

CHAPTER 31

TAX LAW DISPUTE RESOLUTION PROCESS

The tax law dispute resolution process (DRP) is a voluntary process which has been designed as a stepped process that facilitates win – win solutions as frequently and as quickly as possible.

SCOPE OF THE PROCESS:

For land enrolled in the Managed Forest Law (MFL) or Forest Crop Law (FCL), the DRP has been designed to determine if proposed or completed practices adhere to the principles of sound forestry as outlined in WDNR Handbooks and directives and are consistent with the landowner objectives as stated in the management plan. Examples of situations where disputes may occur include but are not limited to; order of removal, residual basal area, residual size distribution, productivity requirements, oak wilt restrictions, adequacy of regeneration present or regeneration techniques integrated into the practice, how BMP guidelines are applied, and/or restrictions on the type of equipment used. The DRP can be initiated by any involved party disagreeing with a decision made to approve/reject one of the following:

1. MFL management plan
2. MFL management plan amendment
3. Cutting notice
4. After receiving a complaint (i.e. from landowner, consultant, logger, member of the public, neighbor, etc.) the DNR forester evaluates and determines sound forestry consistent was not implemented within MFL/FCL guidelines, the management plan and landowner's objectives.
5. When DNR Forester identifies concerns with how cutting notice was implemented when signing the cutting report or visiting the site to update the forestry inventory.

Approval of the final cutting report by a DNR forester does not preclude any further actions outside of the dispute resolution process by the Department if new substantial information comes to light after the fact.

DRP and completed timber sales: If there is a question as to whether or not a completed timber sale followed sound forestry practices within MFL/FCL guidelines, the management plan and landowner's objectives, it should proceed directly to the second level of the DRP (a panel of forestry experts).

DRP panel recommendations: In all cases the recommendations or determination of the panel of experts is provided to the State Forester for his review and final decision.

This DRP is **not** designed to be used in the following instances:

1. On state, county and federal lands or private lands that are not in MFL or FCL.
2. Issues related, but not limited to: MFL eligibility (except for productive requirements), business practices of cooperators, and/or timber theft.
3. After the forestry inventory has been updated by the DNR forester following a timber sale.
4. By parties who are not involved in the writing of a management plan or its implementation (e.g. a third-party who was not hired by the landowner but is concerned that sound forestry is not being practiced).
5. If the landowner of the involved property does not agree to participate in the process. The landowner then has the following options which are outside the DRP:
 - a. Accept the Department's decision and make needed changes (or direct their contractor) to the management plan, plan amendment or cutting notice as determined by DNR to ensure sound forestry is being planned/implemented within MFL/FCL guidelines, the management plan and landowner's objectives..
 - b. For an active timber sale that is operating under a pre-approved cutting notice - if the landowner allows the timber sale to be completed without modifications requested by the department, then the landowner assumes the risk that at a later date the property may be withdrawn from the program for failure to implement sound forestry practices.
 - c. Request a contested case hearing under ch 227.42, Wis. Stats. and meet the conditions required for a hearing to be granted, or seek other legal or equitable relief as they or their attorneys believe is legally available.

RESPONSIBILITIES:

DRP Administrator: A third-party contractor that assumes oversight of the DRP.

Responsibilities include;

1. Act solely as the administrator of the DRP. It is not the responsibility of the DRP Administrator to attempt to get the parties to come to resolution or act in other mediation type activities within the DRP.
2. Administer the list of Forestry Mediators including soliciting applicants, determining if qualification standards are met by applicants, facilitating selection of qualified applicants by the Chair and Vice Chair of the Council of Forestry and the State Forester, determining which counties Mediators are willing to work in, developing summaries that detail Mediators' and Experts' qualifications and experience, and ensuring all materials are up-to-date.
 - a. Obtain background releases from applicants and work with the DNR's Private Lands Forestry Law Enforcement Specialist to conduct necessary checks for violations of Chapter 26, Wis. Stats. or any county or local ordinances directly addressing forestry practices.
3. Facilitate selection of the Mediator and panel of Experts by the parties involved in the dispute per the DRP procedure.
4. Ensure that required reports and associated materials are provided by the Mediator and Expert Panel.
5. Distribute submitted materials to Mediator, Expert Panel and involved parties (sharing of fact finding materials).
6. Distribute copies of Mediator's and Expert Panel's reports and associated materials to involved parties.
7. Ensure that all parties adhere to the DRP timelines.
8. Ensure that the landowner is notified that a DRP involving their property has been initiated and that the landowner agrees to involved.
9. By February 1st of each year provide a report on the use of the DRP to the Council on Forestry. The report will include; the number of disputes, analysis of types of disputes, who was involved including statistics on number initiated and by whom (cooperator, logger, landowner), number approved and not approved to enter process, number ending with step one (working with Mediators) and duration of process, number going to step two (Expert Panel) and duration of process and recommendations of the Expert Panel, feedback received from participants and any other pertinent information.
10. Ensure that in February of even numbered years the DRP is analyzed for process improvements and lessons learned and provide recommendations to address unforeseen complications in its administration.

Involved Parties: DNR Foresters, Landowners, Consulting Foresters, Cooperating Foresters, and Loggers

1. Approach the DRP process in good faith with a willingness to resolve the issues.
2. Agree to all the procedural terms of this process and understand that failure to do so may result in termination of the DRP. If termination of the process occurs, it cannot be used again for the same or substantially related dispute.
 - a. Cooperating Foresters understand that the Expert Panel may determine that the DNR should assess whether or not they were adhering to their Cooperating Forester agreement. The Department may use the information, recommendations and determinations resulting from the DRP in the assessment in lieu of or addition to the Cooperating Forester Resolution Process in the Private Forestry Handbook.
3. Be prepared to respectfully discuss the issues and to work toward a resolution of the dispute. It is the goal that the negotiating parties themselves arrive at a win-win resolution.
4. Answer any questions, provide any requested materials, and comply with any instructions provided by the Mediator or Expert Panel.
5. Be available in person and provide access to the site.
6. Not cross-examine or inappropriately question the other party.
7. Be allowed to provide such evidence to, and as directed by, the Forestry Mediator or Expert Panel as they believe relevant to support their position.

Forestry Mediators (Mediator): (See qualifications in Appendix 13 A)

The role of the forestry Mediator is to provide neutral third party expertise in contested forestry matters as specified as part of the DRP. This means he/she will;

1. Be impartial and fair to all parties involved. Leave any affiliation "at the door".
2. Facilitate discussions and communications between the parties. The goal is to help the parties reach an equitable settlement of their differences.
3. Probe issues and confirm understandings to ensure that the participants and the Mediator have a full understanding of the issue.

4. If needed, may conduct joint sessions with the parties as well as individually to gain balanced insight into the issues of both parties.
5. Adhere to the DRP and associated guidelines and timelines. The parties are in charge of the outcome.
6. Aid in the discussions by asking questions to gain an understanding of the issues, helping the parties understand the other person's point of view, discussing weaknesses in the arguments of the parties, and making suggestions to solve the conflict. The Mediator, however, will not make the decisions.
7. Ensure that the discussion regarding sound forestry practices is based upon the silvicultural guidelines in DNR handbooks and directives under which the MFL and FCL programs operate and are consistent with the management plan and the landowner's objectives.
8. Provide necessary documentation as outlined in this guidance.

Experts: (See qualifications in Appendix 13 B)

1. Be impartial and fair to all parties involved. Leave any affiliation "at the door".
2. Ensure that recommended solution(s) or, in the case of completed timber sales, that the determination of whether sound forestry was practiced is based upon the silvicultural guidelines in DNR handbooks and directives under which the MFL and FCL programs operate and consistent with the management plan and the landowner's objectives.
3. In the cases involving cooperating foresters determine if the actions of the cooperating forester were pronounced enough to warrant recommending that the Department further assess whether or not they were adhering to their Cooperating Forester agreement.
4. Probe issues and confirm understandings to ensure the Expert Panel has a full understanding of the issue.
5. Ensure that the dispute resolution process adheres to the timelines outlined in this guidance.
6. Provide necessary documentation as outlined in this guidance.

DISPUTE RESOLUTION PROCESS STEPS FOR MANAGEMENT PLANS, MANAGEMENT AMENDMENTS, CUTTING NOTICES, AND ACTIVE TIMBER SALES:

The following process is to be followed for disputes involving management plans, management amendments, cutting notices and active timber sales. In these situations the question to be addressed is, “What compromises can be identified so that both parties can agree that sound forestry is taking place within the MFL/FCL guidelines and consistent with the management plan and the landowner’s objectives?”

I. Initiation of Process:

- A. The initial request for a Forestry DRP is made to the DRP Administrator. The DRP Administrator has 3 days¹, if practicable, (inclusive of the day of contact if that day is a work day) to:
1. In consultation with the DNR Private Lands Forestry Mediator, decide if issue is within the scope of this process.
 - a) Information to be submitted by initiator of DRP:
 - (1) Parties involved
 - (a) Documentation showing the landowner, if not the initiator, agrees to allow access to property for the dispute resolution process.
 - (b) Property identifier/landowner/legal description/order#/stand#
 - (c) Problem from initiator’s perspective
 - (d) Who else is involved, if anybody, and to what extent
 - (e) Extenuating circumstances, if any
 2. The DRP Administrator utilizes a randomized list to determine three Mediators that are willing, available and do not have conflict of interest or a potential perception of conflict of interest with either involved party.
 3. Work with involved parties to select the Mediator.
 - a) DRP Administrator will provide the parties with a list of three Mediators and a summary of their qualifications and experience. If they choose to do so, each party has 24 hours, if practicable, to strike one of the Mediators. If at the end of the striking process more than one Mediator remains then the DRP Administrator will select the Mediator.
 - (1) The Mediators will be notified by the DRP Administrator that they were not selected.
- Or
- b) The two parties can mutually agree to a Mediator from the list.
 - (1) The parties must immediately notify the DRP Administrator that they are utilizing this method for choosing the Mediator.
 - (2) Within 1 day, the parties must provide the names of 3 Mediators to which they mutually agree to the DRP Administrator.
 - (3) Within 2 days, the DRP will work through the list of 3 Mediators provided by the parties until one indicates he/she is willing, available and does not have conflict of interest or a potential perception of conflict of interest with either involved party.

¹ Days = work days, Monday – Friday, not including state holidays. Wisconsin State Holidays: New Year's Day (*January 1*), Martin Luther King Jr.'s Birthday (*Third Monday in January*), Memorial Day (*Last Monday in May*), Independence Day (*July 4*), Labor Day (*First Monday in September*), Thanksgiving Day (*Fourth Thursday in November*), Christmas Eve Day (*December 24*), Christmas Day (*December 25*), New Year's Eve Day (*December 31*).

II. Resolution with help of Forestry Mediator - LEVEL 1:

- A. As soon as possible, within a 10 day maximum, after being notified of being assigned the case, the Mediator will:
 - 1. Contact involved parties and gather needed information.
 - 2. Arrange and facilitate meeting(s) (in person or tele conference) to discuss issue(s) and associated alternatives/compromises.
 - 3. Visit site if Mediator deems it is necessary for reaching agreement.
 - 4. The Mediator or the Parties can ask to involve forestry experts (e.g. Silviculturist), if agreeable to both parties.
- B. If agreement is reached, the Mediator will:
 - 1. Immediately, notify the DRP Administrator of agreement and verbally summarize how it was achieved (i.e. what actions the parties agreed to).
 - a) The DRP Administrator will notify the landowner of the agreement and solicit feedback from the involved parties in regards to:
 - (1) Fairness and timeliness of the process
 - (2) Performance of the Mediator
 - (3) Suggestions on how the process could be improved
 - (4) If they would use the process again or recommend it and if not, why
 - (5) Any other information deemed valuable by the Administrator, Council on Forestry or DNR
 - 2. Within 2 days, if practicable, the Mediator will:
 - a) Provide to the DRP Administrator a written report (electronic or hard copy) summarizing the disagreement, how it was resolved and all materials provided by the involved parties.
 - 3. The DRP Administrator will send the entire package to the DNR Private Lands Forestry Mediator for inclusion in a case study library. Versions of the case study that have the identifying information redacted will be made publically available. A copy of the report will be provided to the involved parties including the landowner.

III. Solution Identified by Forestry Expert Panel - LEVEL 2 (If the dispute was not resolved with help of Forestry Mediator)

- A. Within 1 day, if practicable, of the Mediator knowing that resolution is not possible, he/she will notify the DRP Administrator that the disagreement will be advancing to the process's second step; a DRP Forestry Expert Panel (Panel).
 - 1. Within 2 days, if practicable, (simultaneous with B – determining pool of experts) after notification, the Mediator will develop a summary of the issue, solutions offered/discussed that, in the opinion of the Mediator, met the criteria for sound forestry under MFL and FCL and which are consistent with the management plan and the landowner's objectives, as well as any evidence provided by the parties.
- B. The DRP Administrator has 3 days, if practicable, from notification from the Mediator to determine pool of available experts for the Panel.
 - 1. For each dispute, the DRP Administrator randomizes the list of experts and works through the list contacting individuals until the Administrator has 5 that are available, willing and without a conflict of interest or a potential perception of conflict of interest.
- C. The DRP Administrator will then work with involved parties to select the three experts.
 - 1. DRP Administrator will provide the parties with the list of five experts. If they choose to do so, each party has 2 days to strike one of the experts. If at the end of the striking process, more than three experts remain then the DRP Administrator will randomly select the three experts.
 - a) The experts will be notified by the DRP Administrator that they were not selected.
- D. Immediately, if practicable, after the Panel membership is agreed to by the parties, the DRP Administrator will provide the Panel with the Mediator's written summary of the issue and any evidence provided by the parties.
- E. As soon as possible, within a 15 day maximum, after receipt of the Mediator's summary of the issue and any evidence provided by the parties the Panel will:

1. Conduct a site visit, if necessary. The parties (or their representative) should be invited to the site visit, but their attendance is not mandatory.
 - a) Once a site visit is requested by the Panel, the DRP Administrator will make the necessary arrangements (i.e. determining available date and time) for site visit.
2. No fewer than five days prior to the site visit, a Panel member can request the DRP Administrator provide additional material(s). Any resulting materials will be provided by the DRP Administrator to all Panel members.
 - a) If at the site visit additional materials are identified as being needed, parties must provide them to DRP Administrator within three days, if practicable, after the site visit.
3. The Panel will review all of relevant evidence collected during the Forestry DRP process, meet (in person or via conference call) to discuss and vote on the solution to recommend to the State Forester and if involved, whether the actions of the cooperating forester were pronounced enough to warrant recommending that the Department further assess whether or not they were adhering to their Cooperating Forester agreement.
4. The Panel will provide the majority recommendation in writing, supported by any relevant evidence, to the DRP Administrator.
 - a) Included with the recommendation will be an explanation of the minority opinion, if one exists.
5. The DRP Administrator will promptly send the recommendation along with any supporting materials to the State Forester with copies to the parties including the landowner.
6. If the State Forester seeks additional clarification on the Panel's recommendation, the State Forester may convene the Panel. This should occur within 5 days, if practicable, of receipt of Panel's recommendation.

IV. State Forester Decision:

- A. The State Forester will render a written decision as soon as practicable after receipt of the Panel's recommendation, which would include a description of the applicable appeal rights.
- B. The State Forester will send the written decision to the involved DNR staff and the DRP Administrator. The DRP Administrator will disseminate the decision to the other involved parties, including the landowner.
 1. The DRP Administrator will package the Panel recommendation with all other relevant materials (i.e. Mediator report) and send to the DNR Private Lands Forestry Mediator for inclusion in a case study library. Versions of the case study that have the identifying information redacted will be made publically available.
 2. The Department will review the findings and take the appropriate action with respect to Department staff. Recommendations for further evaluation of a Cooperating Forester's adherence to the Cooperating Forester Agreement will be forwarded to the DNR Private Lands Forestry Mediator for further action as deemed appropriate by State Forester.
- C. The DRP Administrator will promptly solicit feedback from the involved parties in regards to:
 1. Fairness and timeliness of the process
 2. Performance of the Mediator
 3. Suggestions on how the process could be improved
 4. If they would use the process again or recommend it and if not, why
 5. Any other information deemed valuable by the Administrator, Council on Forestry or DNR.

DISPUTE RESOLUTION PROCESS STEPS FOR COMPLETED TIMBER SALES:

In these situations the ability to compromise is no longer present, therefore the question being asked is, “Did sound forestry practices take place within the MFL/FCL guidelines, the management plan and landowner’s objectives?”

I. Initiation of Process:

- A. The initial request for a Forestry DRP is made to the DRP Administrator. The DRP Administrator has 5 days (inclusive of the day of contact if that day is a work day) to:
 - 1. In consultation with the DNR Private Lands Forestry Mediator, decide if issue is within the scope of this process.
 - a) Information to be submitted by initiator of DRP:
 - (1) Parties involved
 - (a) Documentation showing the landowner, if not initiator, agrees to allow that a dispute resolution process.
 - (2) Property identifier/landowner/legal description/order#/stand#
 - (3) Problem from initiator’s perspective
 - (4) Who else is involved if anybody and to what extent
 - (5) Extenuating circumstances, if any
 - 2. Notify the landowner.

II. Determination by Forestry Expert Panel whether or not sound forestry practices were followed within the MFL/FCL guidelines, the management plan and landowner’s objectives.

- A. Once it has been decided that the dispute is appropriate and ripe for this process, the DRP Administrator has 5 days, if practicable, determine pool of available candidates for the Panel.
 - 1. For each dispute, the DRP Administrator randomizes the list of experts and through the list contacting individuals until the Administrator has 5 that are available, willing and without a conflict of interest or a potential perception of conflict of interest.
 - 2. The DRP Administrator will then work with involved parties to select the three experts.
 - a) DRP Administrator will provide the parties with the list of five experts. If they choose to do so, each party has 2 days to strike one of the experts. If at the end of the striking process, more than three experts remain then the DRP Administrator will randomly select the three experts.
 - (1) The experts will be notified by the DRP Administrator that they were not selected.
- B. Within 5 days after the Panel membership is agreed to by the parties, the DRP Administrator will provide the Panel with the materials provided by the initiator.
- C. The Panel will conduct a site visit, within 15 days of receipt of the materials. The parties (or their representative) should be invited to the site visit, but their attendance is not mandatory.
 - 1. The DRP Administrator will make the necessary arrangements (i.e. determining available date and time) for site visit.
- D. No fewer than 5 days prior to the site visit, a Panel member can request the DRP Administrator provide additional material(s) deemed needed by the expert. Any resulting materials will be provided by the DRP Administrator to all Panel members.

1. If at the site visit additional materials are identified as being needed, parties must provide them to DRP Administrator within 5 days after the site visit.
- E. The Panel will review all of relevant evidence collected during the DRP process, meet (person or conference call) to discuss and vote on whether or not sound forestry was practiced within the MFL/FCL guidelines, the management plan and landowner's objectives and if involved, the actions of the cooperating forester were egregious enough to warrant recommending that the Department further assess whether or not they were adhering to their Cooperating Forester agreement.
- F. Within 10 days of the site visit, whenever practicable, the Panel will provide the majority determination in writing, supported by any relevant evidence to the DRP Administrator. Included with the determination will be an explanation of the minority determination, if one exists.
- G. The DRP Administrator will promptly send the determination and any supporting materials to the State Forester with copies to the parties including the landowner.
- H. If the State Forester seeks additional clarification on the Panel's determination, the State Forester may convene the Panel, but this should occur within 15 days, if practicable, of receipt of Panel's recommendation.

III. State Forester Decision:

- A. The State Forester will render a written decision within 15 days, if practicable, of receipt of the Panel's determination, which would include a description of the applicable appeal rights.
- B. The State Forester will send the written decision to the involved DNR staff and the DRP Administrator. The DRP will disseminate decision to the other involved parties, including the landowner.
 1. The DNR Private Lands Forestry Mediator will copy the materials for inclusion in a case study library. Versions of the case study that have the identifying information redacted will be made publically available.
 2. The Department will review the findings and take the appropriate action with respect to Department staff. Recommendations for further evaluation of a Cooperating Forester's adherence to the Cooperating Forester Agreement will be forwarded to the DNR Private Lands Forestry Mediator for further action as deemed appropriate by State Forester
- C. The DRP Administrator will promptly solicit feedback from the involved parties in regards to:
 1. Fairness and timeliness of the process
 2. Performance of the Mediator
 3. Suggestions on how the process could be improved
 4. If they would use the process again or recommend it and if not, why
 5. Any other information deemed valuable by the Administrator, Council on Forestry or DNR.

FORESTRY MEDIATOR QUALIFICATIONS

Forestry Mediators are to facilitate discussions and communications between the parties in order to help the parties reach an equitable settlement of their differences. If the parties cannot settle their differences, then the Mediator must capture the solutions discussed. Mediators must ensure that the discussion, possible solutions and resulting settlement regarding sound forestry practices is based upon the silvicultural guidelines in DNR handbooks, directives under which the MFL and FCL programs operate, and are consistent with the management plan and landowners objectives.

In January of each year, the DRP administrator will solicit for applicants and confirm that applicants have the minimum experience necessary. The Administrator will facilitate selection of Mediators by the Chair and Vice Chair of the Council of Forestry and the State Forester. This effort should result in a list that contains qualified and respected Mediators who have a variety of expertise. The list should contain an adequate number to provide a minimum pool of three Mediators for each county.

Minimum Standard:

- a. Has a minimum of 7 years professional forestry work and has an applied working knowledge of the Wisconsin Forest Tax Law Programs and application of the guidelines within the Division of Forestry's Silviculture Handbook.
- b. Three references from individuals who can attest to the applicant's track record of professional forestry work experience involving Wisconsin's forest tax law programs and application of the guidelines with in the Division of Forestry's Silviculture Handbook and/or successfully resolving disputes, either within forestry, natural resources, or other areas of dispute resolution.
- c. Has not been convicted in past 10 years of violations of Chapter 26, Wis. Stats. or any county or local ordinances directly addressing forestry practices.

Additional Qualifications which may be considered:

1. Has numerous clients whose property is enrolled in MFL or FCL
2. Has established or administered numerous MFL/FCL timber sales
3. Has written or approved numerous MFL management plans
4. Has established or administered timber sales on State or County Forests
5. Has training or experience in dispute resolution/mediation
6. Has worked with a diversity of clients: landowners, loggers, mills, consultants and DNR foresters
7. Is a member of a professional forestry organization (SAF, GLTPA, WCF, WWOA or ACF)
8. Has held a leadership position within a professional forestry organization (SAF, GLTPA, WCF, WWOA or ACF)
9. Is a SAF Certified Forester
10. Is a Cooperating Forester in good standing
11. Is a Certified Plan Writer in good standing
12. Is a USDA Forest Service Certified Silviculturist
13. Is an auditor for a certification system (SFI[®], FSC[®] or ATF[®])

Appendix 13 B

QUALIFICATIONS FOR FORESTRY EXPERTS

Forestry Experts are responsible for determining what changes, if any, must take place in order for sound forestry to be practiced or in the case of a completed timber sales to determine if sound forestry was practiced. These determinations must be based upon the silvicultural guidelines in DNR handbooks, directives under which the MFL and FCL programs operate the management plan and the landowner's objectives. Determinations must explain in silvicultural terms why or why not sound forestry is (was) being practiced.

In January of each year, the DRP Administrator will create a list of experts by soliciting a minimum of 3 and a maximum of 6 nominations from each of the following organizations: *DNR, WWOA, WCF, GLTPA, and SAF*. Other professional forestry organizations (e.g. Wisconsin Paper Council, Lake State Lumber Association, and Association of Consulting Foresters) may also nominate up to 6 individuals. The organizations must ensure that the nominated people have the qualifications identified for Experts. This effort should result in a list that contains qualified and respected Experts who have a variety of expertise and provides an adequate number to provide a minimum pool of five Experts in each of the four Districts of the Division of Forestry.

- (a) Individuals can be on the Mediator list and the Expert Panel list, but an individual cannot serve as both a Mediator and an Expert on the same dispute.
- (b) Organizations may nominate the same individual.
- (c) Selection of an Expert to be included in the pool of Experts shall be unanimous.
- (d) A pool of five candidates cannot contain more than one current DNR employee.

Minimum standard:

- a. Bachelor's or higher degree in forestry from a school with a curriculum accredited by the Society of American Foresters or a substantially equivalent degree¹ or an associate's degree in forestry from a school with a curriculum accredited by the Society of American Foresters.

AND

- b. Has a minimum of 10 years professional forestry work and has a working knowledge of the Wisconsin Forest Tax Law Programs and application of the guidelines within the Division of Forestry's Silviculture Handbook.

AND

- c. Has not been convicted in past 10 years of violations of Chapter 26, Wis. Stats. or any county or local ordinances directly addressing forestry practices.

Additional Qualifications which may be considered:

- 1. Has numerous clients whose property is enrolled in MFL or FCL
- 2. Has established or administer numerous MFL/FCL timber sales
- 3. Has written or approved numerous MFL management plans
- 4. Has established or administered timber sales on State or County Forests
- 5. Has training or experience in dispute resolution/mediation
- 6. Has worked with a diversity of clients: landowners, loggers, mills, consultants and DNR foresters
- 7. Is a member of an organization focused on individuals involved in forestry. (SAF, GLTPA, WCF, WWOA and ACF)
- 8. Has held a leadership position within an organization focused on individuals involved in forestry (SAF, GLTPA, WCF, WWOA or ACF)

¹ A substantially equivalent degree as determined by the chief state forester and including a minimum of eleven courses across four broad areas of study. The list of these courses can be found in the educational requirements of the Cooperating Forester Program. <http://dnr.wi.gov/topic/ForestManagement/coopTraining.html#eligibility>

9. Is a SAF certified Forester.
10. Is a Cooperating Forester in good standing
11. Is a Certified Plan Writer in good standing
12. Is a USDA Forest Service Certified Silviculturist
13. Is an auditor for a certification system (SFI[®], FSC[®] or ATFS[®])

Appendix 13 C

TIMING OF DISPUTE RESOLUTION PROCESS

DRP for Management Plans, Management Amendments, Cutting Notices and Active Timber Sales:

Step	Step Length (Days)	Process Total (Days)
Decision re: scope/ripeness	2	2
Section and Work of Mediator	12	14
Notification of Continuation to Panel	1	15
Determine Pool of Experts	2	17
Selection of Experts	2	19
Work of Panel	15	34
Convening of Panel by State Forester, if needed	5	39
Total	39	39
Decision by State Forester	ASAP	

*The step length is the maximum time allowed, if practicable. Steps may be completed in a shorter time period.

Process for Completed Timber Sales:

Step	Step Length (Days)	Process Total (Days)
Decision re: scope/ripeness	5	5
Determine Pool of Experts	5	10
Selection of Experts	2	12
Work of Panel	15	27
Provide materials to Panel	5	32
Conduct site visit	15	47
Make determination	10	57
Convening of the Panel by State Forester, if needed	15	72
Total	72	72
Decision by State Forester	ASAP	