

## RIGHT TO FOREST ACT

House Bill 5953

Sponsor: Rep. Ken Bradstreet

Committee: Agriculture and Resource  
Management

Complete to 5-23-02

### A SUMMARY OF HOUSE BILL 5953 AS INTRODUCED 4-23-02

The bill would create the Right to Forest Act. Under the bill, forestry operations would not be considered to be a public or private nuisance if the operations alleged to be a nuisance conformed to generally accepted forestry management practices in accordance the policies of the Department of Natural Resources (DNR). In addition, forestry operations would not be considered to be a nuisance if the operations existed before a change in land use or occupancy of land within one mile of the boundaries of the forestland, and if the operations would not have been considered to be a nuisance before the change in land use or occupancy.

Forestry operations that are in conformance with generally accepted forestry management practices would not be considered to be a public or private nuisance as a result of a change in ownership or size; the cessation or interruption of forestry operations; enrollment in governmental forestry or conversation programs; or adoption of new forestry technology.

Under the bill, a public or private nuisance would include, but would not be limited to, allegations based on any of the following:

- Visual changes due to the removal of vegetation or timber.
- Noise from forestry equipment used in normal, generally accepted forestry practices.
- Removal of vegetation or timber on a forest adjoining the property of another landowner.
- The use of chemicals normally used in forestry operations, and applied under generally accepted forestry practices.

In a successful defense of a nuisance allegation, the defendant landowner or timber owner could recover from the plaintiff the actual amount of costs and expenses determined by the court to have been incurred in connection with the defense of the allegation, as well as the reasonable and actual attorney fees.

Among other definitions, the bill would define “forestry operations” to mean any activity related to the harvesting, reforestation, and other management activities, including, but not limited to, thinning, pest control, and fertilization, that are consistent with principles of sustainable forestry.

Analyst: M. Wolf

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