

NATURAL RESOURCES -- PARKS AND FORESTRY

Forestry

Motion:

Move to do the following:

Good Neighbor Authority. Provide \$395,000 forestry SEG in fiscal year 2015-16 in general forestry operations funding for DNR contracts under the Good Neighbor Authority program. Further, place \$355,000 forestry SEG in 2016-17 in the Joint Committee on Finance segregated funds general program supplementation appropriation. Specify that the Department may conduct certain forest management activities on federal land (as permitted by federal law) under a cooperative agreement between the DNR Secretary or the Governor and the Secretary of the U.S. Department of Agriculture, including harvesting and selling timber, activities that promote artificial and natural forest regeneration, and other activities to restore or improve the health of forests and forest watersheds, including fish and wildlife habitat in those forests and watersheds. In addition, specify that DNR may, as permitted by federal law, contract with a county, private forester, or private contractor for the purpose of conducting forest management activities on federal land under a cooperative agreement. Further, specify that DNR shall pay the initial costs of administering and implementing the cooperative agreement and contracts from the forestry account general forestry operations appropriation. Create an appropriation for deposit of all moneys received from the sale of timber from federal land under the cooperative agreement to be used to administer, implement, and pay costs associated with the cooperative agreement and contracts. However, require that on June 30 of each fiscal year, 10 percent of the revenue received by DNR in that fiscal year from the sale of timber from federal land under a cooperative agreement lapse to the balance of the forestry account, until the amount lapsed reaches \$1.5 million. Further, require the Department to submit a report on activities supported by the initial funds to the Joint Committee on Finance before January 1, 2016. Specify that the report include a plan for the use of fiscal year 2016-17 funding. In addition, require the Department to submit the Joint Committee on Finance before January 1, 2016 a written request to supplement the appropriation under s. 20.370 (1) (mv) for the 2016-17 fiscal year for the purpose of paying the initial costs of administering and implementing a Good Neighbor Authority cooperative agreement and any contracts entered into under the program. If the Cochairpersons of Joint Finance do not notify the Department that the Committee has scheduled a meeting for the purpose of reviewing the request within 14 working days after the date on which the Department submits the request, the supplement is approved. If, within 14 working days after the date on which DNR submits the request, the Cochairpersons notify DNR that the Committee has scheduled a meeting for the purpose of reviewing the request, the supplement may occur only as approved by the Committee.

Posted by
Wheeler Reports

Managed Forest Law (MFL)

a. *Closed Acreage Fees.* Require DNR to provide \$1 million in fiscal year 2015-16 and \$1 million in fiscal year 2016-17 in one-time funding from the forestry account to municipalities based on the acres of managed forest law land designated as closed. Specify that the taxation district or municipality in which the land is located retain 80% of the revenues and remit 20% of the fees to the county.

b. *Certification.* Specify that if the Department establishes a certified group through which owners of land designated as managed forest land may participate in a group certification program, DNR may not automatically enroll designated MFL land in the certified group. Specify that the Department may enroll MFL in a certified group only if the owner of the MFL land affirmatively elects to have the land enrolled in the program.

Northern State Forests Master Plans.

a. Require DNR to update master plans for all the Northern State Forests, except Governor Knowles State Forest by March 1, 2017. Specify that the Department conduct a statewide variance as defined in administrative code NR 44.04(1)(d), to all Northern State Forest master plans by June 30, 2016, with the exception of Governor Knowles State Forest.

b. Require the Department to increase the percent of Northern State Forest property acres designated by the Department as forest production management areas to 75%, with the exception of Governor Knowles State Forest. Further, specify that any land given this designation cannot have another designation. In addition, specify that in a DNR master plan, the management objective of a forest production area is defined as the production of timber and other forest products. Specify that the specific objective for any given forest production area may vary depending on site capability, timber types, markets, and economic considerations. Further, specify that a forest production area shall maximize timber production while using accepted silvicultural practices. In addition, specify that forest management objectives may include, while managing for timber products, to allow for extraction of economic value.

c. Specify that a master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability and the practice of forestry. Only those management activities or techniques identified by the master plan for the management area may be pursued. Applied stand level silvicultural prescriptions and timber management, including commercial timber harvests, shall not deviate from the specified management objectives of forest production areas and shall be consistent with locally accepted timber production practices common to the timber industry.

Recreational Trails. Specify that the Department may not prohibit a person engaging in silviculture from crossing a recreational trail on land under the jurisdiction or control of the Department. In addition, specify that DNR allow temporary closure of a portion of such a trail at the request of a person engaging in silviculture. Before the trail is reopened, specify that the person

engaging in silviculture is responsible for restoring any portion of the trail affected by the silvicultural activities to its condition prior to those activities. In addition, specify that the Department may not limit the scope of a silvicultural activity on property under the jurisdiction or control of the Department based on the proximity of that activity to a recreational trail under the jurisdiction or control of the Department.

Note:

Good Neighbor Authority. The Good Neighbor Authority is a U.S. Forest Service program which allows the Forest Service to enter into cooperative agreements or contracts with states and Puerto Rico to allow the states to perform watershed restoration and forest management services on National Forest lands. The motion would include the provisions of 2015 LRB 2066/P3, with additional language regarding the funding provided under the motion.

Managed Forest Law.

a. *Closed Acreage Fees.* Under current law, a landowner has the option of designating a maximum of 160 acres per municipality as closed to public access if an additional fee is paid for each acre closed to public access (2003 Act 228 increased the amount of allowable closed acres from 80 to 160). Currently, for each acre of MFL land closed to the public (for land entered after 2004), the closed acreage fee is equal to 20% of the average statewide property tax per acre of property assessed as productive forest land (20% of the 2011-12 average of \$42.70 per acre). The fee currently is \$1.08 per acre for lands entered into the program between 1987 and 2004, and \$8.54 per acre for lands entered after 2004 (for a total annual per acre fee of \$10.68). The rates are adjusted every fifth year using a formula that accounts for changes in the average statewide property tax for undeveloped lands. Revenues from closed-acreage payments are currently deposited as general revenues to the forestry account. Under the motion, \$1 million in fiscal year 2015-16 and \$1 million in 2016-17 from the forestry account would be provided to municipalities based on the acres of MFL land designated as closed.

Northern State Forests Master Plans.

a. Under administrative code NR 44.04(1)(d), "Master plan variance" or "plan variance" means a change in management activity or use described in the master plan that is consistent with the area's land management classification and does not constitute a change in an objective for management or public use of the area as specified in the plan.

b. Currently 66% of Northern Forest acres include the designation of forest product management area. The motion would require DNR to increase to 75% the acres designated as solely forest production management areas. Currently, s. NR 44.06(4) of the administrative code specifies the master plan for a forest production area shall be consistent with the following: (a) Management objective, the management objective of a forest production area is the sustainable production of timber and other forest products. The specific objective for any given forest production area may vary depending on site capability, timber types, markets, societal needs, desired associated benefits,

the desired future forest conditions, adjacent land uses and local economic conditions. In addition, under limited, special circumstances, which shall be specified in the master plan, the following may be forest management objectives: (1) in areas of high recreational use and where site conditions allow, manage to produce timber on extended rotations in a manner that promotes long-term visual appeal; (2) while managing for timber products, promote the production and maintenance of certain ecological attributes that are characteristic of older forests; (b) Management, a master plan may authorize any management activity or technique that is consistent with the management objective specified in the master plan for the area, and is compatible with the site's ecological capability and the practice of sustainable forestry. Only those management activities or techniques identified by the master plan for the management area may be pursued; and (c) Master plan components, in addition to the plan components (short-term and long-term management objectives, resource management, resource development, and recreation and public use), the master plan shall identify the predominant timber types and the desired future timber types and stand conditions for the area.

[Change to Bill: \$1,750,000 SEG]