petition from a person who owns less than 1,000 acres is received on or before July 1, the DNR must approve or deny the petition before November 21 of the year following the year in which the petition was received (seven months longer than current law). Beginning on the first day of the 19<sup>th</sup> month after publication, the substitute amendment provides an exception to the longer timeframe for certain petitions with less than 1,000 acres. If a draft management plan prepared by a certified plan writer is submitted before the deadline established by DNR, and the petition from a person who owns less than 1,000 acres is received on or before May 15 and includes a completed management plan, the DNR must either approve or deny the petition before the following November 21. Changes the deadlines for MFL renewal petitions and approvals. Renewal petitions from owners of 1,000 acres or more must be filed no later than the March 31 before the expiration date of the MFL agreement. Landowners with less than 1,000 acres in the program must file renewal petitions no later than the second July 1 before the expiration date of the MFL agreement. Beginning on the first day of the 19<sup>th</sup> month after publication, the substitute amendment provides a different timeframe for certain renewal petitions with less than 1,000 acres. If a draft management plan prepared by a certified plan writer is submitted before the deadline established by DNR and the petition for renewal of less than 1,000 acres is received on or before May 15 and includes a completed management plan, the DNR must either

approve or deny the petition before the following November 21. 8. Modifies the conditions under which a maximum of 160 acres of managed forest land within a municipality may be closed to public access. Under the substitute amendment, of the acres that may be designated as closed, not more than 80 acres may be land designated as managed forest land before the effective date of the bill. This condition first applies to an owner of land designated as managed forest land in an order that takes effect on the effective date of the bill. 9. Allows owners of land enrolled in the MFL program on or after the effective date of the bill to modify the designation of a closed or open area two times during the term of the agreement, rather than one time under the bill. Landowners enrolled in the MFL program before the effective date of the bill may modify the designation of a closed or open area two times before the expiration of the existing MFL agreement, instead of one time under the bill, regardless of whether the owner has previously modified the designation. 10. Authorizes owners of land enrolled in the MFL program before the effective date of the bill to make an annual acreage share payment of \$.74 per acre (adjusted every five years). For owners of land enrolled in the MFL program after the effective date of the bill, the annual acreage share payment for each acre of managed forest land is equal to 5% of the average statewide property tax per acre of property assessed as productive forest land (calculated every five years). 11. Authorizes owners of land enrolled in the MFL program before the effective date of the bill to pay, in addition to the annual acreage share payment, \$1 for each acre that is designated as closed (adjusted every five years). For landowners enrolled in the MFL program after the effective date of the bill, in addition to the annual acreage share payment, the fee for each acre of land designated as closed is equal to 20% of the average statewide property tax per acre of property assessed as productive forest land (calculated every five years). 12. Deletes the requirement that DNR remit to municipalities all revenues collected from the \$300 withdrawal fee created under the bill. Instead, the revenues generated by the fee are deposited in the forestry account of the conservation fund. 13. Provides that the change in the formula used to allocate revenue received from withdrawal and yield taxes between the DNR, municipalities, and counties will not be effective until July 1, 2004, instead of taking effect on the effective date of the bill. Beginning in July 2004, the substitute amendment deletes the portion of withdrawal taxes and yields taxes received by the DNR and instead distributes all revenues from these two taxes to municipalities (80%) and counties (20%).

**FISCAL EFFECT**

The estimated fiscal effect are significant, please see Fiscal Estimates included with the bill.

**SUPPORT**

**The following person/people appeared in favor of this bill:** (1) Rep. Don Friske, 35th State Assembly District, Madison, (2) Sen. Robert Welch, 14th State Senate District, Madison, (3) Gene Francisco, WI Professional Loggers Assn., Sun Prairie, Paul DeLong, (4) WI DNR Division of Forestry, Madison, (4) Bob Mather, WI DNR Division of Forestry, Madison, (5) Nancy Bozek, WI Woodland Owners Assn., Stevens Point.

**The following person/people registered in favor of this bill:** (1) Sen. Roger Breske, 12th State Senate District, Madison, (2) Colette Matthews, WI County Forest Association, Tomahawk, (3) Matt Stohr, WI Counties Assn., Madison.

**The following registered for information only;**  
 (1) Beth Bier, Gathering Waters Conservancy, Madison

	<p>The Wisconsin Towns Association, The Professional Loggers, Timber Producers, Lake State Lumber Association, Wisconsin Paper Council, and the WI Counties Assn. registered their support for the bill with the State Ethics Board, but did not testify or register at the public hearing.</p> <p>The following organization(s) registered their intention to lobby on AB 323 but did not take a position on the bill: (1) Gather Waters Conservancy, Wisconsin Builders Association.</p>
<b>OPPOSITION</b>	<p><b>No one appeared in opposition to this bill:</b></p> <p><b>No one registered in opposition to this bill:</b></p> <p>The WI Wildlife Federation registered their opposition for the bill with the State Ethics Board, but did not testify or register at the public hearing.</p>
<b>CONTACT</b>	<b>John O'Brien, Committee Clerk, Sen. Ag. Financial Inst &amp; Insurance 266-0703</b>
<b>DATE</b>	<b>January 13, 2003</b>



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**  
Committee Clerk. John O'Brien

Assembly Bill 323

VOTE ON CONCURANCE

AYE NAY ABSENT

SENATOR SCHULTZ

SENATOR BROWN

SENATOR KEDZIE

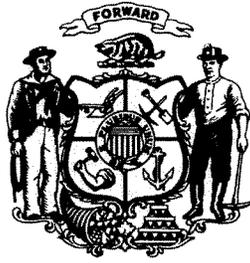
SENATOR HANSEN

SENATOR LASSA

AYE	NAY	ABSENT
✓		
✓		
✓		
✓		
✓		

POLLING  
AS Amended By LRB 1833/1 SA-1

1-12-03  
[Signature]



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**

Committee Clerk. John O'Brien

**COMMITTEE BALLOT**

Senator Ron Brown  
Room # 104 South  
State Capitol  
Madison, WI 53707-7882

From;  
Senator Dale Schultz, Chairman

Dear Senator Brown,

On Tuesday December 2<sup>nd</sup>, , 2003 our committee held a public hearing on Assembly Bill 323 the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

The committee also heard testimony on the need for an amendment to AB 323, which will delay the distribution of closed acreage fees until July 1, 2005, a provision, which was inadvertently eliminated due to a drafting error of the Assembly Amendment requiring the closed acreage fee distribution split of 80/20% between towns & counties. **Without this amendment, the Forestry Account will go into a negative balance in 2004.**

Based on the testimony received by the committee during the public hearing, the Chair respectfully requests your vote on the following motions.

**PLEASE RETURN THIS BALLOT NO LATER THAN MONDAY JANUARY 8<sup>th</sup>, 2004**

Motion for Introduction and Adoption of;  
(LRBa 1833/1 attached) Senate Amendment 1 to Senate Bill 323

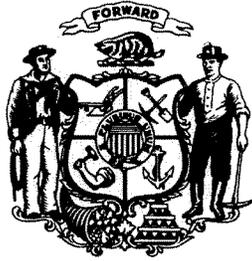
Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

Motion for Passage of Assembly Bill 323 as Amended by LRBa 1833/1

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_  
*Ronald W. Brown*

State Senator Ron Brown

*1/12/04*  
Date



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**  
Committee Clerk. John O'Brien

**COMMITTEE BALLOT**

Senator Dave Hansen  
Room # 319 South  
State Capitol  
Madison, WI 53707-7882

From;  
Senator Dale Schultz, Chairman

Dear Senator Hansen,

On Tuesday December 2<sup>nd</sup>, , 2003 our committee held a public hearing on Assembly Bill 323 the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

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Based on the testimony received by the committee during the public hearing, the Chair respectfully requests your vote on the following motions.

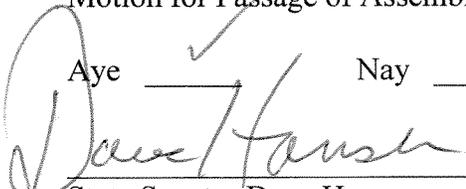
**PLEASE RETURN THIS BALLOT NO LATER THAN MONDAY JANUARY 5<sup>TH</sup>, 2004**

Motion for Introduction and Adoption of;  
(LRBa 1833/1 attached) Senate Amendment 1 to Senate Bill 323

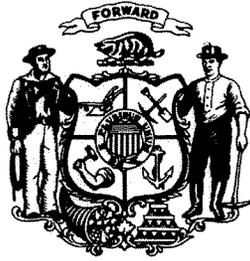
Aye  Nay

Motion for Passage of Assembly Bill 323 as Amended by LRBa 1833/1

Aye  Nay

  
State Senator Dave Hansen

01/21/04  
Date



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**

Committee Clerk. John O'Brien

**COMMITTEE BALLOT**

Senator Dale Schultz  
Room # 18 South  
State Capitol  
Madison, WI 53707-7882

From;  
Senator Dale Schultz, Chairman

Dear Senator Schultz,

On Tuesday December 2<sup>nd</sup>, , 2003 our committee held a public hearing on Assembly Bill 323 the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

The committee also heard testimony on the need for an amendment to AB 323, which will delay the distribution of closed acreage fees until July 1, 2005, a provision, which was inadvertently eliminated due to a drafting error of the Assembly Amendment requiring the closed acreage fee distribution split of 80/20% between towns & counties. **Without this amendment, the Forestry Account will go into a negative balance in 2004.**

Based on the testimony received by the committee during the public hearing, the Chair respectfully requests your vote on the following motions.

**PLEASE RETURN THIS BALLOT NO LATER THAN MONDAY JANUARY 12<sup>TH</sup>, 2004**

Motion for Introduction and Adoption of;  
(LRBa 1833/1 attached) Senate Amendment 1 to Senate Bill 323

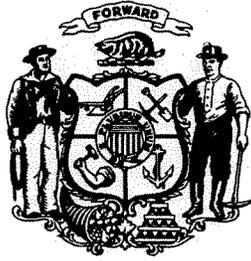
Aye \_\_\_\_\_ Nay \_\_\_\_\_

Motion for Passage of Assembly Bill 323 as Amended by LRBa 1833/1

Aye \_\_\_\_\_ Nay \_\_\_\_\_

State Senator Dale Schultz

\_\_\_\_\_  
Date



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**  
Committee Clerk. John O'Brien

**COMMITTEE BALLOT**

Senator Neal Kedzie  
Room # 313 South  
State Capitol  
Madison, WI 53707-7882

From;  
Senator Dale Schultz, Chairman

Dear Senator Kedzie,

On Tuesday December 2<sup>nd</sup>, , 2003 our committee held a public hearing on Assembly Bill 323 the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

The committee also heard testimony on the need for an amendment to AB 323, which will delay the distribution of closed acreage fees until July 1, 2005, a provision, which was inadvertently eliminated due to a drafting error of the Assembly Amendment requiring the closed acreage fee distribution split of 80/20% between towns & counties. **Without this amendment, the Forestry Account will go into a negative balance in 2004.**

Based on the testimony received by the committee during the public hearing, the Chair respectfully requests your vote on the following motions.

**PLEASE RETURN THIS BALLOT NO LATER THAN MONDAY JANUARY 8<sup>TH</sup>, 2004**

Motion for Introduction and Adoption of;  
(LRBa 1833/1 attached) Senate Amendment 1 to Senate Bill 323

Aye   X              Nay       

Motion for Passage of Assembly Bill 323 as Amended by LRBa 1833/1

Aye   X              Nay       

Neal Kedzie  
State Senator Neal Kedzie

1/9/04  
Date



**Senate Committee on Agriculture, Financial Institutions  
and Insurance**

Room 18 South State Capitol, PO Box 7882, Madison WI 53707-7882  
(608) 266-0703

**Senator Dale W. Schultz, Chairman**  
Committee Clerk. John O'Brien

**COMMITTEE BALLOT**

Senator Julie Lassa  
Room 3 South  
State Capitol  
Madison, WI 53707-7882

From;  
Senator Dale Schultz, Chairman

Dear Senator Lassa,

On Tuesday December 2<sup>nd</sup>, , 2003 our committee held a public hearing on Assembly Bill 323 the Managed Forest Land Program, providing funding for grants for land acquisition for outdoor recreation, requiring the exercise of rule-making authority, and making an appropriation.

The committee also heard testimony on the need for an amendment to AB 323, which will delay the distribution of closed acreage fees until July 1, 2005, a provision, which was inadvertently eliminated due to a drafting error of the Assembly Amendment requiring the closed acreage fee distribution split of 80/20% between towns & counties. **Without this amendment, the Forestry Account will go into a negative balance in 2004.**

Based on the testimony received by the committee during the public hearing, the Chair respectfully requests your vote on the following motions.

**PLEASE RETURN THIS BALLOT NO LATER THAN MONDAY JANUARY 12<sup>TH</sup>, 2004**

Motion for Introduction and Adoption of;  
(LRBa 1833/1 attached) Senate Amendment 1 to Senate Bill 323

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

Motion for Passage of Assembly Bill 323 as Amended by LRBa 1833/1

Aye  \_\_\_\_\_ Nay  \_\_\_\_\_

Julie Lassa  
State Senator Julie Lassa

1/12/04  
Date

## Wisconsin State Senate

P.O. Box 7882, Madison, WI 53707

Contact: Senator Dale Schultz, 800.978.8008  
FOR IMMEDIATE RELEASE: July 15, 2003

### Legislature Considering Changes to Managed Forest Law

Madison . . . Across Wisconsin, 26,000 land owners have agreements with the state's Department of Natural Resources (DNR) to manage over 2.5 million acres under forest tax law programs. The Managed Forest Law (MFL), enacted in 1985, is popular with landowners because it reduces property taxes, recognizes landowner objectives, ensures good forest stewardship via a management plan, and offers the landowner the choice of opening or closing enrolled lands to the public. In response to recommendations from a recent Governor's Council on Forestry report, the legislature is considering a bill to improve the MFL program.

Assembly Bill 323 would increase the fee to apply to MFL from \$100 to \$300; require a management plan be prepared by a professional and be approved by the DNR; and require that all taxes received for a MFL enrolled land be distributed directly to its town, village and county.

"Currently, the DNR keeps 50 percent of MFL tax revenues," Schultz said. "The DNR returns 40 percent to the municipal government and ten percent to the county. With AB 323, all of the tax revenue would stay with local government."

Another change would effect how acreage share payments and closed acreage payments are calculated. AB 323 would require the DNR to return closed MFL land payments to local government in the form of grants to acquire land for nature-based outdoor recreation.

"I encourage landowners and local government officials to review the Council on Forestry's report on the Managed Forest Law and Assembly Bill 323," Schultz said. "While the changes in AB 323 appear timely and reasonable, we legislators need to hear from citizens, especially those most impacted by the changes."

For a copy of the Council on Forestry Report and AB 323, contact Senator Schultz by phone at 800-978-8008, by email to [Dale.Schultz@legis.state.wi.us](mailto:Dale.Schultz@legis.state.wi.us), or by mail to P.O. Box 7882, Madison, WI 53707.

**Testimony Before the  
Senate Agriculture, Financial Institutions & Insurance Committee  
December 2, 2003  
In Regards to AB 323 Managed Forest Law Revisions**

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

The WPLA is a non-profit organization established to promote professional conduct among loggers in the state of Wisconsin; to provide a forum for resolution of issues of concern to professional logging contractors through communication, education and legislation; and to practice forestry and harvesting activities which sustain our forests for future generations.

WPLA represents small business logging contractors from throughout the state, some of which are third generation family businesses.

Wisconsin's Forest Industry, our second largest industry, is extremely important to our economy.

- A 28 billion dollar industry and 8% of the states total industrial output.
- A direct employer of 96,000 manufacturing jobs, the largest component of Wisconsin's manufacturing workforce.
- The nation's second largest investor in forest industry capital equipment, \$811 million annually, 20% of all Wisconsin manufacturing.
- An employer of high paying, high skilled jobs, paying an average \$38,000 annual salary, which is \$8,000 more than the state average.
- An industry that has been the backbone of Wisconsin's economy.

**Wisconsin's forest industry is in trouble.**

- Approximately 5000 jobs have been lost in the pulp and paper making industries since 2000.
- Between 1997 and 2000 the number of logging contractors has decreased by over 20%.
- 15 medium to large sawmills have closed in the last 5 years.
- Just last week Jefferson County lost 550 jobs in the printing industry which is closely tied to our paper industry.

A bright spot for the forest industry in Wisconsin has been the Managed Forest Law which provides some assurance that our forests will sustain a continuous supply of raw materials to our forest industry.

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 Bureaus 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 hunting, fishing and other recreational purposes.

**Our members are concerned about the future of the industrial forest land entered into the MFL and recommend that the Senate amend AB323 to create a working forest easement program funded with the revenue collected from the MFL closed area fee.**

Forest industry owns 1.1 million acres of forestland in Wisconsin that is open to the public under the MFL. These lands not only provide a steady supply of raw material to our forest industry, but also provide public hunting, fishing, snowmobile, ATV and other recreational access.

In the last 5 years over 90% of the industrial MFL lands have changed hands due to corporate divestiture of their woodlands. In the process over 100,000 acres have been subdivided and sold for development much of which is no longer available for public recreation or managed as working forests. If his trend continues, our citizens will no longer be able to count on this property for hunting and fishing opportunities or as working forests that will help sustain our forest industry.

Under a working forest easement, private forest management interests would continue to own the land with development restrictions and a requirement to manage them as working forests in perpetuity while the public would own the hunting, fishing and recreation rights. A similar working forest easement already exists on 35,000 acres of forestland near the Willow Flowage between the State and Tomahawk Timberlands LLC.

The Legislature has a tremendous opportunity to protect working forests through this amendment as well as send a strong message to existing and new forestry businesses that Wisconsin supports their industry.

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

December 1, 2003

Senator Dale Schultz  
Fax No. 608-267-0375

Dear Senator Schultz,

My name is David Ladd, and I am from Dodgeville, Wisconsin. I understand your committee is addressing AB323 this week, and because I have a prior engagement with the Iowa County Board, I cannot personally appear, but I want to express my and other hunters concerns.

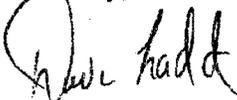
I am the chairman of the Big Game Committee of the Conservation Congress, and was chair of the Deer 2000 and beyond for 3 years. One of the major issues has been land access for hunters of big and small game. We were never able to develop a program for this problem. Access to private land is a serious problem especially in Central and Southern Wisconsin.

We would like to suggest that the extra funds from MFL law, where the land is closed, be used to pay landowners, especially farmers, a minimal amount per acre to allow hunters access to their land. We realize not all landowners will want to do this, in that they have their own families and friends, and feel there is enough based upon a maximum of 2 hunters per 40 acres, which is what we taught in Hunter's Safety Class.

However there are many landowners, especially farmers, who do not hunt, that would welcome a small fee per acre and allow public hunting. I understand that South Dakota and Nebraska have a "Walk On" program. This program continues to grow and has been very successful. We also need to keep in mind most people choose to recreate within 100 miles of their home. Please consider using at least part of MFL funds from MFL land that pay a larger tax, where they do not allow access to be used as an incentive on other lands for hunter access.

Enclosed is a letter received recently from a large farmer in Buffalo County for your information.

Sincerely,



David Ladd

DAL/amn

enclosure

# NOLLS' DAIRY FARM

## SINCE 1929

October 3, 2003

Dave Ladd & Raleigh Fox  
Co-Chairmen  
Big Game Study Committee  
Wisconsin Conservation Congress

Gentlemen:

Please excuse me from the Oct. 10th Big Game Committee meeting. I really wanted to be there, but my 75 year old father and I are going to be in Colorado at that time escorting my 13 year old son, Greg, on his first elk hunt. This trip has been planned since April and I'm giving it even more priority than Big Game! Sorry. Ill try to get my act together next time!

That being said, I do have a concern that I would like the two of you to consider and perhaps include in your agenda. During the "Deer 2000" process the issue of access to non-public hunting land was identified as a major factor of concern by those that participated. As far as I know, nothing has been undertaken to address this issue. There seems to be a prevailing attitude that nothing can be done so why try. I don't agree with that.

Exclusive privatization in my home county, Buffalo County, is wreaking havoc on any efforts to manage the deer population at a realistic level. I am of the opinion that we will be a Zone T unit forever! The present method of management has not generated the necessary results here. I don't think that we are alone, though. That's why I'd like to see how many other units have a similar problem. My proposal is to have the DNR survey it's wildlife managers and quantify those deer management units where population control (antlerless harvest) is significantly hindered by lack of access to non-public hunting land. Once those results are tabulated, we need to study them and determine which present-day management practices have fanned the flames for privitization. A new management plan for these "Private Units" could be designed with practices that would generate results in the other direction. They would have to address the special needs of these units and must encompass far more then a mere Zone T designation. There are ways of opening access. Thanks for your consideration and have a productive meeting.

Yours for conservation,



Mark A. Noll  
Executive Councilor  
District Five



**Testimony Before the  
Senate Agriculture, Financial Institutions and Insurance  
Committee  
December 2, 2003**

**In Regards to AB 323**

Good morning Chairman Senator Schultz and other committee members. I am Bob Mather, Director of the Bureau of Forest Management, 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 stating that the Department of Natural Resources supports this bill however, we ask that you amend the bill to replace an important component that was removed prior to its approval by the Assembly.

The Managed Forest Law (MFL) is an extremely important tool to expanding the practice of sustainable forestry on the private forest lands of Wisconsin. Wisconsin has a higher percentage of private forest land managed under the guidance of a professional than in the nation as a whole, and the MFL program is a major reason why. However, we still only reach less than one-quarter of the non-industrial private forest landowners, the land base from which two-thirds of the timber is cut in Wisconsin. Clearly, we need to do more to reach additional landowners. MFL is an important tool to help address this need, however, it is neither the only tool, nor is it sufficient. It is both important to maintain this critical tool and identify mechanisms to increase the efficiency of program administration and return a higher percentage of revenues to local governments. It was the recognition of these issues that led the former Governor's Council on Forestry to assess the need for revisions to MFL.

The Former Governor's Council on Forestry formed a task force in September 2002 to study possible changes or enhancements to the law. Former State Forester Gene Francisco agreed to chair the task force. The Task force membership represented various interests including the Wisconsin Woodland Owners Association, Wisconsin County Forest Association, Wisconsin Real Property Listers Association, Wisconsin Counties Association, Wisconsin Towns Association, and Council members, including two legislators. Department of Natural Resources staff from the Division of Forestry and Bureau of Legal Services provided assistance and information to the task force.

The changes identified in this bill can be divided into several categories: workload reduction measures, increasing revenues to municipalities and counties, improved enforcement tools, and improved recovery of administrative costs. I will speak only briefly about each category, following which we can discuss any or all of them in more detail, if you desire.

The primary workload reduction features for the Department are the increased application fee, the changed application deadline and the certified plan writer program. The application fee will provide additional funds to contract with private forestry consultants to prepare MFL management plans, freeing up DNR staff to work on other aspects of the program and ultimately to reach other private forest landowners who do not have any professional guidance. The deadline change will allow department and consultant foresters additional time to complete the required field inventories and preparation of the management plans, thereby increasing the number of plans that can be contracted. The certified plan writer program will improve management plan quality and

December 1, 2003

Senator Dale Schultz  
Fax No. 608-267-0375

Dear Senator Schultz,

My name is David Ladd, and I am from Dodgeville, Wisconsin. I understand your committee is addressing AB323 this week, and because I have a prior engagement with the Iowa County Board, I cannot personally appear, but I want to express my and other hunters concerns.

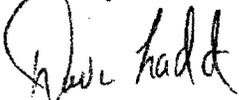
I am the chairman of the Big Game Committee of the Conservation Congress, and was chair of the Deer 2000 and beyond for 3 years. One of the major issues has been land access for hunters of big and small game. We were never able to develop a program for this problem. Access to private land is a serious problem especially in Central and Southern Wisconsin.

We would like to suggest that the extra funds from MFL law, where the land is closed, be used to pay landowners, especially farmers, a minimal amount per acre to allow hunters access to their land. We realize not all landowners will want to do this, in that they have their own families and friends, and feel there is enough based upon a maximum of 2 hunters per 40 acres, which is what we taught in Hunter's Safety Class.

However there are many landowners, especially farmers, who do not hunt, that would welcome a small fee per acre and allow public hunting. I understand that South Dakota and Nebraska have a "Walk On" program. This program continues to grow and has been very successful. We also need to keep in mind most people choose to recreate within 100 miles of their home. Please consider using at least part of MFL funds from MFL land that pay a larger tax, where they do not allow access to be used as an incentive on other lands for hunter access.

Enclosed is a letter received recently from a large farmer in Buffalo County for your information.

Sincerely,



David Ladd

DAL/amn

enclosure

# NOLLS' DAIRY FARM

## SINCE 1929

October 3, 2003

Dave Ladd & Raleigh Fox  
Co-Chairmen  
Big Game Study Committee  
Wisconsin Conservation Congress

Gentlemen:

Please excuse me from the Oct. 10th Big Game Committee meeting. I really wanted to be there, but my 75 year old father and I are going to be in Colorado at that time escorting my 13 year old son, Greg, on his first elk hunt. This trip has been planned since April and I'm giving it even more priority than Big Game! Sorry. I'll try to get my act together next time!

That being said, I do have a concern that I would like the two of you to consider and perhaps include in your agenda. During the "Deer 2000" process the issue of access to non-public hunting land was identified as a major factor of concern by those that participated. As far as I know, nothing has been undertaken to address this issue. There seems to be a prevailing attitude that nothing can be done so why try. I don't agree with that.

Exclusive privatization in my home county, Buffalo County, is wreaking havoc on any efforts to manage the deer population at a realistic level. I am of the opinion that we will be a Zone T unit forever! The present method of management has not generated the necessary results here. I don't think that we are alone, though. That's why I'd like to see how many other units have a similar problem. My proposal is to have the DNR survey it's wildlife managers and quantify those deer management units where population control (antlerless harvest) is significantly hindered by lack of access to non-public hunting land. Once those results are tabulated, we need to study them and determine which present-day management practices have fanned the flames for privatization. A new management plan for these "Private Units" could be designed with practices that would generate results in the other direction. They would have to address the special needs of these units and must encompass far more than a mere Zone T designation. There are ways of opening access. Thanks for your consideration and have a productive meeting.

Yours for conservation,



Mark A. Noll  
Executive Councilor  
District Five



# Celebrating 25 Years

## Wisconsin Woodland Owners Association, Inc.

P.O. Box 285, Stevens Point, WI 54481-0285

www.wisconsinwoodlands.org

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**EXECUTIVE DIRECTOR**  
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November 21, 2003

NOV 24 2003

Senator Dale Schultz  
State Capitol  
PO Box 7882  
Madison, WI 53707-7882

Dear Senator Schultz,

The Wisconsin Woodland Owners Association (WWOA) representing more than 2,300 private Wisconsin woodland owners, who own more than 300,000 acres of Wisconsin's forests, is requesting your support for Assembly Bill 323 regarding changes to the Managed Forest Law.

WWOA acknowledges that AB 323 is a compromise between the many stakeholders however this bill contains important provisions for both private woodland owners and municipalities. WWOA strongly supports the provisions that honor existing Managed Forest Law contracts. These 25 or 50 year contracts between the Department of Natural Resources and individual private woodland owners were entered into in good faith and trust by both parties. To change these contracts in midstream would destroy this good faith and trust in government.

In addition, WWOA supports increased revenue being returned to the towns and counties under this program. We also support a noncompliance assessment for landowners who are not following the mandatory provisions of their MFL contract, the ability of landowners to change their open/closed land designation twice within a contract period, the increased use of private consultant foresters to write management plans, and the ability to close up to 160 acres under the higher tax rate of new contracts.

We request your support for AB 323. WWOA is available to answer any questions you might have in regard to AB 323 and the impact on Wisconsin's private woodland owners. WWOA can be reached at 715/346-4798.

Sincerely,

Nancy C. Bozek  
Executive Director

**Remarks for Senate Committee on Agriculture, Financial Institutions and Insurance**

*Regarding AB 323 – Managed Forest Law Revisions*

By Senator Bob Welch and Representative Donald Friske

*December 2, 2003*

Thank you Chairman Schultz and Committee Members. We appreciate you having this hearing today and scheduling this important legislation for consideration. We hope to present to you today a brief explanation of where this legislation arose and its merits for passage.

In 2002, the growing concern among both critics and supporters of Managed Forest Law reached a pivotal point among state officials and forestry related interest groups. A decision was made by members of the Governor's Council on Forestry to examine the criticisms and how to resolve significant issues.

The objectives of the review were to:

1. Review the MFL and the Forestry Division's ability to meet the growing workload, Forestry Account Legislative Audit concerns and concerns expressed about MFL's impact on local tax revenue; and
2. Recommend changes in MFL that improve efficiency in application processing, enforcement and contract compliance as well as perceived inequities in the distribution of taxes, fees and aides.

The review committee was Chaired by Former Chief State Forester Gene Francisco and consisted of:

Council members – Senator Roger Breske, Representative Don Friske, Tom Schmidt, Eugene Schmit, Cathy Nordine and Jim Holperin

Interest group members – Nancy Bozek, WWOA, Colette Mathews – WCFA, Laura Jean Blotz – WI Real Property Listers Association, Jennifer Sundstrom & Allison Bussler – WI Counties Assoc. and Rick Stadelmann – WTA.

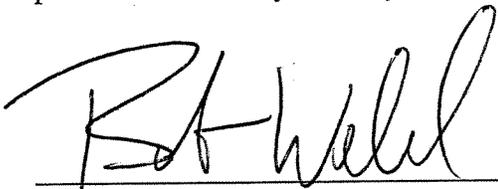
We introduced this legislation as proposed by the Governor's Council on Forestry. AB323 was referred to the Assembly Committee on Forestry. The Committee held two hearings on this bill, one in Madison and one in Merrill, prior to the executive action (5 – 0) taken on it October 8<sup>th</sup>. The legislation was approved by the Joint Finance Committee 12 – 4 and passed the Assembly 91 – 5.

The Assembly Committee on Forestry amended the bill while still maintaining the support of all of the interested parties. This bill is the essence of balance and the result of the hard work and good faith negotiations of the groups listed.

We have listed the provisions of AB323 below, as amended. However, we suspect you have gone over these provisions already and will leave them to your reading.

We have also included an amendments that we would like to suggest be adopted by you committee prior to consideration by the full Senate. We have listed it below and would like to cover it with you.

With that said, we want to thank Chairman Schultz and Committee Members again for the opportunity to present this bill to you today.



Senator Bob Welch



Representative Donald Friske

The Assembly amended the original bill based on testimony from the public hearings. AB 323 requires the following:

1. AB323 increases the application fee from \$100 to \$300 for initial entry, to add land to an existing MFL order, and to transfer ownership of MFL. DNR would retain all \$300. ***This will help cover the actual costs of processing an MFL application.***
2. Management plans that accompany entry applications may qualify under the program be prepared by a plan writer certified by DNR or by DNR itself. Under current law, there are no restrictions on who prepares the management plan. An applicant submitting a management plan from a certified private forester would be eligible for a reduced application fee (\$100) and an advanced entry into the MFL program (6 months). ***This provision will reduce DNR's MFL workload and encourage a private market to develop.***
3. AB323 exempts new MFL applicants approved into the program from any yield tax for the first five years of the order. Under current law, an annual yield tax of 5% is imposed on the value of all the merchantable timber cut from the land. ***This provision will discourage new entrants from cutting all of the most valuable timber from a property prior to entry in order to obtain an extra monetary gain at the expense of forest health, a major benefit championed by the MFL program.***
4. AB323 requires DNR to distribute 100% of withdrawal taxes & yield taxes it receives to the town or village and to the county in which the MFL is located. Under current law, DNR retains 50% of these taxes and distributes 40% to the village or town and 10% to the county. Under AB323, DNR distributes all of these taxes, the town or village receiving 80% and the county 20%. ***This provision will help cover the actual costs of withdrawal to local government.***
5. AB323 creates a withdrawal fee that an owner must pay, in addition to the withdrawal tax under current law, if the owner withdraws the land from the program before the order designating the land as MFL expires. Orders are for 25 or 50 years. ***This provision will help the Division of Forestry recoup the actual cost of developing and approving an MFL management plan when a property owner withdraws a parcel from the program prior to contract expiration.***
6. AB323 increases the acreage of MFL that may be kept "closed" for public use from 80 to 160 acres. ***This provision will discourage gerrymandering and increased workload for the DNR to process applications.***
7. AB323 changes how the acreage share payments and additional payment for closed acreage fees are calculated. Under current law, the "open" acreage share payment per acre is 74 cents and "closed" acreage share payment per acre is \$1.74 per acre. Those rates would be retained for existing MFL orders. New "open" MFL orders would pay 5% of the current statewide average property tax per acre, currently \$21 per acre. New "closed" MFL orders would pay 25% of the statewide average property tax per acre. In addition an MFL owner must pay an additional \$1 for each acre of MFL that is closed to public use. ***This provision will 1) encourage more acreage in the MFL program to be enrolled as "open" acreage and 2) provide property tax loss relief to local governments.***
8. AB323 requires that the additional payments made by MFL owners for closed MFL be distributed back to the towns and counties of origin, in an 80/20 split (towns/counties). ***This provision was included as a means to provide revenue relief proportionally to those towns and counties suffering from a loss of tax base with little or no public access benefit..***
9. AB323 specifies that certain provisions under current law that MFL order renewals are subject to the same provisions as new orders are subject after the effective date of this bill. ***This provision will ensure uniformity and a fee that will be effective in covering the costs of renewal, same as initial application.***
10. AB323 requires that copy of the legal document that has been recorded with the county register of deeds that show the ownership of the land subject be included with a MFL petition. Current law only requires that the petition include a description of the land. ***This provision reduces workload of the DNR, which must currently verify an applicant is the owner of the property being applied for MFL entry.***
11. Under current law, a property owner who is required to complete a forestry practice (a timber harvest) fails to complete the practice by the time specified under a management plan, the owner must pay a noncompliance assessment of \$250 to the municipality in which the property that is subject to the

management plan is located. Under AB323, the municipality distributes 20% of the noncompliance assessment to the county in which the property is located. *This provision will help encourage compliance with terms of MFL orders by owners who must pay a yield tax on harvested timber in lieu of a fully taxed parcel of forested land.*

12. Finally, AB323 allows existing and future MFL landowners to have two opportunities in the life of a contract to change the MFL order's designation from "open" to "closed" or vice versa. Current law only allows one change in the life of a contract (either 25 or 50 years, as chosen by landowner). *This will encourage new entrants to the MFL program, increase forest health and bring more timber to harvest, supplying our primary and secondary forestry industries.*

Necessary Amendment:

We respectfully request that you amend AB323 to delay the distribution of closed acreage fees until July 1, 2005. This provision was accidentally eliminated due to a drafting error of the amendment requiring the closed acreage fee distribution be split 80/20 between towns & counties. **Without this amendment, the Forestry Account will go into a negative balance in 2004.**



# GATHERING WATERS CONSERVANCY

SERVING THE LAND TRUST COMMUNITY OF WISCONSIN

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December 1, 2003

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Madison, WI 53702

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Dear Senator Schultz,

Roger Rickard  
*Secretary*

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 Representative Friske's efforts in addressing this critical issue.

Darrell Bazzell  
Julie Gallagher  
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Harold "Bud" Jordahl  
Renay Leone  
Thomas "Tuck" Mallery  
Howard Mead  
Cynthia Olmstead  
Bryan Pierce  
Rudy Rasin  
Patricia Stocking

Gathering Waters Conservancy is supportive of AB 323 in both its original form and Assembly Substitute Amendment 1 which contains a new program to provide grants to local governments and non-profit organizations for land acquisition. 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 work with local governments to protect additional forest lands specifically for hunting, fishing and other out-door recreation by the public.

## STAFF

Vicki Elkin  
*Executive Director*

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.

Karen Bassler  
*Program Director*

Phil Kerckhoff  
*Director of Development*

Beth Bier  
*Outreach and Policy  
Coordinator*

We thank you for your 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.

Pam Foster Felt  
*Program Coordinator*

Sara DeKok  
Matt Nolan  
*Program Assistants*

Sincerely,

Vicki Elkin,  
Executive Director

Peter McKeever  
*Project Coordinator*

William P. O'Connor  
*Legal Counsel*



**MEMORANDUM**

TO: Honorable Members of the Senate Committee on Agriculture, Financial  
Institutions and Insurance

FROM: Matthew Stohr, Legislative Associate *MS*

DATE: December 2, 2003

RE: Assembly Bill 323

The Wisconsin Counties Association (WCA) thanks you for the opportunity to make a few brief comments regarding Assembly Bill 323, which makes several changes to the administration and funding of the Managed Forest Law (MFL) Program.

As a member of the 2002 Governor's Council on Forestry, WCA would like to extend its support for this bill which incorporates the changes recommended by the Council. The MFL Program has been extremely successful over the years in reaching its objectives of providing property tax relief to owners of private forestland while encouraging responsible forest management. However, many dynamics of the program have changed over the years in addition to the increasing demand for participation. Therefore, the provisions included in the bill are necessary to update the law, move the program forward and allow the Department of Natural Resources to administer the program in the most effective and efficient manner possible.

Therefore, we respectfully request your support for AB 323. Thank you for considering our comments.

If you have any questions, please do not hesitate to contact the WCA office.

**Testimony Before the  
Senate Agriculture, Financial Institutions & Insurance Committee  
December 2, 2003  
In Regards to AB 323 Managed Forest Law Revisions**

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

The WPLA is a non-profit organization established to promote professional conduct among loggers in the state of Wisconsin; to provide a forum for resolution of issues of concern to professional logging contractors through communication, education and legislation; and to practice forestry and harvesting activities which sustain our forests for future generations.

WPLA represents small business logging contractors from throughout the state, some of which are third generation family businesses.

Wisconsin's Forest Industry, our second largest industry, is extremely important to our economy.

- A 28 billion dollar industry and 8% of the states total industrial output.
- A direct employer of 96,000 manufacturing jobs, the largest component of Wisconsin's manufacturing workforce.
- The nation's second largest investor in forest industry capital equipment, \$811 million annually, 20% of all Wisconsin manufacturing.
- An employer of high paying, high skilled jobs, paying an average \$38,000 annual salary, which is \$8,000 more than the state average.
- An industry that has been the backbone of Wisconsin's economy.

**Wisconsin's forest industry is in trouble.**

- Approximately 5000 jobs have been lost in the pulp and paper making industries since 2000.
- Between 1997 and 2000 the number of logging contractors has decreased by over 20%.
- 15 medium to large sawmills have closed in the last 5 years.
- Just last week Jefferson County lost 550 jobs in the printing industry which is closely tied to our paper industry.

A bright spot for the forest industry in Wisconsin has been the Managed Forest Law which provides some assurance that our forests will sustain a continuous supply of raw materials to our forest industry.

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 hunting, fishing and other recreational purposes.

**Our members are concerned about the future of the industrial forest land entered into the MFL and recommend that the Senate amend AB323 to create a working forest easement program funded with the revenue collected from the MFL closed area fee.**

Forest industry owns 1.1 million acres of forestland in Wisconsin that is open to the public under the MFL. These lands not only provide a steady supply of raw material to our forest industry, but also provide public hunting, fishing, snowmobile, ATV and other recreational access.

In the last 5 years over 90% of the industrial MFL lands have changed hands due to corporate divestiture of their woodlands. In the process over 100,000 acres have been subdivided and sold for development much of which is no longer available for public recreation or managed as working forests. If this trend continues, our citizens will no longer be able to count on this property for hunting and fishing opportunities or as working forests that will help sustain our forest industry.

Under a working forest easement, private forest management interests would continue to own the land with development restrictions and a requirement to manage them as working forests in perpetuity while the public would own the hunting, fishing and recreation rights. A similar working forest easement already exists on 35,000 acres of forestland near the Willow Flowage between the State and Tomahawk Timberlands LLC.

The Legislature has a tremendous opportunity to protect working forests through this amendment as well as send a strong message to existing and new forestry businesses that Wisconsin supports their industry.

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