

**Committee Name:**

**Assembly Committee – Rural Affairs  
(AC–RA)**

**Appointments**

97hr\_AC–RA\_Appt\_pt00

**Committee Hearings**

97hr\_AC–RA\_CH\_pt00

**Committee Reports**

97hr\_AC–RA\_CR\_pt00

**Clearinghouse Rules**

**97hr\_AC–RA\_CRule\_97-059**

**Executive Sessions**

97hr\_AC–RA\_ES\_pt00

**Hearing Records**

97hr\_ab0000

97hr\_sb0000

**Misc.**

97hr\_AC–RA\_Misc\_pt00

**Record of Committee Proceedings**

97hr\_AC–RA\_RCP\_pt00

# MEMORANDUM

To: Assembly Rural Affairs Committee Members  
From: State Representative John Ainsworth, Chairperson  
Date: July 21, 1997  
Re: Clearinghouse Rule 97-059

---

On July 21, 1997, the following clearinghouse rule was referred to the Assembly Rural Affairs Committee:

Clearinghouse Rule Assembly 97-059, relating to the administration of the forest crop law and the managed forest law.

The deadline for committee action on this rule is **August 21, 1997**. If you would like a copy of Clearinghouse Rule 97-059, please contact Kristina in my office. If you are interested in requesting a hearing and/or submitting comments, please do so prior to that date.

## REPORT TO LEGISLATURE

NR 46, Wis. Adm. Code  
Administration of the forest crop law and  
the managed forest law

Board Order No. FR-19-97  
Clearinghouse Rule No. 97-059

### Statement of Need

The proposed rule amends ch. NR 46 to:

1. Repeal and recreate 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, 1997 through October 31, 1998. The twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 9.01% increase over current rates. The pulpwood prices are, on the average, increased 3.77%.

2. Amend s. NR 46.16(2) to require more documentation from landowners on ownership and drops the "certified" requirement for legal instruments of title since the certification has little value. Requiring the provision of parcel identification numbers will improve the recording of documents at the county level.

3. Amend s. NR 46.18(5) to require landowners and consultant foresters to submit completed management plans to the Department foresters by July 1 for Managed Forest Law entries to take effect the following January 1.

### Modifications as a Result of Public Hearing

Adjustments were made in the stumpage values as a result of comments at the public hearing.

### Appearances at the Public Hearing and Their Position

In support - none

In opposition - none

As interest may appear:

Frank N. Fixmer, 604 9<sup>th</sup> Street, Mosinee, WI 54455-1317

Joe Timmerman, Consolidated Papers, Inc., Box 8050, Wis. Rapids, WI 54495

Bill Kauth, Mosinee Paper Corporation, 100 Main Street, Mosinee, WI 54455

### Response to Legislative Council Rules Clearinghouse

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.

Consultant foresters in business on their own are also affected by the deadline requirement for submitting management plans for the DNR foresters for approval. Failure to meet the deadline could mean liability on their part.

Existing compliance and report procedures are defined by statute. New compliance and/or reporting requirements being imposed on small business are the establishment of the management plan deadline and further documentation on certain types of ownership 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(2) and NR 46.18(5); and to )  
repeal and recreate NR 46.24(4) and NR 46.30(2)(a) to (c) ) FR-19-97  
relating to the administration of the Forest Crop Law )  
and the Managed Forest Law. )

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 77.06(2), 77.91(1) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 77.06(2), 77.82(2), 77.82(3) and 77.91(1).

**Petition Attachment Changes and Requirements:** Requiring a deed be "certified" does not assure the Department that the deed is the last recorded deed for the property so a simple copy will be adequate. Statutory changes have taken place which allow counties to require all documents being recorded to contain the "parcel identification numbers" assigned to land identified in the documents being recorded. Since there is no uniform numbering system across the state, the landowner will be required to supply the number(s) by copying their tax statement or other documents. This will improve tracking of tax law parcels at the local level.

In addition landowners are forming corporations and trusts to change the ownership of their lands and the legal instrument of title alone does not give enough information on the ownership and who may sign for the entity. This change will give the Department the right to require adequate documentation.

**Landowner and Consultant Prepared Plan Deadline:** Signed management plans are a required part of any Managed Forest Law entry and may be prepared by a DNR forester, consultant forester, or the landowner. Due to the time frame needed to process all new tax law entries and the need for the DNR forester to approve any submitted plans, a deadline is being established for the submission of management plans prepared by landowners or consultant foresters to the DNR forester. This is intended to resolve last minute problems with late plans and give the DNR forester adequate time to review the plans.

**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 annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 1997 through October 31, 1998. Twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 9.01% increase over current rates. The pulpwood proposed prices are, on the average, 3.77% higher compared to current prices.

---

SECTION 1. NR 46.16(2) is amended to read:

NR 46.16(2) ATTACHMENTS. (a) A ~~certified~~ copy of the legal instrument giving the petitioner an ownership interest in the land subject to the petition shall accompany and be part of the petition.

(b) The petitioner shall furnish a copy of a recent property tax bill or other documentation showing the parcel identification number used by that county to identify the specific real estate parcel being petitioned for designation.

(c) Upon request by the department, the petitioner shall also submit a ~~certified~~ copy of the legal instrument giving the petitioner an ownership interest in all land in the same municipality which is contiguous to the land subject to the petition.

(d) Upon request by the department, the petitioner shall furnish further documentation on the

establishment, by-laws, agreements or the status of corporations, partnerships, trusts and cooperatives having an ownership interest in the land subject to the petition.

SECTION 2. NR 46.18(5) is amended to read:

NR 46.18(5) MANAGEMENT PLAN AS CONDITION OF DESIGNATION. (a) Management plans prepared by a landowner or consultant forester shall be approved by the department, signed by the landowner, and submitted to the department forester no later than July 1 of the year in which the order of designation will be issued.

(b) As a condition of designating the land, the landowner shall sign the department prepared and approved management plan and return it to the department ~~by no later than~~ August 1 of the year in which the order of designation will be issued.

(c) Failure to submit a landowner or consultant forester prepared plan no later than July 1 or return the signed department prepared management plan ~~by no later than~~ August 1 will result in a denial of the petition.

SECTION 3. NR 46.24(4) is repealed and recreated to read:

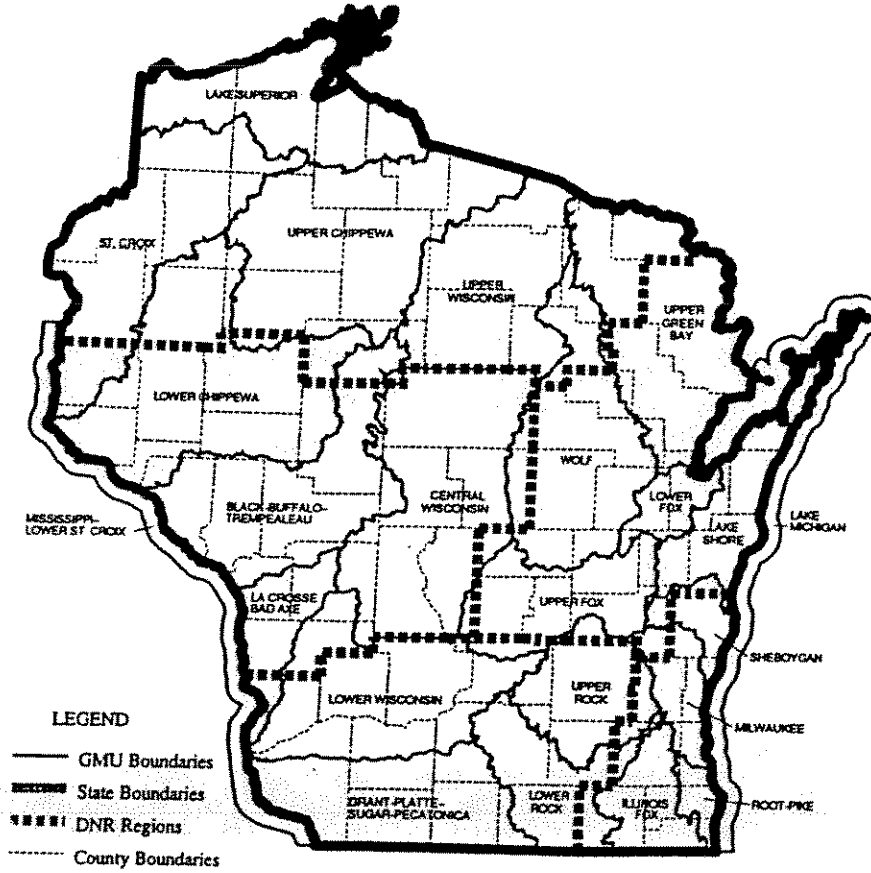
NR 46.24(4) DEPARTMENT OF NATURAL RESOURCES ADMINISTRATIVE AREAS.

(see Map of Administrative Areas)

SECTION 4. NR 46.30(2)(a) to (c) are repealed and recreated to read:

(see attached pages)

## Department Regions and Geographic Management Units (GMU)



**NR 46.30 Stumpage Rates -  
1998 Rates - Effective Nov. 1, 1997**

**NR 46.30(2)(a) - Logs**

	1 SOUTHERN	2 GREEN BAY	3 MARIN- ETTE	4 BLACK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE	7 WOOD- RUFF	8 ANTIGO	9 WIS RAPIDS	10 BRULE	11 CUMBER- LAND	12 PARK FALLS
Cedar	112.00	116.00	80.00	112.00	NA	112.00	125.00	125.00	125.00	50.00	50.00	50.00
Fir	NA	43.00	43.00	43.00	NA	43.00	43.00	43.00	NA	43.00	43.00	43.00
Hemlock	NA	66.00	66.00	82.00	NA	82.00	30.00	82.00	NA	82.00	82.00	82.00
Pine												
Jack	39.00	60.00	60.00	60.00	39.00	39.00	60.00	60.00	60.00	60.00	60.00	60.00
Red	127.00	113.00	106.00	104.00	99.00	83.00	133.00	172.00	93.00	138.00	52.00	90.00
White	75.00	110.00	102.00	58.00	44.00	127.00	134.00	158.00	132.00	181.00	92.00	120.00
Spruce	90.00	57.00	57.00	90.00	90.00	90.00	110.00	65.00	100.00	63.00	92.00	105.00
Tamarack	12.00	12.00	12.00	12.00	12.00	12.00	12.00	30.00	30.00	12.00	12.00	30.00
Aspen	55.00	54.00	41.00	32.00	50.00	59.00	45.00	61.00	33.00	30.00	40.00	28.00
Ash	192.00	150.00	191.00	218.00	0.00	123.00	178.00	180.00	137.00	136.00	64.00	156.00
Basswood	154.00	180.00	190.00	230.00	139.00	156.00	141.00	178.00	111.00	154.00	126.00	138.00
Birch												
White	95.00	57.00	82.00	78.00	81.00	84.00	141.00	130.00	142.00	70.00	72.00	50.00
Yellow	151.00	136.00	136.00	151.00	151.00	151.00	168.00	130.00	168.00	156.00	100.00	115.00
Elm	87.00	101.00	110.00	84.00	84.00	84.00	200.00	200.00	200.00	107.00	107.00	107.00
Maple												
Sugar	260.00	220.00	302.00	272.00	300.00	241.00	263.00	200.00	188.00	245.00	115.00	127.00
Other	119.00	160.00	138.00	119.00	136.00	128.00	150.00	156.00	124.00	99.00	99.00	97.00
Oak												
Red	348.00	275.00	311.00	294.00	335.00	335.00	268.00	300.00	331.00	271.00	289.00	276.00
White	213.00	154.00	232.00	134.00	151.00	153.00	NA	280.00	221.00	112.00	125.00	142.00
Other	143.00	135.00	156.00	108.00	102.00	123.00	NA	343.00	119.00	233.00	48.00	144.00
Other Hardwood	230.00	161.00	147.00	112.00	95.00	149.00	167.00	126.00	150.00	121.00	79.00	101.00
Black Walnut	725.00	NA	NA	400.00	400.00	400.00	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.**

	1 SOUTHERN	2 GREEN BAY	3 MARIN- ETTE	4 BLACK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE	7 WOOD- RUFF	8 ANTIGO	9 WIS RAPIDS	10 BRULE	11 CUMBER- LAND	12 PARK FALLS
Cedar	10.40	16.20	14.00	6.00	NA	6.00	10.00	12.00	11.90	10.00	12.20	10.00
Fir	NA	16.50	16.50	21.50	NA	21.50	10.80	9.60	NA	13.90	10.00	13.50
Hemlock	NA	9.60	9.30	8.40	NA	8.40	8.30	8.30	NA	8.40	8.40	8.40
Pine												
Jack*	25.00	36.40	36.50	23.70	25.00	25.60	36.80	32.00	25.80	31.40	25.70	27.60
Red*	25.20	19.10	28.60	23.00	23.00	22.00	31.60	29.00	26.80	33.00	18.00	26.70
White*	14.00	11.30	18.80	11.40	10.00	10.00	17.60	13.30	15.90	19.10	13.60	19.20
Spruce	20.60	12.50	23.30	12.00	12.00	12.20	26.10	17.00	15.30	18.20	15.00	21.50
Tamarack	16.10	30.60	30.60	15.00	11.00	15.00	11.90	11.50	11.50	21.10	11.10	10.40
Aspen	8.00	14.00	24.40	13.00	11.40	20.50	15.00	18.60	16.00	19.50	22.10	18.40
Birch	12.00	17.00	22.70	12.00	10.00	10.00	18.00	15.00	10.20	16.60	14.00	18.80
Basswood	4.27	10.48	10.48	4.27	4.27	4.27	2.53	4.71	4.11	6.68	4.29	3.90
Oak	11.30	18.80	20.10	10.80	11.30	12.00	17.00	14.90	11.10	13.20	8.10	13.50
Other Hardwood	6.80	12.00	19.40	13.20	13.20	11.00	17.80	14.00	11.40	12.90	12.00	11.60
Fuelwood	6.90	10.00	14.10	8.60	7.40	10.00	6.00	7.50	6.90	10.00	5.70	6.70

\*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.

**NR 46.30 Stumpage Rates - Pieces 1997**

	1 SOUTHERN	2 GREEN BAY	3 MARIN- ETTE	4 BLACK RIVER FALLS	5 LA CROSSE	6 EAU CLAIRE	7 WOOD- RUFF	8 ANTIGO	9 WIS RAPIDS	10 BRULE	11 CUMBER- LAND	12 PARK FALLS
Posts & Poles												
7 and 8 ft.	0.64	0.57	0.53	0.52	0.50	0.42	0.67	0.86	0.47	0.69	0.26	0.45
10 and 12 ft.	1.91	1.70	1.59	1.56	1.49	1.25	2.00	2.58	1.40	2.07	0.78	1.35
14 and 16 ft.	3.18	2.83	2.65	2.60	2.48	2.08	3.33	4.30	2.33	3.45	1.30	2.25
18 and 20 ft.	6.31	5.61	5.27	5.17	4.92	4.12	6.61	8.54	4.62	6.86	2.58	4.47
21 and 30 ft.	9.05	8.05	7.56	7.41	7.06	5.92	9.48	12.26	6.63	9.84	3.71	6.42
31 and 40 ft.	15.64	13.91	13.05	12.80	12.19	10.22	16.37	21.18	11.45	16.99	6.40	11.08
41 and 50 ft.	23.39	20.81	19.52	19.15	18.23	15.28	24.49	31.67	17.13	25.41	9.58	16.57
51 and 60 ft.	32.30	28.74	26.96	26.45	25.18	21.11	33.83	43.75	23.65	35.10	13.23	22.89
61 and 70 ft.	42.25	37.59	35.26	34.59	32.93	27.61	44.24	57.21	30.94	45.90	17.30	29.94
Christmas Trees												
Unsheared	2.90	2.90	2.90	3.40	3.40	3.40	4.50	9.30	3.40	3.00	2.40	5.60
Sheared	3.50	3.50	3.50	3.50	3.50	3.50	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  
June 25, 1997

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)

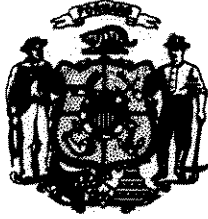
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

---

**CLEARINGHOUSE REPORT TO AGENCY**

---

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 97-059**

AN ORDER to amend NR 46.16 (2) and 46.18 (5); and to repeal and recreate NR 46.24 (4) and 46.30 (2) (a) to (c), relating to the administration of the forest crop law and the managed forest law.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-11-97 RECEIVED BY LEGISLATIVE COUNCIL.  
05-09-97 REPORT SENT TO AGENCY.

RS:GAA:jt;kjf

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

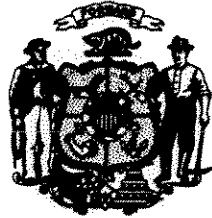
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

Ronald Sklansky  
Director  
(608) 266-1946

Richard Sweet  
Assistant Director  
(608) 266-2982



David J. Stute, Director  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## CLEARINGHOUSE RULE 97-059

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

a. The department cites ss. 77.06 (2) and 77.91 (1), Stats., as statutory authority for the rule and as those statutes interpreted by the rule. These sections relate to the setting of reasonable stumpage values. However, SECTIONS 1 and 2 of the rule have nothing to do with stumpage values. Consequently, the statutory authority for these provisions, and the statutes interpreted by these provisions, should be set forth in the analysis to the rule.

b. In s. NR 46.16 (2) (b), the designations "(s)" should be deleted. [See ss. 227.27 (1) and 990.001 (1), Stats.]

c. In s. NR 46.18 (5), the word "must" should be replaced by the word "shall."