

FREQUENTLY ASKED QUESTIONS (Updated)

Cutting Notice Approval Policy

The FAQs presented here attempt to clarify previous cutting notice approval policy. Please refer to the proposed revised cutting notice section of Chapter 20 of the Forest Tax Law Handbook (pg. 20-69 thru 20-76). The document is not final, and will be updated as needed when new information becomes available.

What if the person who submitted the Cutting Notice claims their name is on the Cutting Notice Registration List, but I can't find their name on the list?

Direct the person whose name appears on the Cutting Notice to contact Ron Gropp at (608) 267-7659, or email: ron.gropp@wisconsin.gov.

Can the DNR Forester still assist with completing the Cutting Notice form?

Yes. Please reference the revised and updated Forest Tax Law Handbook and review the updated definition of "assist." Remember, not all reviews / approvals will require a field check. Follow the handbook guidance to determine when a field review is not required.

What can the DNR Forester do when a Cutting Notice is filed by a person whose name appears on the Cutting Notice Registration List and there are issues with the silviculture prescription, or the proposed cutting does not conform to the management plan or is not consistent with sound forestry?

The statutory language requires the proposed cutting to be under the terms of the management plan which means harvesting coincides with the scheduled date and silvicultural system in the management plan. Whether a proposed cutting coincides with the scheduled date in the management plan requires professional judgment, but generally cuttings cannot be completed more than 2 years early without amending the management plan. Questions or concerns regarding "under the terms of the management plan" should be discussed with the first line supervisor. If the DNR Forester can reasonably conclude that the proposed cutting is "under the terms of the management plan", cutting can commence based on the information submitted.

If after review it is determined the proposed cutting as it appears on the Cutting Notice is not under the terms of or conforms to the management plan, the Cutting Notice is subject to review and approval by the DNR. In these situations, the DNR Forester must approve the notice regardless of who submitted the Cutting Notice. The DNR Forester should work with the landowner and whoever submitted the Cutting Notice to bring the proposed harvest into alignment with the management plan.

What if a Cutting Notice is submitted by a person whose name appears on the Cutting Notice Registration List and the proposed cutting notice is not “under the terms of the management plan”?

If the proposed cutting is not under the terms of and does not conform to the management plan, the provision for cutting notices not requiring DNR approval does not apply. In other words, the cutting notice would require DNR review and approval. The DNR forester should work with the person who submitted the cutting notice to bring the proposed cutting into alignment with “under the terms of the management plan”.

What if a Cutting Notice is submitted by a person whose name appears on the Cutting Notice Registration List, the checkbox requesting DNR review and approval is not checked, and then later the landowner contacts the DNR requesting DNR review and approval?

Landowner requests for review and approval must be documented on the Cutting Notice. If the landowner has changed their mind, they should work with the person who submitted the cutting notice and resubmit the Cutting Notice form indicating their request for DNR review and approval by checking the box.

Can I still fix minor issues on the Cutting Notice form submitted by a person whose name appears on the Cutting Notice Registration List, such as wrong legal descriptions, order #s, or township names?

Yes, minor corrections for simple/obvious errors can be made, but only minor corrections as DNR has reduced capacity to do this work. Intent of content is not to be changed. Be sure to document and provide corrections to consultant and landowner.

How should I document any problems or issues?

Continue to document problems or issues using standard operating procedures. Maintain records in the local landowner file and in WisFIRS Private Lands if applicable. Follow through with landowner and other parties involved. Work through your supervisory chain to further address any issues and follow-through enforcement steps if needed.

What do I do if the Cutting Notice does not require DNR approval?

- Enter the Cutting Notice information into WisFIRS Private Lands
- Return the original notice to the landowner and send a copy to the person who submitted the Cutting Notice and acknowledge the Cutting Notice does not require DNR approval.
- Retain a copy of the Cutting Notice for the DNR Forester’s file.
- 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.

- If a complaint is received from a landowner or 3rd party, inform your supervisor. 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 of the Forest Tax Law Handbook.

What do I do if the Cutting Notice does require DNR approval – either because it was submitted by someone not on the Cutting Notice Registration List and/or the landowner checked the box requesting DNR approval and/or the Cutting Notice, as submitted, does not conform to the management plan or sound forestry practices?

Take action to approve or return the Cutting Notice as soon as possible.

- Strive to get to an approvable notice within 30 days.
- Enter the Cutting Notice information into WisFIRS Private Lands.
- Check the Cutting Notice and attached map for accuracy and completeness.
- Determine if a field review is needed using the criteria listed **below**. The purpose of the field review criteria is to provide a relatively consistent method to determine when to spend time on field reviews with the goal of reducing the number of field reviews conducted. Staff, supervisors, and partners need to communicate often when questions arise.
- If the Cutting Notice and attached map are complete, accurate, and no field review is warranted, then approve the notice.
- If the Cutting Notice is not complete or accurate or a field review is warranted then obtain additional information by:
 - Contacting the person who submitted the Cutting Notice to clarify and resolve the issue(s). Ideally a phone call to the landowner and landowner's agent is a good starting place.
 - Conduct a field review if additional clarification is deemed necessary pursuant to the field review criteria.
 - Once information or clarification is obtained then, if appropriate, approve the Cutting Notice.
 - Document any additional conditions necessary to ensure compliance with sound forestry practices and the management plan. Ensure the landowner and other involved parties are aware of these added conditions.

Important: Before initiating this step, the DNR Forester must ensure their supervisor is aware and concurs with the need for full re-evaluation. If the Cutting Notice cannot be approved, even after obtaining additional information which includes evaluating and suggesting other options, then formally notify the originator and landowner that a full re-evaluation of the proposed practice will be necessary in order to achieve an approvable Cutting Notice. Document all work in the landowner file and other designated method (e.g. WisFIRS).

- Return original approved notice to landowner and a copy to the originator.
- Retain a copy for the DNR Forester's file.

- Send reminder letters to landowners whose Cutting Notice is more than one year old to ensure harvest is still being implemented in a timely manner. Update Cutting Notice if necessary.
- If a complaint is received from a landowner or 3rd party, inform your supervisor. 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 of the Forest Tax Law Handbook

Criteria For Which No Field Review Is Needed (must meet ALL criteria listed below):

- Mechanical thinning (e.g. row thinning/remove every 3rd row), simple clearcut, or simple coppice treatments.
- Silviculture complies with recommended silvicultural practices as described in the Silviculture Handbook, including the Generally Accepted Practices (see GAP's in Table 21.1) and other cover type guidance.
- For regeneration harvests: Reliable regeneration is expected within 3-5 years after cutting and adequate steps have been documented in the cutting notice to ensure full stocking of target regeneration (e.g., aspen simple coppice).
- Silvicultural prescription matches the MFL plan prescription.
- Timber sale map is consistent with the MFL stand(s) being treated.
- Cooperating Forester or SAF, WCF, or ACF accredited forester, or Master Logger involved in sale establishment.
- Appropriate green tree retention addressed.
- No listings elements or concerns with respect to NHI, Archaeological & Historical Sites or these items are adequately addressed on Cutting notice.
- Mitigation measures required for BMP's for water quality, soil protection, invasive plants, or forest health or these items are adequately addressed on Cutting notice.
- Not a salvage harvest.

***If all of the above criteria are met but the reviewer would like to conduct a field review anyway, the reviewer will discuss reasons for their choice and obtain supervisor approval before conducting the field review. Likewise, if the all criteria are not met, but the reviewer does not think a field review of the cutting notice is necessary, the reviewer must document the reason(s) for not completing a field review. Complete documentation of the decision should be maintained in the landowner file or other appropriate location.*