

Fiscal Estimate Narratives

DNR 2/22/2024

LRB Number	23-4767/1	Introduction Number	SB-0999	Estimate Type	Original
Description vehicle access to roads and trails on open managed forest land, granting rule-making authority, and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

The bill has two major components.

1. Managed Forest Law (MFL) Public Access Changes: the bill expands public access on parcels enrolled "open" under the MFL to include the operation of any noncommercial motorized vehicles with a gross weight of 8,000 pounds or less on roads or trails that are maintained by the landowner for vehicular travel at a width of at least nine feet.

2. Road Repair Grant Program: the bill establishes a \$1.5 million/yr. MFL road repair program, administered by Wisconsin Department of Transportation (DOT) using Forestry Account funds, that would award grants to individual landowners of MFL where roads or trails have been damaged by vehicles.

Fiscal Effect

1. MFL Public Access Changes

A. The bill will increase MFL acreage designated as closed to public access. There are 4,768 current MFL orders that have land designated as open to public access. Under current law, a maximum of 320 acres per ownership, per municipality (city/town/village) may be designated as closed, and MFL landowners are permitted, without fee, to modify their open/closed designation twice during their MFL entry period. The proposed statute provides MFL landowners with existing open access designations an additional opportunity to modify their designation without a recording fee for a total of 3 opportunities.

Landowners pay an additional annual acreage fee for lands that are designated as closed to public access. When changes to MFL orders occur, maps and other MFL order documents must be updated by department staff and officially recorded with the county registers of deeds with an associated recording fee which paid solely by the department. The extent to which landowners would close their previously open lands based what is prescribed in the bill is unknown; if each of the 3,000 unique landowners make a modification, it will cost the DNR approximately \$150,000 in recording fees alone and approximately 5 FTE of staff effort to assist landowners with their modification requests, update MFL maps and create new orders.

Note that in Fiscal Year 2023, recording fee expenses exceeded current law annual spending authority within 20.370(2)(cr) by \$9,000. The Forestry Division's general operations appropriation [20.370 (2)(mv)], who's supply line was reduced by \$513,700/yr. in 2023 Act 19 (the 2023-25 biennial budget), will fund any overages if the recording fee appropriation uses all of its spending authority.

B. Under current law, MFL landowners are eligible to withdraw lands without an otherwise-standard withdrawal tax and fee due "if a statute is enacted or a rule is promulgated during the period of the order that materially changes the terms of the order." The extent to which landowners would withdraw their lands based on this change is indeterminate. Therefore, the fiscal impact to the DNR in terms of a potential surge in workload and recording fees for withdrawn entries is indeterminate, but would likely be significant.

C. The department would incur indeterminate costs to promulgate rules to administer motorized access on open MFL lands to include defining what a "maintained" road and/or trail is and establishing signage requirements detailing roads and/or trails that are accessible for motorized access.

2. MFL Road Repair Grant Program

The bill would increase DOT expenditures by \$1.5 million/yr. for MFL road repair grants that would be funded from the balance of the Forestry Account.

Long-Range Fiscal Implications