

REPORT TO LEGISLATURE

NR 46, Wis. Adm. Code

Administration of the forest crop law and the managed forest law

Board Order No. FR-31-95

Clearinghouse Rule No. 95-099

Statement of Need

The proposed rule makes the annual stumpage rate adjustments as required in ss. 77.06(2) and 77.91(1), Stats., makes changes in the petition deadline to reflect changes in s. 77.82(7)(c), Stats., and changes the code language to correct the requirements of "closed areas" by deleting "contiguous" and establishes minimum standards for the configuration of closed areas.

Annual Stumpage Rate Adjustments - For purposes of the Forest Crop Law and the Managed Forest Law, this rule repeals and recreates s. NR 46.30(2)(a) to (c) to revise the annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 1995 through October 31, 1996. The twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 39.6% increase over current rates. The pulpwood prices are, on the average, increased 39.2%.

Petition Deadlines - 1993 Wisconsin Act 16 changed the petition deadline for landowners filing their applications. To reflect this change, the code language is updated and the 1000 acre condition is clarified as "forest land" in the state.

Closed Area Designations - 1993 Wisconsin Act 131 changes the requirements for "closed" area designation. The administrative code still contained the word "contiguous" which was struck out of the statutes and is now being corrected. There are no minimum size standards of "closed" areas and some landowners have closed narrow strips in an effort to block larger areas from public access. In an effort to improve enforcement and tax law administration, both at the local and state level, and reduce the confusion by the public on access to the open lands, this rule change is being made. Full consideration was given to the legislature's intent of allowing landowners the right to close from public access up to 80 acres or two legal descriptions, for their own use. That right has not been impaired.

Modifications as a Result of Public Hearing

Changes in the stumpage rates, the addition of four counties to the list of counties receiving 30% reduction in pine cordwood rates, and changes in the language for closed area configurations are the result of comments at the public hearings.

Appearances at the Public Hearing and Their Position

In support - none
In opposition - none

As interest may appear:

Bill Kauth, Mosinee Paper Corp., 100 Main Street, Mosinee, WI 54455
Frank N. Fixmer, 604 9th Street, Mosinee, WI 54455

Response to Legislative Council Rules Clearinghouse Report

The recommendations were accepted.

Final Regulatory Flexibility Analysis

This rule does affect small business. Small private forest landowners and forest industries enrolled under the Forest Crop law and the Managed Forest Law are required to pay 10% and 5% respectively of the stumpage value adopted in the zone for the species and wood product volume cut from their land.

Small businesses petitioning for Managed Forest Law designation may be affected by the petition deadline and acreage of forest land. The defining of closed acre configuration should not affect small business in any significant manner.

Existing compliance and reporting procedures are defined by statute. No new compliance and/or reporting requirements are imposed on small business as a result of this rule.

ORDER OF THE STATE OF WISCONSIN
NATURAL RESOURCES BOARD
AMENDING AND REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an)
order to amend NR 46.16(1)(b) and 45.19; and to repeal)
and recreate NR 46.30(2)(a) to (c) relating to the)
administration of the Forest Crop Law and the)
Managed Forest Law.)

FR- 31 -95

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 77.06(2), 77.82(2), 77.91(1) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 77.06(2), 77.82(2), 77.82(7), 77.83(1) and 77.91(1), Stats.

Petition Deadlines: 1993 Wisconsin Act 16 established a new petition deadline for landowners for filing their applications. The proposed changes will correct the language and further define the 1000 acre limitation.

Closed Area Designations: 1993 Wisconsin Act 131 changed the requirements for "closed" area designation. Changes are proposed to correct the administrative code and to further define the minimum requirements of "closed" areas.

Annual Stumpage Rate Adjustments: For purposes of the Forest Crop Law and the Managed Forest Law, this rule repeals and recreates s. NR 46.30(2)(a) to (c) to revise the annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 1995 through October 31, 1996. Twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 39.3% increase over current rates. The pulpwood prices are, on the average, increased 41.3%.

SECTION 1. NR 46.16(1)(b) is amended to read:

NR 46.16(1)(b) Petitions shall be postmarked or received by the department at P.O. Box 7963, Madison, WI 53707 no later than March 31 of each year the following dates specified in s. 77.82(7)(c), Stats., to be considered for designation effective the following January 1:

1. January 31 for landowners of less than 1000 acres of forest land in this state.
2. March 31 for landowners of 1000 acres or more of forest land in this state.

Note: The Department's address for Managed Forest Law petitions is P.O. Box 7963, Madison, WI 53707.

SECTION 2. NR 46.19 is amended to read:

NR 46.19 Closed Area. (1) ~~any contiguous~~ An area or areas not to exceed 80 acres in the municipality in total and consisting of any combination of:

(a) An entire parcel or parcels of managed forest land,

(b) All of an owner's managed forest land within quarter quarter sections, government lots, or fractional lots,

and

(c) An additional block of acreage within a legal description, not exceeding a length to width ratio of 4 to 1, unless limited by the size of the entry, to complete the total closed area; or

(2) Any combination of 2 contiguous-entire quarter quarter sections, government lots, or fractional lots.

SECTION 3. NR 46.30(2)(a) to (c) are repealed and recreated to read:

NR 46.30(2)(a) Logs (stumpage value per thousand board feet measurement by the Scribner Decimal C log rule).
1996 Rates - Effective Nov. 1, 1995

	ZONES					
	1 SOUTHERN	2 GREEN BAY	3 MARINETTE	4 BLK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE
Cedar	30.00	30.00	30.00	90.00	NA	75.00
Fir	NA	43.00	43.00	43.00	NA	43.00
Hemlock	NA	80.00	80.00	25.00	NA	25.00
Pine						
Jack	22.00	26.00	40.00	40.00	22.00	40.00
Red	107.00	107.00	107.00	72.00	60.00	53.00
White	50.00	122.00	97.00	81.00	52.00	65.00
Spruce	50.00	56.00	56.00	64.00	64.00	64.00
Tamarack	12.00	12.00	12.00	12.00	12.00	12.00
Aspen	68.00	41.00	41.00	39.00	40.00	80.00
Ash	203.00	185.00	174.00	70.00	107.00	125.00
Basswood	220.00	98.00	201.00	81.00	110.00	76.00
Birch						
White	105.00	68.00	102.00	73.00	73.00	100.00
Yellow	98.00	136.00	136.00	98.00	98.00	98.00
Elm	170.00	143.00	107.00	100.00	70.00	77.00
Maple						
Sugar	250.00	296.00	296.00	83.00	141.00	247.00
Other	208.00	208.00	141.00	85.00	120.00	130.00
Other Hardwood	190.00	90.00	80.00	86.00	100.00	192.00
Oak						
Other	152.00	102.00	122.00	94.00	99.00	121.00
Red	320.00	440.00	405.00	245.00	339.00	246.00
White	194.00	173.00	239.00	122.00	147.00	135.00
Black Walnut	825.00	NA	NA	825.00	825.00	400.00

	ZONES					
	7 WOODRUFF	8 ANTIGO	9 WI RAPIDS	10 BRULE	11 CUMBERLAND	12 PARK FALLS
Cedar	100.00	100.00	100.00	90.00	90.00	90.00
Fir	43.00	43.00	NA	43.00	43.00	43.00
Hemlock	30.00	30.00	NA	63.00	63.00	63.00
Pine						
Jack	40.00	40.00	40.00	40.00	40.00	40.00
Red	123.00	130.00	87.00	140.00	95.00	101.00
White	99.00	77.00	104.00	117.00	72.00	88.00
Spruce	70.00	70.00	70.00	43.00	36.00	43.00
Tamarack	24.00	30.00	24.00	24.00	12.00	12.00
Aspen	108.00	108.00	77.00	40.00	40.00	33.00
Ash	143.00	145.00	100.00	114.00	72.00	93.00
Basswood	191.00	144.00	178.00	155.00	121.00	95.00
Birch						
White	107.00	114.00	109.00	115.00	100.00	42.00
Yellow	110.00	86.00	86.00	134.00	80.00	65.00
Elm	152.00	152.00	152.00	152.00	152.00	152.00
Maple						
Sugar	234.00	166.00	163.00	197.00	124.00	114.00
Other	132.00	133.00	132.00	96.00	79.00	76.00
Other Hardwood	208.00	80.00	192.00	131.00	59.00	72.00
Oak						
Other	NA	160.00	75.00	160.00	37.00	64.00
Red	295.00	296.00	255.00	232.00	290.00	246.00
White	NA	103.00	103.00	84.00	85.00	76.00
Black Walnut	NA	NA	NA	NA	NA	NA

* NA - Not Applicable - This species/product is not normally harvested within this zone.

NR 46.30(2)(b) Cord Products – 128 cubic feet of wood, air and bark assuming careful piling.
1996 Rates – Effective Nov. 1, 1995

	ZONES					
	1 SOUTHERN	2 GREEN BAY	3 MARINETTE	4 BLK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE
Cedar	4.00	8.00	8.00	7.60	NA	3.80
Fir	NA	14.80	14.80	4.00	NA	3.20
Hemlock	NA	12.60	12.60	8.50	NA	8.50
Pine						
Jack*	11.30	20.00	36.80	22.60	28.90	21.40
Red*	19.50	28.00	28.40	18.60	19.20	19.40
White*	15.50	22.00	19.70	9.30	10.50	11.50
Spruce	12.00	24.00	21.90	11.20	11.80	12.00
Tamarack	6.00	27.50	27.50	6.00	6.00	6.00
Aspen	8.00	13.50	22.50	9.50	3.90	12.20
Birch	6.80	15.00	18.70	6.80	11.20	11.70
Other Hardwood	7.50	11.20	18.90	8.50	5.80	10.50
Oak	8.30	9.70	18.10	6.80	7.00	8.00
Fuelwood	5.20	14.70	14.90	8.00	5.80	8.00

*A 30% reduction in the listed price will be applied to pine cordwood harvests in the following counties: Buffalo, Calumet, Crawford, Dane, Dodge, Door, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, LaCrosse, LaFayette, Manitowoc, Ozaukee, Pepin, Pierce, Racine, Richland, Rock, Saint Croix, Trempealeau, Vernon, Walworth, Waukesha, and Winnebago.

	ZONES					
	7 WOODRUFF	8 ANTIGO	9 WI RAPIDS	10 BRULE	11 CUMBERLAND	12 PARK FALLS
Cedar	3.10	20.00	15.80	8.00	12.20	12.20
Fir	7.30	6.60	NA	9.70	4.40	8.80
Hemlock	11.30	6.30	NA	8.50	11.30	11.30
Pine						
Jack*	30.00	28.00	26.70	25.50	20.30	15.80
Red*	24.00	26.00	24.00	26.00	20.10	21.70
White*	12.00	10.90	13.10	11.70	7.70	9.50
Spruce	18.00	17.40	15.20	16.00	16.30	9.80
Tamarack	10.00	12.00	11.00	7.00	6.90	5.80
Aspen	16.20	14.40	7.70	14.60	15.70	12.70
Birch	16.20	12.00	5.40	11.20	11.90	11.00
Other Hardwood	12.60	10.80	7.10	9.50	8.60	8.40
Oak	9.50	7.90	9.40	8.80	6.70	10.10
Fuelwood	8.50	8.50	8.50	8.80	8.80	8.80

*A 30% reduction in the listed price will be applied to pine cordwood harvests in the following counties: Buffalo, Calumet, Crawford, Dane, Dodge, Door, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, LaCrosse, LaFayette, Manitowoc, Ozaukee, Pepin, Pierce, Racine, Richland, Rock, Saint Croix, Trempealeau, Vernon, Walworth, Waukesha, and Winnebago.

* NA – Not Applicable – This species/product is not normally harvested within this zone.

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**NR 46.30(2)(c) Piece products (stumpage value per piece).
1996 Rates – Effective Nov. 1, 1995**

	ZONES					
	1 SOUTHERN	2 GREEN BAY	3 MARINETTE	4 BLK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE
Posts & Poles						
7 and 8 ft.	0.54	0.54	0.54	0.36	0.30	0.27
10 and 12 ft.	1.61	1.61	1.61	1.08	0.90	0.80
14 and 16 ft.	2.68	2.68	2.68	1.80	1.50	1.33
18 and 20 ft.	5.32	5.32	5.32	3.58	2.98	2.63
21 and 30 ft.	7.63	7.63	7.63	5.13	4.28	3.78
31 and 40 ft.	13.17	13.17	13.17	8.86	7.39	6.53
41 and 50 ft.	19.70	19.70	19.70	13.26	11.05	9.76
51 and 60 ft.	27.21	27.21	27.21	18.31	15.26	13.48
61 and 70 ft.	35.59	35.59	35.59	23.95	19.96	17.63
Christmas Trees						
Unsheared	1.00	1.00	1.00	1.00	1.00	1.00
Sheared	3.50	3.50	3.50	3.50	3.50	3.50

	ZONES					
	7 WOODRUFF	8 ANTIGO	9 WI RAPIDS	10 BRULE	11 CUMBERLAND	12 PARK FALLS
Posts & Poles						
7 and 8 ft.	0.54	0.54	0.54	0.36	0.30	0.27
10 and 12 ft.	1.61	1.61	1.61	1.08	0.90	0.80
14 and 16 ft.	2.68	2.68	2.68	1.80	1.50	1.33
18 and 20 ft.	5.32	5.32	5.32	3.58	2.98	2.63
21 and 30 ft.	7.63	7.63	7.63	5.13	4.28	3.78
31 and 40 ft.	13.17	13.17	13.17	8.86	7.39	6.53
41 and 50 ft.	19.70	19.70	19.70	13.26	11.05	9.76
51 and 60 ft.	27.21	27.21	27.21	18.31	15.26	13.48
61 and 70 ft.	35.59	35.59	35.59	23.95	19.96	17.63
Christmas Trees						
Unsheared	1.00	1.00	1.00	1.00	1.00	1.00
Sheared	3.50	3.50	3.50	3.50	3.50	3.50

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 18, 1995

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
George E. Meyer, Secretary

(SEAL)