

## **Managed Forest Law (MFL) and Forest Crop Law (FCL) Cutting Notices 2015-2017 Wisconsin State Budget Guidance Summary**

The Governor’s budget, as amended by Joint Finance Committee actions, changes the MFL/FCL cutting notice approval process. An owner who intends to cut on MFL is no longer required to obtain DNR approval if the owner is required under the terms of an approved management plan to cut merchantable timber and a cooperating forester or a forester accredited by the Society of American Foresters (SAF), Wisconsin Consulting Foresters (WCF), or Association of Consulting Foresters (ACF) provided the required notice of intent to cut to the Department. For FCL, DNR may not prescribe the amount of forest products to be removed, and if the Department finds that the cutting is inconsistent with sound forestry practices, the landowner is liable for double severance and subject to withdrawal.

The Division of Forestry formed an internal technical team and the Wisconsin Council on Forestry formed an advisory team composed of representatives of various forestry interests to develop guidance for operationalizing the budgetary language for implementation on July 1, 2015 or when the 15-17 budget is enacted. The guidance as drafted by the technical team under the advisory team’s direction, will reside in the Forest Tax Law Handbook. In addition to the budget implementation guidance, other updates have been made to the handbook, including guidance on Natural Heritage Inventory (NHI) and when a DNR forester should field check a cutting notice. The handbook changes not related to the budget were developed through normal updating procedures and were not a product of the advisory or technical teams. Handbook changes are highlighted in the accompanying document. The cutting notice guidance is intended at this time to immediately operationalize the budget, but may be interim, as the advisory team and technical team intend to develop more thorough guidance through a robust review of DNR cutting notice procedures that will occur over approximately the next year. Below is the guidance language developed specific to cutting notices that do not require DNR approval.

### **CUTTING NOTICE STEPS**

(Note: the steps are the same whether the land is in MFL or FCL)

<b><u>Step</u></b>	<b><u>Who</u></b>	<b><u>Action</u></b>
1.	Forester/Logger/Landowner	Request NHI and archaeological/historical/cultural data from DNR Forester and assess the harvesting site for BMP needs for water quality and invasive species protection.
2.	DNR Forester/Forest Tax Law Field Manager/Specialist	Provide NHI and archaeological/historical/cultural initial review results (i.e.: “hits”/no “hits”) within 5 working days. Eligible individuals can be provided NHI data. If there are “hits” to address, additional time may be needed to determine appropriate avoidance measures. DNR Forester can assist with prescriptions as described earlier in Chapter 20.
3.	Forester/Logger/Landowner	Establish timber sale.
4.	Forester/Logger/Landowner	Fill out cutting notice. Providing complete and thorough information may help ensure sound forestry is practiced and expedite approval (if required).  If the forester submitting cutting notice is a Cooperating Forester or a forester accredited by the Society of American Foresters (SAF) (SAF accredited means SAF certified forester), Wisconsin Consulting Foresters (WCF), or the Association of Consulting Foresters (ACF), provide name and accreditation on cutting notice.
5.	Landowner	Sign cutting notice (page 1). If requesting DNR review and approval, check the box to indicate request. DNR review and approval may or may not include a field review.  If a consultant or other representative is signing the cutting notice on the landowner’s behalf, please review the information about signatures on the previous page.

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| 6.  | Forester/Logger/Landowner                            | Submit the cutting notice to the DNR Forester at least 30 days prior to harvesting timber.   |
| 7.  | DNR Forester/Forest Tax Law Field Manager/Specialist | Date stamp cutting notice received. Determine if DNR approval is required. Check if name of submitting forester is on list of foresters who do not need DNR approval. Lists of accredited foresters are available on the DNR website. Go to <a href="http://dnr.wi.gov">dnr.wi.gov</a> and search keyword 'managed forest law' then click 'harvesting'. Check if the proposed cutting is under the terms of the management plan. "Under the terms of the management plan" means proposed harvest coincides with planned scheduled harvest and silvicultural system indicated in management plan (or coincides with management commitment for large account landowners). Note: plans can be revised as described in Chapter 20.<br><br>If yes to above, DNR approval is not required unless requested by landowner. If no to above, DNR approval is required. |
| 8.  | DNR Forester/Forest Tax Law Field Manager/Specialist | Determine if the landowner requested DNR Forester review and approval. Request must be indicated on cutting notice form.   |
| 9.  | DNR Forester/Forest Tax Law Field Manager/Specialist | Follow steps below for cutting notices that do not require DNR approval. Skip to section covering cutting notices requiring DNR approval (including landowner requests) if applicable.   |
| 10. | DNR Forester/Forest Tax Law Field Manager/Specialist | Verify catastrophic loss request (s. NR 46.30(1)(e), or NR 46.301(1)(f), Wis. Adm. Code).  |

**If cutting notice does not require DNR approval, the DNR Forester or reviewer shall do the following:**

1. The DNR Forester does not need to review the notice and does not need to sign page 1 of the cutting notice as the notice has been submitted by an accredited forester.
2. Input cutting notice information into WisFIRS Private Lands.
3. Return original notice to landowner and a copy to the submitter acknowledging that the cutting notice does not require DNR approval as it was submitted by a Cooperating Forester or forester accredited by Society of American Foresters (SAF), Wisconsin Consulting Foresters (WCF), or the Association of Consulting Foresters (ACF) and is under the terms of the management plan (or management commitment for large account landowners).
4. Retain a copy of the cutting notice for the DNR Forester's file.
5. Send reminder letters to landowners who have a cutting notice that is more than one year old to ensure harvest is still being implemented in a timely manner. Update cutting notice if necessary.
6. If a complaint is received from a landowner or 3<sup>rd</sup> party, inform supervisor. Supervisor shall consider the merits of the complaint and determine if a field review will be conducted. Complaint reviews should be expedited and conducted as soon as possible. If unsound forestry is discovered during a field review, follow the Steps to Successful Compliance and Enforcement from Chapter 60.