

1       **AN ACT** *to create* 15.345 (9) and 77.877 of the statutes; **relating to:** the creation of a  
2       managed forest land board of review and requiring the exercise of rule-making  
3       authority.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council Special Committee on Review of the Managed Forest Land program.

Under current law, an applicant for participation in the managed forest land (MFL) program or an owner of managed forest land who is adversely affected by a decision of the department of natural resources (DNR) is entitled to a contested case hearing under ch. 227, stats.

This draft creates an optional procedure for MFL owners who are dissatisfied with a DNR decision regarding the practice of sound forestry. Under this procedure, a managed forest land owner who is dissatisfied with a DNR decision regarding the practice of sound forestry may request review of the decision by the Managed Forest Land Review Board. The board members are appointed by the DNR secretary for 3 year terms. The board consists of 7 members: one DNR regional forester; one private consulting forester, one forester who represents the Society of American Foresters; one forestry academic; one county forest administrator; one member of a nonprofit conservation organization; and one private nonindustrial owner of a woodland enrolled in the MFL program.

The board must review and decide the issues included in the managed forest land owner's request within a reasonable time. Upon conclusion of the review process, the board must issue a recommendation to the chief state forester, who must then determine whether to accept the recommendation of the board. All decisions of the chief state forester must be in writing and include sufficient facts in order to substantiate the decision.

The department must write rules establishing the procedures and timeline for submission, review and consideration of the issues that come before the board for its review and action.

A managed forest land owner who receives a decision of the chief state forester retains the right to a contested case hearing under s. 227.42 on the issues decided by the chief state forester.

1       **SECTION 1.** 15.345 (9) of the statutes is created to read:

2       15.345 (9) (intro.) There is created in the department of natural resources a managed  
3 forest land review board consisting of the following members appointed for 3-year terms:

4       (a) One member who is a regional forester in the department.

5       (b) One member who is a forester who engages in the practice of providing consultation  
6 services on forestry issues.

7       (c) One member who is a forester who represents the Society of American Foresters.

8       (d) One member who represents the interests of schools of forestry within the state that  
9 have curricula in the management of forest resources that are accredited by the Society of  
10 American Foresters.

11       (e) One member who is a county forest administrator.

12       (f) One member of a nonprofit conservation organization as defined in s. 23.0955 (1).

13       (g) One member who is a private, nonindustrial owner of a woodland enrolled in the  
14 program under s. 77.82.

15       **SECTION 2.** 77.877 of the statutes is created to read:

16       **77.877 Review board.** (1) In this section, "Sound forestry practices" means timber  
17 cutting, transporting and forest cultural methods recommended or approved by the department  
18 for the effective propagation and improvement of the various timber types common to  
19 Wisconsin. "Sound forestry practices" also may include, where consistent with landowner  
20 objectives and approved by the department, the management of forest resources other than  
21 trees including wildlife habitat, watersheds, aesthetics and endangered and threatened plant  
22 and animal species.

1           (2) Any owner of managed forest land who is dissatisfied with the department's decision  
2 regarding sound forestry practices may request review of the decision by the managed forest  
3 land review board.

4           (3) (a) All requests for review shall be in writing, shall contain factual information  
5 explaining the basis for requesting review and shall be served on the secretary within 30 days  
6 of the date the decision was received.

7           (b) The board shall accept all requests for review under par. (a), and shall review and  
8 decide the issues included in the request within a reasonable time. Upon conclusion of the  
9 review process, the board shall issue a recommendation to the chief state forester. The chief  
10 state forester shall determine whether to accept the recommendation of the board.

11           (c) All decisions of the chief state forester shall be issued in writing and shall include  
12 sufficient facts in order to substantiate the decision.

13           (4) The department shall promulgate rules establishing the procedures and timeline for  
14 submission, review and consideration of the issues that come before the board for its review  
15 and action under sub. (3).

16           (5) A managed forest land owner who receives a decision of the chief state forester under  
17 sub. (4) shall have the right to a contested case hearing under s. 227.42 on the issues decided  
18 by the chief state forester.

**NOTE:** SECTION 1 creates the managed forest land review board in the DNR and specifies the membership of the board. SECTION 2 creates an optional procedure for MFL owners who are dissatisfied with a DNR decision regarding the practice of sound forestry to request review of the decision by the board. The board must review and decide upon the issues in the request and issue a recommendation to the chief state forester. The chief state forester then determines whether to accept the board's recommendation and must issue a decision in writing. The DNR is required to write rules regarding the procedures for the board's review.

An MFL owner retains the right to a contested case hearing on the issues decided under this procedure by the chief state forester.

**SECTION 3. Nonstatutory provisions.**

(1) The initial members of the managed forest land review board under s. 15.345 (9)

(a) to (g) of the statutes, as created by this act, shall be appointed for the following terms:

(a) Three members for a term that expires on July 1, 2014.

(b) Two members for a term that expires on July 1, 2015.

(c) Two members for a term that expires on July 1, 2016.

(2) The department of natural resources shall submit in proposed form the rules required under section 77.877 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 6th month beginning after the effective date of this subsection.

(END)