

MFL rules could hinder programs

By Tim Eisele
Contributing Writer

Madison — Two new efforts by the DNR to match novice hunters with Managed Forest Land landowners are unique ways to help new hunters get into the sport, but the programs may be in danger of failure before they even get started.

The efforts are part of the Deer Management Assistance Program and DNR Hunter Recruitment and Retention Program. Both face challenges for

involving private landowners who have their woodlands enrolled MFL.

MFL landowners may not allow people to hunt their woodlands in exchange for volunteering their labor on the land.

Doug Duren, president of the Wisconsin Alliance of Forest Owners, reminds landowners that if their land is enrolled in MFL, they cannot participate in anything that gives something of value in exchange

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for hunting on MFL land.

The reason? Legislators changed the law eight years ago and landowners may no longer lease land they have enrolled in MFL, regardless of whether it is in MFL "open" or MFL "closed" status.

Duren said that although WAFO supports efforts to match new hunters with landowners, which helps landowners get important work done on their land in exchange for hunting rights, it can't be done on MFL land.

"The right of landowners to receive 'consideration' for use of land enrolled in MFL was taken away from them, without recourse, when Act 30 was signed into law in 2007," Duren said. "This affected more than 2 million acres of private forest land in the state."

Hunters may neither pay a fee to lease land enrolled in MFL nor provide in-kind services for the rights to hunt on MFL land.

Duren said that no other county, state, or federal conservation program has this same restriction. This has discouraged many landowners from opening their land to others, he said, because penalties

can be severe.

Trent Marty, DNR director of forest protection, confirms that any consideration, including labor such as splitting firewood, mending fences, clearing brush, etc., provided in exchange to use land in MFL, is illegal.

"Duren's interpretation of the law is spot-on," Marty said.

Marty said there have only been three or four cases in which landowners have been prosecuted for leasing MFL land.

He said that in two cases the landowner paid a fine and in another a plea agreement was reached.

Fines and penalties depend on the amounts of money involved, but can total thousands of dollars.

Once a landowner enrolls land in MFL, he or she cannot accept any "consideration" in exchange for access for a recreational activity. The consideration can include cash, goods, or in-kind services.

Duren and WAFO want the Legislature to change the law.

"It is a simple question of tax and regulation fairness," he said.

Duren said there it is a misconception that woodland owners

who enroll in the MFL program are getting big tax breaks.

"Average Wisconsin forest land (not MFL lands) is taxed at \$34 an acre, while agricultural land is \$3 per acre," Duren said.

Ag land, including land in the Conservation Reserve Program, has no leasing restrictions on it. Those landowners receive payments, can lease their land, and pay lower "ag rate" taxes.

Woodland owners can check the WAFO website to learn tax rates of wooded land and other rural land in their own county.

In addition to higher taxes, landowners in MFL have to follow a plan and then they have to pay a 5 percent severance tax when they harvest wood.

Duren notes that a woodland owner who wants to be a good steward and doesn't graze the woods writes a larger check out for taxes than someone who puts a fence around the woods and allows cattle to graze the woods.

"We're trying to balance the financial aspect of owning woodlands with good conservation and good citizenship," Duren said. "That's what it's all about."

Duren uses a personal example in Richland County where he can be paid \$130 an acre to keep land out of production in CRP, and it is



Landowners who enroll their woodland in the state's Managed Forest Law may not lease their land or accept in-kind assistance in return for hunting privileges.

Photo by Tim Eiselo

taxed as agricultural land, and he can lease it out for hunting if he desires to do so. The property tax rate on that is \$3.50 an acre.

But wooded MFL land is taxed at \$10.68 per acre and cannot be leased. Any time he conducts a timber harvest, usually every 30 years, he has to pay a 5 percent severance on what he receives.

"It's a matter of financial viability for sustainable woodland owners," Duren said.

Richard Wedepohl, WAFO board member, hopes legislators will introduce a separate bill in the new session that will allow the leasing of MFL land. The MFL is so big and has so many restrictions and rules, that it is difficult for many to understand, he said.

"There are so many misconceptions and misunderstandings that it would be good to see just that issue (leasing) in a bill to discuss what it means," Wedepohl said.

He believes the biggest reason that private woodlands are threatened is because woodland owners pay much more in taxes than ag land but can't lease their land. The

result is that woodland owners can't compete with agricultural land, and so it is not surprising that large hog farms from Iowa could be moving into Bayfield County.

One of the many advantages woodland owners miss out on is the Manufacturing and Agriculture Tax Credit. This allows profits from ag crops to avoid state income taxes, Wedepohl said.

However "farmers" of long-term crops, like trees, do not get the same treatment unless the trees are in a pasture. Wedepohl said the result is that people are putting cattle back in their woodlands.

The governor pondered the change in the new state budget, but refused, resulting in WAFO stating: "The bleeding continues for private woodland owners."

There has been legislative interest in changing the law to allow the leasing of MFL land, and many woodland owners are hoping that a bill will be successfully introduced this session.