

Wisconsin Wildlife Federation

October 6, 2010

To: Co-Chairmen Clark and Friske and Members of the Legislative Study Committee
to Review the Managed Forest Law Program
From: George Meyer, Executive Director, Wisconsin Wildlife Federation

Subject: Public Access Fees on Managed Forest Law Acreage

Thank you for your work to address the issue of public access on Managed Forest Law lands. The following are the recommendations of the Wisconsin Wildlife Federation for recovering MFL “closed acreage” fees for the purpose of public access for recreational purposes.

One of the Constitutional justifications for the unique property tax structure for lands entered under the Managed Forest program is that the public interest would be served by requiring that there be public access for certain recreational purposes for the lands entered in the program. Over time the Legislature determined that up to 160 acres of land entered in the program by a single owner in a township could be closed to public recreational use if the landowner would pay a “closed acreage” fee five times the fee paid by a MFL owner who kept land open to public recreational use. To-date, not a dollar of “closed acreage” fees have been spent on public recreational access.

The Legislative Council staff has laid out several components of a legislative modification to assure that a reasonable amount of MFL “closed acreage” fees go to public access. The Wisconsin Wildlife Federation agrees with a significant portion of the recommendations and requests that the Study Committee make some modifications to the recommendations. The components of the legislative change sought by the Wisconsin Wildlife Federation are:

1. Creation of a trust fund (segregated account) for the “closed acreage” fees generated under the program. Currently the “closed acreage” fees go directly into the forestry account. By placing the fees directly into a segregated account, there will be greater transparency and accountability that they will be spent for the designated purpose of public access. While under current law, money can be diverted from most segregated accounts for purposes other than for which the segregated account was created, at least there would have to be a public recorded vote to do so. Under the current system with the funds going directly into the forestry account, inaction (a non-vote) causes the money to be spent for purposes other than public access.
2. Percentage of the “closed acreage” fees to be used for public access. Surely one could argue that 100% of the “closed acreage” fees should be allocated for public

recreational access since the purpose of the fee payment is allow the total closure of one's land for all public recreational use and currently approximately two-thirds of all MFL lands (1.8 million acres) have been put into closed status depriving the majority of the public recreational benefit envisioned under the law. However the Wisconsin Wildlife Federation has adopted a more moderate position and is recommending that the "closed acreage" fees be split 50/50 between (a) public recreational access and (b) return of the fees to the local units of government where the MFL land is located.

3. Make-up of the Managed Forest Law Board. Currently there is a Board established to allocate the "closed acreage" fees to acquire land or land rights for the public recreational uses guaranteed under the Managed Forest Law. Until now, the Board has not had any funds to allocate for public access. The Wildlife Federation does not disagree with any of the current designation of members for the Board, however we would request that there be two recreational users added to the Board. Not having a recreational user on a board charged with acquiring land or land rights for public access clearly is a shortcoming. The Federation would recommend that these two individuals be appointed by the Secretary of the Department of Natural Resources and that the individuals be experienced in one or more of the recreational pursuits authorized under the Managed Forest Law.

4. Preference in Location of Acquired Access. The staff recommends that the county in which a portion of the "closed acreage" fees are generated have first rights to have that portion of the public access fees spent in that county. The staff further provides that if after six months, a county would decide not to use their share of the funds to acquire more land or land rights for public access, the MFL Board would be able to utilize that county's portion of the total "closed acreage" fees for a public access project in another county. This provision makes a great deal of sense and is supported by the Wildlife Federation. There are some counties in the state that currently have approximately one-third of their lands in public ownership and are not interested in having additional public recreational properties in the county. A further refinement of the staff recommendation could be to allow two counties to pool their allocation and assign it to a project in one of the counties. One could foresee that counties could cooperate in such projects on a reciprocal basis.

On behalf of the Wisconsin Wildlife Federation, thank you for the opportunity to provide our recommendations to the Study Committee for restoring the public access component of the Managed Forest Law.