

SPRING 2018 MFL RECERTIFICATION

FREQUENTLY ASKED QUESTIONS

STATISTICS

What is the average size of a new entry?

2018 – 65 acres; 2017 – 62 acres; 2016 – 60 acres; 2015 – 71 acres; 2014 62 acres

For the 2017 application season (2018 entries), how many plans did not get returned (i.e. no return reasons)?

690 of ~1720 submitted and not canceled.

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CERTIFICATION

When will the certification audits be taking place this year?

Late spring/early summer

How many orders are certified?

47,332

Where can I find information on certification, and communicating about certification to landowners?

<http://dnr.wi.gov/topic/timbersales/mfl.html>

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NR 46 UPDATE

Where are we at in the NR 46 update timeline?

We are currently in the development/drafting phase. The promulgation process generally takes 27.5 months, longer for complex rule updates (which this is).

What does promulgate mean and what are some synonyms for promulgate?

To promulgate means to put (a law or decree) into official effect by proclamation. Synonyms: develop or enact

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BUILDINGS AND IMPROVEMENTS

What is a building?

Buildings and improvements associated with a building are prohibited on land enrolled in MFL in 2017 or later (s. 77.82(1)(b)3., Wis. Stats.). Building means any structure that is designed or used for sheltering people, machinery, animals or plants, for storing property or for gathering, working, office, parking or display space. Camping trailers and recreational vehicles that are fully self-contained and are used as temporary living quarters for recreation, camping or seasonal purposes are not considered buildings for the purposes of the MFL program. Fully self-contained means not connected to utilities or set upon a foundation where the trailer or vehicle is resting for more than a temporary time, in whole or in part, on some other means of support than its wheels.

What is an improvement?

An improvement is any accessory building, structure or fixture that is built or placed on the parcel for its benefit, this includes landscaping done on the parcel. Improvements associated with a building, on or off of land designated as MFL, are not allowed on 2017 and later entries.

Improvements do not include: public or private roads, railroad or utility ROWs, fences -unless they prevent the free and open movement of wild animals, culverts, bridges, hunting blinds, and structures and fixtures needed for sound forestry (this means these things are allowed on MFL).

What are structures and fixtures needed to practice sound forestry?

Structures and fixtures needed to practice sound forestry means a structure or fixture placed on the land for the sole purpose of conducting a forest management practices that is either in the management plan, or agreed upon by the department and the landowner. Structures and fixtures placed on land enrolled in MFL must be removed following the completion of the practice, and should not exist on the land without the expressed approval of the forestry specialist.

What is a structure?

A structure is something that is constructed. (Merriam-Webster)

What is a fixture?

A fixture is something that is fixed or attached (as to a building) as a permanent appendage or as a structural part, a device for supporting work during machining or an item of movable property so incorporated into real property that it may be regarded as legally a part of it. (Merriam-Webster)

If a landowner is planning on potentially building on a new entry/renewal/addition in the future, do they need to exclude that area at the time of enrollment?

This would be up to the landowner. If they are thinking of a building site that is 5 acres or less, they can use the small acreage withdrawal to take out 1-5 whole acres in the future. Note this withdrawal type does have a tax and fee associated with it, and it can only be used once per parcel, per ownership for a 25-year order and twice per parcel, per ownership for a 50-year order.

What are some examples of situations when a temporary structure may be needed for sound forestry practices (specific examples for slide 18, second image)?

- Using a temporary structure to store/shelter trees during a planting project; to keep them out of the sun and wind in a clearcut area.
- Using a temporary structure for storage of herbicide application equipment and chemical during a release or site prep or pest control project.

If a building or improvement needs to be excluded from the entry, does it need to be a whole acre?

Exclusions for building sites do not need to be whole acres. If the result of an exclusion that is not a whole acre, is an entry that is not a whole acre, dimensions are needed (unless the exclusion is a whole acre). For specific examples see handbook pages 20-13 and 20-14.

When do buildings on land that is being applied for entry need to be removed by?

Buildings need to be removed before the application can be approved. Buildings should be removed before the application is submitted. If there is a building on a submitted application it will be returned.

What if it is a building on wheels?

Unless it meets one of the exceptions (camping trailer or recreational vehicle) it is not allowed.

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ACCESS TO OPEN-MFL

What if there is an already submitted map that shows the access route not the location of the initial sign?

Handbook states that the access route should be generally shown. If a submitted map shows this instead of the new guidance to indicate the location of the sign, do not return to ask the CPW to update it. Moving forward please suggest that CPWs use the location of the sign instead.

If the location of the access isn't shown on the map, a general comment should be included to indicate how the public should access. Note: having clear guidance to the public on maps should reduce calls from the public on how to access land.

What if the landowner cannot get an agreement that allows them to sign the access route?

Access that is limited needs to be signed. If the landowner cannot obtain an agreement that allows them to sign the access the land cannot be designated as open-MFL.

Don't we need to see a copy of the agreement or easement?

No, we cannot and should not be requesting copies of these documents (in fact they are not required to have a physical copy of an agreement or easement). We can and should be working with the CPW and landowner to ensure that there is adequate access (i.e. ask them what the access is and make sure the map is clear). Enforcement will occur as we hear of instances where the public is unable to access the land.

Doesn't the access have to be on foot?

Yes. Access must be on foot from a public road or other land open to public access. Navigable waters do not count as land open to public access.

Doesn't the access have to be reasonable?

If public access to open managed forest land is available solely by crossing contiguous land of the owner which is not entered as managed forest land, contiguous managed forest land of the owner which has been designated as closed, or an access by easement or otherwise, the owner may limit the public access across such land or access way to a reasonable corridor or location, which is signed.

When does the sign need to be in place?

Required signs need to be in place by January 1st (effective date). If signs are not in place at that time, enforcement should be initiated.

What if the access route changes over time?

When access routes change the forestry specialist should be notified if a map update is required. If the access route changes, but the location of the initial sign on the map did not change (and that is how they showed access on the map), the DNR does not need to be notified.

Who is responsible for maintaining public access signs, if required?

The owner of the open-MFL land.

What information does the "initial sign" need to include?

Enough information for the public to be able to access the open-MFL from the guidance on the sign. This may require more information that what is detailed in the handbook. The handbook will be updated accordingly.

Are navigable waters considered open to public access for the purpose of meeting the public access requirements for lands designated as open-MFL?

No, navigable waters are not considered generally open to public access.

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RENEWALS

Can land be eligible for a renewal if it currently has an overdue practice?

If the landowner is working on coming into compliance and the overdue practice is scheduled early in the new plan they are eligible. If the practice can or should be rescheduled they are in compliance. If they choose not to do the practice and it is needed for sound forestry, they are not in compliance and are not eligible for renewal.

Can CPWs submit maps for small acreage withdrawals that make land eligible for a renewal?

Yes, we can request that CPWs submit maps for these withdrawals to make land eligible for a renewal (or we can use the map uploaded into WisFIRS for the renewal- the order number would need to be adjusted).

When I read "update existing management plan," it sounds as if they do not need to file an application/would not be assigned a new order number. It sounds as if the CPW can go into WisFIRS and update stand recon data under the old order number, which is not correct. Can we delete 'update the existing plan' or further clarify what this means?

Existing management plans may be updated throughout the order. While at this time CPWs do not have access to update plans in WisFIRS themselves, this is something that will be addressed in WisFIRS in the future. As of now, if CPWs would like to provide information to update an existing plan they will need to work through their local forestry specialist who would update the management plan (data confirmation and entry- TLAS may be able to help with this as well).

“Updating existing management plans” is an option because it may allow for existing entries to be up to date at the time of renewal application, and then the CPW would just need to copy over the plan and submit the application. CPWs are needed to submit any application, and all entries need an application to be considered for designation. The management plan is just one component of the application process. Essentially this just gives more options/flexibility to landowners. Alternatively, at the time of renewal a CPW could just start from scratch instead of copying over and updating an existing management plan.

What is a renewal?

A renewal is all/any land being reentered into the MFL program after a previous enrollment expires without returning to the regular property tax roll. Parcels that are less than 20, but more than 10 acres, may be grandfathered in as a renewal if they meet certain additional eligibility requirements (identical).

Once a renewal of less than 20 acres has been designated can acreage be added to that order at a later time?

Yes, once the order is effective they are eligible for all aspects of the program.

Can landowners add land to a renewal application rather than waiting a year to add it if even with the addition it is less than 20 acres?

No, the parcel must be identical if it is less than 20 acres. Landowners could add the land in the previous year and it would be considered identical.

What if the current ownership is not the same as the land that is expiring?

When starting a new plan by copying owner and land from an expiring plan, you may run in to situations where the current ownership is not the same as the land that is expiring. In most cases, a change of ownership form is required to get the expiring order to match the current ownership. However, it is not necessary to wait for the transfer to be processed to begin work on the new plan. On the landowner page of the new plan, the CPW simply needs to search for the current owners, and if found, add them to the plan. If not found, simply create the new owner records and add them to the plan. Identify the primary contact, and then remove any owners that are not part of the current ownership.

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ADDITIONS

How should stand numbers be done for an addition?

See page 20-61 of the handbook: If the timber types and supporting recon data for the stands in the addition are different from the original order, use the next consecutive number available. For example, if the original order included stands 1, 2 and 3, then the stand number for the addition should start with stand 4. If the timber type and supporting recon data for the stands in the addition are the same as the original entry, the stand acreage must reflect

the additional acreage only. (note- there is an error on this page in the handbook related to only including acres for the addition)

Can land that is added to an existing order be subsequently split and transferred?

Yes, the entire order is it is eligible for transfers and withdrawals just like any other entry.

Why can added land not have a building at the time of entry, but the landowner can build a building after it is entered if it follows building criteria for the specific year of entry (pre-2017)?

Per statute, when land is “designated as MFL,” as it is when it is added to an existing entry, all the new eligibility requirements apply. Once added, if it is a pre-2017 entry the landowner can build on the addition because the addition takes on all rules and tax rates of the existing entry.

If the entire addition is in a different section than the existing entry, does the CPW need to update the existing map?

No. In this case since the existing entry map is not impacted by the addition, the existing map does not need to be updated.

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APPLICATIONS – GENERAL

How should trust names be entered in WisFIRS?

The standard practice for entering the ownership name of trusts is as follows. Care should be given to avoid creating duplicate records in the WisFIRS system. If you know the owners have other land in the MFL program, make sure to find the existing owner records. TIP: when searching for the owner, use the drop-down to search for a name that “contains” the last name or other identifying words. Use as few words as possible and avoid searching for punctuation. For example, if the deed reads “John N. Doe and Jane P. Doe as trustees of the John N. Doe and Jane P. Doe Trust dated May 1, 2009”, try searching for a trust name the contains the word “Doe”.

In the above example, the preferred naming convention would be the “John N. Doe and Jane P. Doe Trust”. Do not include the trustee names as part of the ownership name. It is also preferred that you not include the date of the trust unless it is necessary to distinguish the trust from another trust with the same name.

When should you and when you should not upload CSM documents in WisFIRS?

Certified Survey Maps (CSMs) create lots and outlots that the counties use as legal descriptions of the land. The counties use these legal descriptions in the tax parcels and require the CSM identification if any of the land within the survey is being included in the Managed Forest Law (MFL) program. CSMs should only be uploaded in WisFIRS if any part of the land within the survey is being enrolled in the MFL program. CSMs for land being excluded from MFL entry might be helpful, but should NOT be uploaded as a CSM document in WisFIRS. If you feel the CSM of non-MFL land is important enough to include I would suggest uploading it as a “Survey Map (Not CSM)”. CSMs may not be identified on a deed if the CSM was created after the deed was issued. The tax bill will usually show if a CSM is included in the tax parcel.