

This brief summary features the principle rules and obligations of the Managed Forest Law (MFL). Periodically, the Legislature or DNR may modify or amend the Managed Forest Law (Sections 77.80 to 77.91, Wis. Stats.) and its administrative rules (Chapter NR 46, Wis. Adm. Code). Such changes may apply to lands already enrolled under the law.

A complete text of the law is available at the Wisconsin State Legislature website at: http://legis.wisconsin.gov/statutes/Stat0077.pdf, http://docs.legis.wi.gov/code/admin_code/nr/46.pdf or from the Forest Tax Program, Wisconsin Department of Natural Resources, Box 7921, Madison, WI 53707-7963. Contact a local DNR Forester for more specific answers or details about the MFL.

Wisconsin's Managed Forest Law (MFL) is a landowner incentive program that encourages sustainable forestry on private woodlands in Wisconsin. Together with landowner objectives, the law incorporates timber harvesting, wildlife management, water quality and recreation to maintain a healthy and productive forest. Sustainable forest management benefits Wisconsin's economy, hunting, fishing, wildlife, recreation, soils, waterways, and air quality, and renews our beautiful forests for everyone to enjoy.

To participate in the MFL program, landowners designate property as "Open" or "Closed" to public access for recreation, and commit to a 25 or 50 year sustainable forest management plan. The plan sets the schedule for specific forestry practices which landowners must complete. In return, MFL participants make a payment in lieu of regular property taxes plus a yield tax on harvested trees. Yield taxes go to the local municipality to help offset the annual property taxes that are deferred while properties are enrolled in the MFL.

APPLICATION PROCESS AND FEES

Each new MFL application must include a forest management plan, map of the property, forest stand data, deeds, tax statements and other documents as requested. The applications must be prepared by a Certified Plan Writer (CPW). A CPW is a DNR certified, private consulting forester hired by landowners to prepare their MFL management plan. A current CPW list is available through DNR offices or you can find the listing by visiting http://dnr.wi.gov and searching keyword 'CPW'.

The online Forestry Assistance Locator offers a convenient way to solicit competitive CPW proposals for plan preparation and other forestry services. To use the Forestry Assistance Locator, go to http://dnr.wi.gov and search 'Forestry Assistance Locator'. Local DNR Foresters are also able to help applicants contact CPWs. In a rare circumstance, a DNR Forester may be permitted to write a management plan if CPW services prove unavailable to a landowner. Landowners will be billed for this service.

A non-refundable application fee of \$30 per application is used to record the entry of land at the county register of deeds office. Applications must be made per municipality. In rare situations MFL lands may cross municipal, and sometimes county, lines. If the application crosses county lines the application fee must include \$30 per county.

Applications are submitted by the certified plan writer directly to the DNR forester responsible for the county in which the land is located. DNR offices are listed at the end of this publication.

If postmarked by June 1, eligible parcels are enrolled the following January 1. Once submitted, an application may become void if the property's ownership changes before the January 1 enrollment date.

The MFL tax rate is reflected on property tax bills in December of the first year of MFL entry.

ELIGIBLE PROPERTY

MFL lands receive modified tax status to sustainably grow timber for wood products. To qualify and comply with the law, the lands are restricted from other industry or land use. Prohibited usage includes, but is not limited to, agriculture, grazing, commercial storage facilities, game farms, cell towers, mines, quarries, orchards and recreational developments such as a golf courses, campgrounds or raceways.

To qualify for MFL designation, a forested parcel must:

- Be at least 10 contiguous acres under the same ownership
- Be at least 80% covered by forest dedicated to growing commercial timber products and able to grow at least 20 cubic feet of wood per acre, per year. Up to 20% of each forest parcel may be deemed unsuitable to grow timber or in an unmanaged vegetation type such as brush, swamp, standing water, bog, rock outcrop, sand dune, abandoned farm field, roadway and utility or railroad rights-of-way. Wooded "no-cut" zones are considered unmanaged. A Cooperating Forester or Certified Plan Writer could be hired to help determine whether a forested parcel would be eligible for entry into the MFL.
- Not be within a recorded subdivision. A forest parcel may qualify if it is within a recorded plat that has been vacated or an assessor's plat.
- Not be subject to a recreational lease. Landowners may not receive consideration (cash, goods or services) for the use of MFL lands for a recreational activity that permit individual people or groups of people exclusive use of the property for hunting, fishing, or any other recreational use. Landowners who have 501(c)(3) non-profit status may charge a reasonable membership fee if approved by the Department.
- Not be tax-delinquent. Current year property taxes must be paid by August 15.

BUILDINGS ON MFL LAND

Construction or building on MFL land may require withdrawal from the program and assessment of a withdrawal tax and fee.

Buildings "developed for human residence" are prohibited upon MFL lands. A building is considered, "developed for human residence" if it has at least 5 of the following 8 characteristics:

- 1. Living space totaling 800 square feet or more. Use exterior dimensions, include each level but exclude porches, decks, or un-insulated screen porches.
- 2. Indoor plumbing.
- 3. Central heating or cooling, including electric heat, furnace or other heater with a circulation system.
- 4. Full or partial basement. Exclude crawl spaces and frost walls.
- 5. Electrical service by connection to the lines of a power company.
- 6. Attached or separate garage associated with the living space. This does not include buildings that store vehicles used primarily for work or recreational activities on the property.
- 7. Local telephone service.
- 8. Building Insulation.

Applicants considering building on their land should discuss, with their plan writer, the possibility of such buildings and exclude potential building sites from their MFL application. It is important to exclude enough acreage to contain septic systems, drain fields, gardens, lawns, pet areas and any related facilities and structures. Building sites cannot be added or relocated once lands are entered into the MFL. Local ordinances should be reviewed to determine location, layout and

setback restrictions.

Some hunting or vacation cabins, outbuildings, workshops or sheds that protect equipment or vehicles used primarily for on-property management or recreation may be allowed upon MFL land. Any living space is subject to the building characteristic limitations listed above. MFL land may not be landscaped, gardened or developed for ornamental purposes (e. g. rock gardens, sculptures, game courts, etc.).

Buildings within MFL lands are taxed as personal property. If personal property within MFL land becomes taxdelinquent, the land may need to be withdrawn from the MFL program. Land withdrawn from the MFL program is assessed a withdrawal tax and fee.

MANAGEMENT PLAN

Landowner goals lay the groundwork for the management plan and influence the scope of forest management practices. Applicants should discuss the reasons they own their woodland with their CPW or local DNR forester. To help landowners get the most from their land, MFL plans contain recommendations related to forestry, wildlife, watershed, endangered resource or aesthetics. The plan describes the property and spells out any mandatory forest management practices required during the MFL entry period. You and your local DNR Forester may adjust your management plan as stand conditions and knowledge on woodland management changes.

Mandatory Practices are forest management practices that must be carried out during the MFL entry period. These practices may include:

- Harvesting timber according to sound forestry standards.
- Thinning plantations and natural stands for merchantable products.
- Releasing trees from competing vegetation.
- Tree planting to maintain necessary forest density.
- Treating before and after harvest to ensure adequate forest regeneration.
- Controlling soil erosion.

A non-compliance fee of \$250 may be assessed on a landowner who fails to complete each Mandatory Practice according to schedule. Failure to follow the management plan can result in the loss of MFL designation and an assessment of withdrawal taxes and fees.

MFL plans also contain non-mandatory forestry, wildlife, watershed, endangered resource or aesthetic recommendations to help landowners get the most from their land.

Once entered in the MFL program, DNR Foresters remind landowners of mandatory practices roughly 2 years prior to the completion date of the practice. Details of the management practice, mostly timber harvests, are determined when establishing the practice. Landowners are encouraged to work with cooperating foresters and other resource professionals when establishing timber harvests and other management practices to ensure that forestry practices are implemented sustainably and will achieve desired results.

FOREST CERTIFICATION

Lands enrolled into the MFL program enjoy membership in the MFL Certified Group. Members benefit from the ability to sell timber to the certified marketplace. An independent certification body verifies that MFL Group lands are managed in conformance with American Tree Farm System (ATFS) and Forest Stewardship Council (FSC) standards of responsible forestry.

Participation in the MFL Certified Group is *voluntary*. Landowners can opt out of the Group by filing the **MFL Certified Group Departure Request (Form 2450-191).** Departure from the Certified Group does not affect the MFL entry. However, only Group members can market forest products as ATFS or FSC certified under the auspices of the MFL program.

Landowners submit **MFL Certified Group Application (Form 2450-192)** to re-enter the MFL Certified Group if they have previously opted out of the MFL Certified Group.

More information on the American Tree Farm System is at http://www.treefarmsystem.org/ More information on the Forest Stewardship Council is at http://www.fscus.org/

TIMBER HARVEST AND YIELD TAX

DNR notifies landowners as their mandatory practices become due. Practices are best handled with the help of a professional forester. A list of professional foresters can be found by using the online Forestry Assistance Locator; go to http://dnr.wi.gov, search 'Forestry Assistance Locator'.

At least 30 days prior to cutting, the landowner must file a **Cutting Notice** (**Form 2450-32 Part A**) with the DNR forester responsible for the county in which the land is located. DNR approval of the proposed cutting is required prior to beginning the harvest. Landowners **must** file a separate **County Cutting Notice** with the county clerk (Chapter 26, Wis. Stats.).

Timber cutting must begin within one year after the cutting notice is approved. Landowners must report to the DNR forester the date cutting begins.

A Cutting Report (Form 2450-32 Part B) must be submitted to the local DNR forester within 30 days after cutting is completed.

A yield tax is assessed on wood that is harvested while land is enrolled in the MFL. The DNR calculates the yield tax by multiplying annually established tax rates by the cut wood volume and species. Yield tax rates are found by visiting http://dnr.wi.gov and searching 'Tax rates'. Yield tax is not assessed upon firewood cut by landowners for their own use.

Yield tax is not assessed upon harvesting that occurs within the first 5 years of the MFL entry period. This 5-year waiver does not apply to conversions from Forest Crop Law (FCL), MFL withdrawal and re-designations, or to renewals of expiring MFL and FCL entries.

PUBLIC ACCESS (Open or Closed To Public Recreation)

No person may lease or receive consideration (cash, goods or services) for the use of their MFL lands for a recreational activity. Landowners who have 501(c)(3) non-profit status may charge a reasonable membership fee after obtaining approval from the DNR.

Lands enrolled in the MFL are designated as "Open" or "Closed" to public recreation. Open designation allows public access to the property only for hunting, fishing, hiking, sight-seeing and cross country skiing without additional permission from landowners. Closed designation affords landowners the right to restrict or permit access.

A maximum of 160 acres per ownership, per municipality (city/town/village) may be designated as Closed. All MFL land under the same ownership in the municipality counts toward this limit. However, lands enrolled prior to 2005 have an 80 acre maximum (or two entire government or fractional lots).

Owners of MFL land are permitted, without fee, to modify their Open or Closed designation twice during their MFL entry period or when all or part of the MFL land is withdrawn or transferred. To change designation, landowners must submit a **Managed Forest Law Public Access Modification Request (Form 2450-193)** to the DNR. Requests received by December 1 become effective the following January 1. The landowner is responsible for identifying the boundaries of Closed areas and may post signs for that purpose. Addition to or sale of MFL land may alter land eligible for Closed designation.

For MFL lands Open to public recreation, landowners may:

- Restrict or deny the use of motorized vehicles upon the parcel.
- Designate a specific access point or route to the Open MFL land. Typically, the public can access Open MFL
 parcels from a public road. When not obvious, public access must be reasonable and clearly identified. Where the
 public must cross the owner's non-MFL or Closed MFL land, the landowner should identify the public access
 route
- Post signs approved by the DNR to show the access route or identify the location of closed lands.
- Restrict access within 300 feet of any building or active commercial timber sale (cutting firewood for personal use

- does not apply) that conforms to the management plan.
- Grant additional uses to the public if the landowner so desires.
- Not deny access to any person.
- Not restrict the number of people accessing the parcel.
- Not post signs, which restrict or give the appearance of restricting permitted uses.

When using MFL lands Open to public recreation, the public may:

- Access the land only for the purposes of hunting, fishing, hiking, sight seeing and cross country skiing.
- Access the land without asking permission.
- Access the land only by foot unless given other permission by the landowner(s).
- Use legal hunting methods including baiting and temporary tree stands. Land, trees or other property may not be damaged.

When using MFL lands Open to public recreation, the public may **not**:

- Use motorized vehicles or conduct target practice without landowner's permission.
- Damage the property or anything on it.

When using MFL lands Open to public recreation, the public is encouraged to:

- Avoid trespass through awareness of their location, MFL boundaries and property lines.
- Treat the property and resources with respect. Damage and trespass incidents are enforced by the local Sheriff's Department, not the DNR.
- Let landowners know when and where they are going to be on MFL land. Though not a legal requirement, notification is courteous and enhances safety.

ANNUAL PROPERTY TAX

Each year, MFL landowners pay an acreage share tax instead of the regular (ad valorem) property tax. Landowners pay an additional fee for lands that are designated as "closed." In 2013 and every 5th year thereafter, MFL tax rates will be adjusted to reflect changing property tax rates.

Annual Tax Rates Per Acre	MFL Enrolled in1987 through 2004	MFL Enrolled in2005 or later
Open to public recreation	\$0.67/acre	\$1.67/acre
Closed to public recreation	\$1.57/per acre	\$8.34/acre

SALE OR TRANSFER OF MFL LAND

Some ownership changes on MFL land may require withdrawal from the program and assessment of a withdrawal tax and fee. Before selling, transferring or buying MFL land, owners should consult with a DNR or Cooperating Forester.

MFL land can be conveyed and its MFL entry transferred to new ownership if it meets eligibility requirements and is:

- An entire MFL entry or parcel or all MFL land owned within a quarter-quarter section, government lot or fractional lot.
- No more than 20% non-productive or not producing timber products.

Sellers **must** disclose the status of the MFL lands to prospective buyers if any portion of the land being sold will continue to be enrolled in the MFL program. Sellers have 10 days after acceptance of a contract of sale or an option contract to provide the buyer a written disclosure that lands will continue to be enrolled in the MFL program, the length of the entry period (25 or 50 years), that DNR monitors compliance with the management plan and the MFL program, and how to contact the DNR office. Sellers are also required to place in the disclosure statement the following statement: "Changes you make to property that is subject to an entry designating it as managed forest land, or to its use, may jeopardize your benefits under the program or may cause the property to be withdrawn from the program and may result in the assessment of penalties." Withdrawal penalties are generally considered withdrawal taxes and fees.

New owners are responsible to submit the **Notice of Conveyance and Application for Transfer (Form 2450-159)** to the local DNR Forester within 30 days of taking ownership. There is a non-refundable \$100 transfer fee.

New owners are responsible to develop an MFL management plan if MFL lands that are purchased from an industrial or

other large ownership and no longer meet industrial or large ownership requirements, i.e. less than 1,000 acres along with other requirements. New owners are required to hire a certified plan writer to develop an MFL management plan and submit it to the local DNR Forester within one year of the date of the transfer.

WITHDRAWAL OF MFL LANDS

Violation of MFL conditions or obligations may cause the DNR to withdraw lands from the MFL. Landowners may voluntarily withdraw from MFL by submitting a **Declaration of Withdrawal (Form 2450-140).** Requests received by DNR before December 1 become effective the following January 1.

Most MFL withdrawals are subject to a withdrawal tax plus a \$300 withdrawal fee. MFL lands sold to a governmental agency may be exempt from a withdrawal tax and fee.

The method used to calculate withdrawal tax depends upon the way in which the land was entered into MFL. Landowners can learn from their local DNR forester which method applies to their specific situation. The most common method multiplies the net tax rate by the previous year's assessed land value. This amount is multiplied by the number of years the land was enrolled in the MFL, then reduced by subtracting any acreage share and yield tax already paid.

The withdrawn area must be an entire MFL entry or parcel or all MFL land owned within a quarter-quarter section, government lot or fractional lot. Lands remaining after a withdrawal must be able to meet eligibility requirements on their own.

The Department of Revenue (DOR) is available to estimate the withdrawal tax for a fee. The form for a DOR withdrawal tax estimate can be found at: http://www.revenue.wi.gov/forms/govtvc/pr-296f.pdf.

MFL EXPIRATION

At the end of an MFL entry period, MFL parcels are returned to regular property tax rolls unless they are re-enrolled as a new MFL entry. Landowners whose MFL entries will be expiring are notified 1¾ years in advance and notified of the opportunity to re-enroll.

APPEAL PROCESS

Landowners who are adversely affected by a DNR decision, such as an order to enter, withdraw, or correct lands enrolled in the MFL program, may appeal the decision through a judicial review and/or contested case hearing. Landowners are encouraged to seek legal advice from their own attorney when filing for an appeal.

- **Judicial Review.** Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., landowners have 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.
- Contested Case Hearing. Landowners who are applying for MFL or landowners with an existing MFL order who are adversely affected by a decision of the Department under Subch. VI, Ch. 77, Wis. Stats., other than as provided in sections 77.88(2)(c), (2)(f), and (3m), Wis. Stats., may request a contested case hearing pursuant to Ch. 227.42, Wis. Stats. Landowners have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. A petition for hearing must be made in accordance with section NR 2.05(5), Wis. Admin. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not the final determination of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington D.C. 20240. This publication is available in alternative format (large print, Braille, audio tape etc.) upon request. Please call 608/267-7494 for more information.

COUNTY ADDRESS **PHONE ADAMS** PO BOX 100 **FRIENDSHIP** WI 53934 608-339-3386 WI **ASHLAND** PO BOX 709 MELLEN 54546 715-274-6321 127 S FOURTH ST wı 715-637-6865 BARRON BARRON 54812-1638 **BAYFIELD** 203 E BAYFIELD ST, PO BOX 545 WASHBURN WI 54891 715-373-6165 BROWN & KEWAUNEE GREEN BAY WI 2984 SHAWANO AVE. 54313 920-662-5156 COURTHOUSE, PO BOX 88 WI 54610 608-685-6223 **BUFFALO ALMA** WEBSTER WI BURNETT PO BOX 51 54893 715-866-8201 CALUMET, FOND DU LAC & 625 CTY RD Y SUITE 700 OSHKOSH 54901 920-424-3056 WI WINNEBAGO **CHIPPEWA** 711 N BRIDGE CHIPPEWA FALLS WI 54729 715-726-7885 CLARK 400 HEWETT ST, RM 106 **NEILLSVILLE** WI 54456-1924 715-743-5134 W7303 CO HWY CS wı 608-635-8113 53955 **COLUMBIA** POYNETTE CRAWFORD GAYS MILLS WI 54631 608-735-4672 PO BOX 186 3911 FISH HATCHERY RD DANE **FITCHBURG** WI 53711 608-275-3234 DODGE & JEFFERSON N 7725 HWY 28 NORTH WI 53032 920-387-7884 HORICON DOOR 110 S NEENAH AVE STURGEON BAY WI 54235-2718 920-746-2880 **DOUGLAS** 9547 CTY HWY Y **GORDON** WI 54838 715-376-2299 WI 54751 DUNN 921 BRICKYARD RD MENOMONIE 715-232-1516 EAU CLAIRE PO BOX 4001 EAU CLAIRE WI 54701 715-839-3782 4842 FORESTRY DR WI 54121-9715 FLORENCE **FLORENCE** 715-528-4400 **FOREST** 404 N LAKE **CRANDON** WI 54520 715-478-3717 150 W ALONA LN, SUITE 3 WI 53813 GRANT LANCASTER 608-723-2397 WI GREEN 3911 FISH HATCHERY RD FITCHBURG 53711 608-275-3205 GREEN LAKE & MARQUETTE 363 CHURCH ST MONTELLO WI 53949 608-297-2888 **IOWA** 1500 N JOHNS ST **DODGEVILLE** WI 53533-2116 608-935-1917 **IRON** 5291 N STATE HOUSE CIRCLE MERCER WI 54547 715-476-7844 BLACK RIVER FALLS WI JACKSON 910 HWY 54 EAST 54615-9276 715-284-1432 HORICON WI 53032 920-387-7884 **JEFFERSON** N7725 STATE RD 28 JUNEAU PO BOX 288 MAUSTON WI 53948 608-847-9394 KENOSHA, RACINE & 9531 RAYNE RD, SUITE 4 STURTEVANT WI 53177 262-884-2390 WALWORTH 3550 MORMON COULEE RD LA CROSSE WI LA CROSSE 54601 608-785-9007 LAFAYETTE 1900 ERVIN JOHNSON DR DARLINGTON WI 53530 608-776-3064 LANGLADE 223 E STEINFEST RD ANTIGO WI 54409-0310 715-623-4190 LINCOLN 101 EAGLE DR **MERRILL** WI 54452 715-536-2152 WI MANITOWOC 2220 E CTH V MISHICOT 54228-9467 920-755-4984

5301 RIB MOUNTAIN DR WI 54401 WAUSAU 715-359-5863 MARATHON MARINETTE PO BOX 199 WAUSAUKEE WI 54177 715-856-9152 MENOMINEE PO BOX 670 KESHENA WI 54135 715-799-3405 MILWAUKEE & WAUKESHA S91 W39091 HIGHWAY 59 **EAGLE** WI 53119 262-594-6209 MONROE 820 INDUSTRIAL DR, SUITE 4 **SPARTA** WI 54656 608-269-6901 OCONTO FALLS wı OCONTO PO BOX 96 54154 920-846-2980 ONEIDA PO BOX 576 RHINELANDER wı 54501 715-365-2634 **OUTAGAMIE** 3369 W BREWSTER ST APPLETON WI 54914 920-832-2747 **PEPIN** PO BOX 39 **DURAND** WI 54736 715-672-4153 PIERCE **PO BOX 428** ELLSWORTH WI 54011 715-273-5525 **POLK** 941 MALLARD LN, RM 104 BALSAM LAKE WI 54810 715-485-3518 **PORTAGE** 301 CEDAR ST WEST STEVENS POINT WI 54481 715-344-2752 PRICE 104 S EYDER AVE PHILLIPS WI 54555 715-339-3001 **RICHLAND** 26136 EXECUTIVE LN SUITE C RICHLAND CENTER WI 53581 608-647-8584 WI ROCK 2514 MORSE ST **JANESVILLE** 53545 608-743-4830 RUSK N4103 STATE HWY 27 WI 54848-9309 715-532-3737 LADYSMITH ST. CROIX 890 SPRUCE ST **BALDWIN** wı 54002 715-684-2914 505 BROADWAY ST BLDG 2 WI 53913 SAUK BARABOO 608-355-4476 SAWYER 10220N STATE RD 27S **HAYWARD** WI 54843 715-634-9658 WI **SHAWANO** 647 LAKELAND RD **SHAWANO** 54166 715-526-4222 WI 53073 SHEBOYGAN 1155 PILGRIM RD PLYMOUTH 920-892-8756 **TAYLOR** 660 WHEELOCK ST **MEDFORD** WI 54451 715-748-4955 TREMPEALEAU PO BOX 645 WHITEHALL WI 54773 715-538-4480 VERNON 220 AIRPORT RD VIROQUA WI 54665 608-637-3784 EAGLE RIVER VII.AS 1861 HWY 45 NORTH WI 54521 715-479-4771 WASHBURN 810 W MAPLE ST SPOONER WI 54801-1255 715-635-4086 WAUPACA N2480 HARTMAN CREEK RD WAUPACA WI 54981 715-258-8432 WAUSHARA 427 E TOWER DR, SUITE 100 WAUTOMA WI 54982 920-787-4686 WOOD 473 GRIFFITH AVE WISCONSIN RAPIDS WI 54494 715-421-7819