Zoning Ordinances

Counties, cities, villages and towns may have ordinances in place that could affect your timber harvest. It is your responsibility to know your local ordinances and what regulations you may need to follow. Local ordinances may not prohibit forest management activities, but they may place reasonable restrictions on the activities, such as regulating the height and location of slash piles near roads.

The most common situation in which a zoning ordinance may affect forest management activities is with a shoreland zoning ordinance. Shoreland areas include lands within the greater distance of:

- 1,000 feet of lake or flowage, or
- 300 feet of a river, or
- to the landward side of the floodplain.

Counties are required to adopt shoreland zoning ordinances that regulate activities within shoreland areas, including removal of shoreland vegetation. A permit may be required or special regulations may apply when harvesting timber within the shoreland buffer zone – typically within 35 feet of the ordinary high water mark. Some areas have adopted more protective buffer provisions. Local ordinances may also require landowners to follow Forestry Best Management Practices (BMPs) for water quality.

Special provisions on timber harvesting are also applicable on the St. Croix River in northwest Wisconsin and on the Lower Wisconsin River in southern Wisconsin.

The St. Croix and Lower Wisconsin Rivers have special tree harvesting provisions.

Burning Permits

Although not typically part of a timber harvest, in some instances piles of slash or other woody debris may be burned at the conclusion of a timber harvest. Burning permits are required by the DNR in many parts of the state to conduct outdoor burning. Wisconsin laws prohibit anyone from burning oily substances, such as greasy rags or oil filters, asphalt, plastics, and rubber products, such as tires and hoses. Burning permits may also be required by local ordinances.

Permits are necessary because of air quality concerns and the danger of forest fires. Depending on the time of year and local conditions, outdoor burning may be banned, such as during extremely dry periods. Fire danger is generally highest during early spring and mid-fall.

To apply for a free DNR burning permit, contact your local DNR office or Emergency Fire Warden. For burning permits required by local communities, contact your local Fire Department or local government office.

The purpose of this publication is to inform, not to advise. It is recommended that you seek professionals knowledgeable about the specifics of your woodland and applicable regulations prior to implementing any forest management activities on your property.

This publication is available from Wisconsin Department of Natural Resources, Division of Forestry, PO Box 7921, Madison, WI, 53707.

For additional information, call (608) 267-7494 or visit our web-site at: www.dnr.wi.gov/org/land/forestry

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This publication is available in alternative format upon request. For additional information, call (608) 267-7494.

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Do I Need a Permit for . . .

. . . Harvesting Timber?

For many woodland owners, deciding to harvest timber is one of the biggest decisions that they will make regarding their property. The harvest may be designed to protect the health of the woods, to improve wildlife habitat or to provide income to the landowner.

Once you decide to set-up a timber harvest, there are some regulations that you need to be aware of and follow. It is important to make sure that all permits and notifications are properly filed to avoid any potential regulatory or legal problems.

For timber harvests, there are three common types of regulations that may affect your project:

- ✔ Cutting notices
- ✔ Zoning ordinances
- ✔ Burning permits

Cutting Notices

There are two types of cutting notices that a landowner may need to file. One is a county cutting notice and the other is a DNR cutting notice and report.

County Cutting Notice

Under state law, anyone harvesting timber (except for firewood, boughs, or up to five Christmas trees) is required to file a cutting notice with the County Clerk at least 14 days before harvesting begins. The notice must be filed in the county where the harvesting will occur. Notification to the county expires on December 31 of every year and cutting notices must be filed annually, if the cutting continues. County cutting notices are available from the County Clerk's office and many counties now have the forms available on-line. In some counties, you can also file the cutting notice with a phone call.

If you have unpaid property taxes on the land, the county may deny permission to harvest.

DNR Cutting Notice and Report

Landowners that are enrolled in the Managed Forest Law Program or the Forest Crop Law Program must file a cutting notice and report with the DNR. At least 30 days before harvesting begins (except for firewood for personal use), you need to notify the DNR of the proposed cutting (part A of the form).

Within 30 days after the cutting is complete, the cutting report (part B of the form) must also be filed. The harvested volumes of timber are recorded on the cutting report.

The forms are filed with the DNR forester in the county in which your land is located. Your local DNR forester can supply with the cutting notice and report form. It is also available on the DNR's web-site.

The cutting notice and report are used to track forest products harvested from MFL lands and to ensure that the harvests are following the property's management plan. The DNR also uses the notices to watch for possible timber theft activity (when foresters observe trees being cut on land where the owner has not indicated an intent to remove timber) and for planning fire control work.

Landowners may not cut merchantable timber on lands with delinquent property taxes or unpaid yield/severance taxes.

Forestry Best Management Practices for Water Quality

Always be sure to follow Forestry Best Management Practices (BMPs) when planning and conducting a timber harvest. Using BMPs can help to limit any erosion or sedimentation associated with the timber harvest. Categories of BMPs include forest roads, skid trails, timber harvesting, riparian management zones, and wetlands.

Landowners enrolled in MFL agree to follow BMPs as part of their contract with the State. In addition, some communities reference the BMPs in their local zoning ordinances. Prior to conducting your timber sale, review the Wisconsin Forestry Best Management Practices for Water Quality Field Manual for more specific information that may apply to your property and sale. Consult with your forester and/or logger to make sure that they understand your BMP concerns.

Examples of some BMPs that may apply to your harvest include:

Harvesting

- Avoid operating equipment where excessive soil compaction and rutting may cause erosion that affects water quality.
- Fill in ruts, apply seed and mulch, and install sediment control structures and drainage structures on skid trails and landings where needed to prevent erosion and sedimentation into surface waters.
- Inspect soil stabilization practices periodically during and immediately after harvest operations to insure they are successful and remain functional.
- Do not pile slash into drainage areas where runoff may wash slash into streams, lakes, or wetlands.
- For winter harvesting, mark stream channels and existing culvert locations before snowfall.

A Riparian Management Zone was left as a buffer around this lake.

Riparian Management Zones (RMZs)

- Locate roads outside the RMZ unless necessary for stream crossings.
- Locate landings outside the RMZ.
- Do not move slash into or pile slash within the RMZ. Keep slash out of lakes and stream channels and away from areas where it may be swept into the water.

RMZs for Lakes and Navigable Perennial Streams (RMZ extends 100 feet landward of ordinary high water mark (OHWM))

- Do not operate wheeled or tracked harvesting equipment within 50 feet of the OHWM except on roads and stream crossings.
- Use selective harvesting and promote long-lived trees species appropriate to the site. Long-lived tree species include hardwoods such as sugar and red maple, white and black ash, elms, and oak; and conifers such as eastern hemlock, white pine, red pine, and white cedar.
- Harvesting plans should leave at least 60 square feet of basal area per acre in trees 5 inches diameter at breast height (DBH) and larger, evenly distributed.

RMZs for Navigable Intermittent Streams (RMZ extends 35 feet landward of OHWM)

- Operate wheeled or tracked harvesting equipment within 15 feet of the OHWM only when the ground is frozen or dry.
- Use selective harvesting and promote long-lived trees species appropriate to the site.
- Harvesting plans should leave at least 60 square feet of basal area per acre in trees 5 inches DBH and larger, evenly distributed.

Work with your forester or logger to ensure that all permits and notices are properly filed.

RMZs for Non-Navigable Streams (RMZ extends 35 feet landward of OHWM)

- Operate wheeled or tracked harvesting equipment within 15 feet of the OHWM only when the ground is frozen or dry.

Burning

- Avoid burning piles of slash in riparian management zones.

Additional Sources of Information

Additional information on the topics discussed in this publication are listed below. DNR publications are also available from your local DNR Service Center or by calling (608) 267-7494.

General

- Wisconsin Forest Management Guidelines, DNR Publication PUB-FR-226: http://dnr.wi.gov/org/land/forestry/publications/Guidelines/
- Conducting a Successful Timber Sale, DNR Publication PUB-FR-254: http://clean-water.uwex.edu/pubs/forest.htm
- Wisconsin's Forestry Best Management Practices for Water Quality Field Manual, DNR Publication PUB-FR-093: http://dnr.wi.gov/org/land/forestry/usesof/bmp/bmpfieldmanual.htm

Cutting Notices

- DNR MFL Cutting Notice and Report Form: http://dnr.wi.gov/org/land/forestry/ftax/forms/2450032.pdf
- The Managed Forest Law: Filling Out a Cutting Notice, UWEX Forestry Fact No. 100: http://dnr.wi.gov/org/land/forestry/ftax/notices/MFL-Cutting_Notice_FF100_FINAL_010604.pdf
- DNR Forestry Assistance Locator: http://dnr.wi.gov/org/land/forestry/private/assist/

Zoning Ordinances

- Lower Wisconsin Riverway Board (see "Regulations" for information on timber harvests): http://lwr.state.wi.us/
- Managing Wisconsin's Forested Shorelands: A Landowner's Guide, DNR Publication PUB-FR-197: http://dnr.wi.gov/org/land/forestry/usesof/bmp/Shoreland%20Forestry%20Brochure09_01.pdf

Burning Permits

- Wisconsin Forest Fire Laws and Regulations, DNR Publication PUB-FR-224: http://dnr.wi.gov/environmentprotect/ob/pdf/ForestFireLawsRegs.pdf