

A FUNDAMENTAL PRINCIPLE OF DEMOCRACY – A GOVERNMENT OFFICIAL CAN NOT SIT IN JUDGMENT OF HIS OWN JUDGMENTS

Problem: Family Forest Owners Are Subjected to Abuse of Power

MFL has no appeals procedure. The same field forester approves the Management Plan, monitors compliance, acts as prosecutor, and finally as judge and jury with authority to hand down the death penalty—forced withdrawal from MFL and payment of a hefty financial penalty. This legal structure encourages abuse of power. Given such a big stick, and knowing that the family has no recourse, some field foresters intimidate family forest owners at every opportunity.

A Better Model: County Procedures for Dealing with Property Owners

The DNR forester has much more power over the land use of a family forest owner than the county zoning administrator does, but the forester is not required to go through any of the procedures that the zoning administrator must go through in pursuing a violation of the county's land use ordinance. The zoning administrator must refer a violation to the District Attorney (Corporation Counsel) for potential prosecution. If the DA feels that the land use violation is serious enough, the case is presented to an elected judge or jury of peers.

If a landowner asks for a relaxation of dimensional requirements in a zoning ordinance, the zoning administrator must refer the case to a citizen Board of Adjustment/Board of Appeals.

A Revised MFL Procedure Consistent with Democratic Principles

Step 1 -- Local DNR forester and family forest owner (assisted by a consulting forester) agree on a Management Plan. Local DNR forester monitors progress and raises any compliance concerns.

Step 2 -- If the local DNR forester and family/consulting forester can not agree regarding interpretation and implementation of the Management Plan, either party can request review by a regional DNR forester (or by a private forester contracted by the Department).

Step 3 -- If the disagreement cannot be resolved at the regional level, the family can appeal the decision of the regional forester to a MFL Appeals Panel.

Step 4 -- The MFL Appeals Panel accepts a settlement reached by the regional forester and the family, finds in favor of the family or finds in favor of the Department.

Solution: Create A New Section of Statutes

***Sec. 77.877 Review and Appeals** If the owner and department's local forester disagree on the interpretation of the management plan, either party may ask for a third party review by a regional department forester or a consulting forester under contract to the department. If agreement cannot be reached, the reviewing forester may require corrective action or involuntary withdrawal. The owner shall have 90 days to appeal to a three person MFL Appeals Panel of MFL landowners, constituted by the Land Conservation Committee of the county board of the county in which the property is located.*

Lowell Klessig – professional relationships to forest management:

**Emeritus Professor of Human Dimensions of Natural Resource Management, College of Natural Resources, University of Wisconsin-Stevens Point where he taught “Integrated Resource Management” and used MFL as the forestry case study for 40 semesters.*

**Ph.D. in Environmental Management and Resource Planning (UW-Madison) and developed the Land Use Planning Major at the University of Wisconsin-Stevens Point*

**Held various positions with the Wisconsin Rural Leadership Program including Executive Director. Developed the Wisconsin Woodland Leaders Institute and the Master Woodland Owners Program*

**Taught UW-Extension adult short courses throughout the state on rural land management (including MFL options)*

**Authored numerous UW-Extension publications on natural resources management including:---Country Acres: A Guide to Buying and Managing Rural Property
---Woodland Visions: Appreciating and Managing Forests for Scenic Beauty.*

Co-authored **ONE FAMILY’S FOREST: How they kept it in the family. Back Forty Press. Forthcoming December 2010*

Member of the SmartWood Panel that explored FSC certification of the Bayfield County Forest.

Lowell Klessig – personal relationships to forest management:

**Owns and personally manages 80 acres of woodland in each of three Wisconsin counties (Ashland, Bayfield and Portage). Spends 100 days a year in the woods since retirement. Contracted for eight and personally logged two commercial harvests. Annually cuts firewood for 2-5 families and supplies practice logs for UWSP Wood Lab.*

**Participant in MFL and its predecessor programs (Forest Crop Law and Woodland Tax Law) for 35 years. MFL land is open to public recreation—more deer hunters wanted.*

**President of the New Hope Family Forest Alliance – township based community group of forest landowners. Board member of Wisconsin Family Forest Inc.*

**Long time member of Wisconsin Woodland Owners Association*

**Member of Living Forest Cooperative*

**Operates 127 acre beef farm/forest on which his family lives and has placed their property under a “Working Lands Conservation Easement” (first in central Wisconsin)*

