

**NOTICE TO PRESIDING OFFICERS
OF PROPOSED RULEMAKING**

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Natural Resources Board Order No. FR-14-01

Legislative Council Rules Clearinghouse Number 01-036

Subject of Rules Administration of the forest crop
law and the managed forest law

Date of Transmittal to Presiding Officers July 10, 2001

Send a copy of any correspondence or notices pertaining to this rule to:

Carol Turner, Rules Coordinator
DNR Bureau of Legal Services
LS/5, 101 South Webster

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 46.30(2), Wis. Adm. Code
Administration of the forest crop law and the managed forest law

Board Order No. FR-14-01
Clearinghouse Rule No. 01-036

Statement of Need

The proposed rule will make the annual stumpage rate adjustments as required in ss. 77.06(2) and 77.91(1), Stats., and update the cordwood conversion tables for timber harvested on forest tax lands.

The DNR Timber Sale Handbook was revised a few years ago for timber sales on public lands in Wisconsin. One of the revisions included was an updating of the cordwood weight conversion tables. The cordwood weight conversion table for the forest tax laws has not been updated within the forest tax program. The forest tax weight conversion table is being updated to bring the two sets of tables into a closer alignment. The new figures will more accurately reflect the true weights of cordwood being cut on tax law lands. The average weights will be reduced by approximately 3.8% for the current species and add four additional species. This would mean an increase in cordwood volumes being reported for those sales using weight to determine the volumes harvested.

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, 2001 through October 31, 2002. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a .29% increase in current rates. The pulpwood proposed prices are, on average, 6.85% higher compared to current prices.

Modifications as a Result of Public Hearing

The average price for sawtimber was revised upward. The average price is now a .29% increase rather than a .72% decrease. The pulpwood prices, however, decreased slightly from an 6.98% average increase to a 6.85% average increase. The cordwood conversion rate was revised to be reduced by 7.6% for green wood rather than 3.8%.

Appearances at the Public Hearing and Their Position

In support – none

In opposition:

William Hennigan, Biewer Wisconsin Sawmill, P.O. Box 341, Ishpeming, MI 49849
Rob Kudick, Wausau-Mosinee Paper Corp., 100 Main Street, Mosinee, WI 54455
David R. Stoiber, P.O. Box 385, Waupaca, WI 54981

As Interest May Appear:

Juris Repsa, Georgia Pacific Corp., 100 Wisconsin River Drive, Port Edwards, WI 54469
Al Koeppel, Kretz Lumber Company, P.O. Box 160, Antigo, WI 54409

Response to Legislative Council Rules Clearinghouse Report

There were no comments or recommendations on the proposed rule.

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. Existing compliance and reporting procedures are defined by statute.

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 46.30(1)(e); and to repeal and)
 recreate NR 46.30(2)(a) to (c), relating to the administration) FR-14-01
 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), and 77.91(1), Stats.

Cordwood Weight Conversion Table Amendment: Cordwood weight conversion tables within the forestry program have been revised in the past for public land timber sales and have not been updated within the forest tax program. The forest tax weight conversion table is being updated to bring the two sets of tables into alignment, except for Red Pine which continues with its current conversion rates. The new figures will more accurately reflect the true weights of cordwood being cut on tax law lands.

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, 2001 through October 31, 2002. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a .29% increase over current rates. The pulpwood proposed prices are, on the average, 6.85% higher compared to current prices.

SECTION 1. NR 46.30(1)(e) is amended to read:

NR 46.30(1)(e) Cordwood products measured by weight will be converted to and reported as rough cord products.

1. The following table of weights will be used for conversion to cords:

Species	Weight per Cord	
	Green	Seasoned
Cedar	3,150	3,050
Balsam Fir	5,000 4,250	4,200 4,050
Hemlock	5,200 4,800	4,300 4,650
Jack Pine	4,700 4,250	4,300 4,100
Red Pine	4,700	4,400
White Pine	4,700 4,200	4,200 4,000
Spruce	4,500 4,000	4,300 3,820
Tamarack	5,200 4,650	4,400 4,450
Aspen	4,600 4,500	4,000 4,300
White Birch	5,200 4,800	4,800 4,600
Yellow Birch	5,350	5,150
Basswood	3,850	3,650
Red Oak, all species	5,600 5,500	5,000 5,350
White Oak	5,850	5,650
Mixed Hardwood	5,300	4,900

2. Seasoned wood is that which is dried 2 or more months during the period April 1 to October 31 before weighing.

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

(see attached pages)

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 27, 2001.

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 _____
Darrell Bazzell, Secretary

(SEAL)



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

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 01-036

AN ORDER to amend NR 46.30 (1) (e) 1.; and to repeal and recreate NR 46.30 (2) (a) to (c), relating to administration of the forest crop law and the managed forest law.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-06-01 RECEIVED BY LEGISLATIVE COUNCIL.

04-30-01 REPORT SENT TO AGENCY.

RNS:SPH:jal

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 RULES CLEARINGHOUSE

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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

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Comment Attached YES NO

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

Comment Attached YES NO

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 46.30(1)(e)1.; 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-14-01

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), and 77.91(1), Stats.

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SECTION 1. NR 46.30(1)(e)1. is amended to read:

NR 46.30(1)(e) 1. The following table of weights will be used for conversion to cords:

Species	Weight per Cord	
	Green	Seasoned
White pine	4,700 4,200	4,200 4,000
Red pine	4,700 4,500	4,400 4,350
Jack pine	4,700 4,250	4,300 4,100
Spruce	4,500 4,000	4,300 3,820
Balsam fir	5,000 4,250	4,200 4,050
Tamarack	5,200 4,650	4,400 4,450
Hemlock	5,200 4,800	4,300 4,650
Cedar	3,150	3,050
Aspen	4,600 4,500	4,000 4,300
White birch	5,200 4,800	4,800 4,600
Yellow birch	5,350	5,150
Basswood	3,850	3,650
Oak, all species-Red oak	5,600 5,500	5,000 5,350
White oak	5,850	5,650
Mixed hardwoods	5,300	4,900

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

NR 46.30 Stumpage Rates - 2002

2002 Rates - Effective Nov. 1, 2001

NR 46.30(2)(a) Stumpage Rates - Logs (stumpage value per thousand board feet measurement by the Scribner Decimal C log rule).

	1	2	3	4	5	6	7	8	9	10	11	12	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Cedar	80.00	95.00	80.00	127.00	136.00	80.00	161.00	136.00	NA	80.00	80.00	80.00	NA
Fir	NA	12.52	12.52	12.52	NA	NA	27.60	NA	NA	27.60	12.52	12.52	NA
Hemlock	NA	79.00	80.00	61.53	NA	NA	56.11	NA	NA	56.11	54.82	54.82	54.82
Pine													
Jack	44.74	60.00	60.00	44.74	60.00	44.74	57.50	44.74	44.74	57.50	44.74	44.74	44.74
Red	141.29	67.00	107.27	143.34	130.33	141.29	118.19	154.95	141.29	153.36	140.65	124.44	79.55
White	105.26	182.97	153.63	195.50	141.17	102.00	225.32	160.26	105.26	141.76	113.75	111.80	126.98
Spruce	83.70	69.00	150.00	141.90	141.90	83.70	60.87	83.70	83.70	73.45	83.70	83.70	83.70
Tamarack	58.30	58.30	58.30	58.30	58.30	58.30	23.00	58.30	58.30	23.00	58.30	58.30	58.30
Aspen	68.18	61.68	87.78	56.74	83.25	71.17	28.00	21.88	53.21	62.42	74.48	27.99	51.20
Ash	175.15	155.86	159.88	155.75	169.09	164.44	122.56	149.00	139.71	206.60	163.86	137.11	155.11
Basswood	235.79	196.94	150.31	196.25	138.67	242.07	140.68	100.04	141.91	153.75	186.32	162.30	117.68
Birch													
White	50.00	72.06	179.27	164.13	137.37	50.00	256.83	115.00	50.00	172.18	80.80	163.21	78.93
Yellow	197.75	242.22	175.00	187.14	201.87	197.75	191.77	120.00	197.75	177.16	120.00	120.00	120.00
Elm	93.60	80.73	84.00	101.14	117.50	87.25	100.00	101.14	99.51	100.00	101.14	68.00	112.50
Maple													
Sugar	508.31	582.17	436.79	416.70	281.00	360.36	359.59	397.67	311.89	322.69	343.48	365.40	390.00
Other	165.71	180.10	150.93	184.82	196.99	158.85	146.44	142.50	117.74	135.61	145.92	116.84	113.06
Oak													
Red	435.71	565.89	401.21	518.10	405.05	363.84	356.39	325.78	329.77	299.02	418.77	386.79	343.08
White	308.02	334.20	150.00	324.96	200.67	209.92	375.00	163.69	169.08	109.04	163.85	156.37	144.27
Other	206.70	265.50	147.22	169.87	142.53	206.91	225.00	150.04	190.00	60.99	165.76	127.23	171.03
Other Hardwood	355.34	205.68	177.01	95.73	167.52	469.82	176.18	106.57	141.76	154.12	158.50	140.51	125.85
Black Walnut	682.86	NA	NA	NA	NA	740.07	NA	NA	469.28	NA	478.82	350.00	460.00

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	2	3	4	5	6	7	8	9	10	11	12	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Cedar	35.30	16.92	15.32	12.74	16.92	35.30	11.56	35.30	NA	13.00	35.30	35.30	35.30
Fir	NA	18.53	19.53	11.22	NA	NA	18.14	15.26	NA	12.74	10.00	20.00	15.26
Hemlock	NA	9.98	10.00	11.59	NA	NA	11.26	5.00	NA	10.00	5.00	5.00	NA
Pine													
Jack	23.06	36.40	39.14	38.00	38.91	15.00	27.14	42.06	25.00	36.99	35.92	38.36	20.33
Red	18.19	27.38	43.32	44.07	48.60	24.49	37.70	34.08	25.63	39.35	36.97	29.75	38.86
White	17.46	17.82	27.88	24.89	33.97	15.46	12.78	18.23	19.48	26.90	28.88	18.92	19.34
Spruce	15.65	12.50	26.26	20.33	45.00	15.00	26.31	22.19	16.00	17.28	22.17	22.88	20.91
Tamarack	21.24	28.06	28.06	28.06	28.06	21.24	21.58	21.24	21.24	10.00	21.24	21.24	21.24
Aspen	28.66	11.34	25.84	21.56	27.98	21.15	18.28	20.14	26.12	22.35	21.35	22.36	17.91
Birch	24.46	23.45	24.34	18.60	23.45	24.46	18.03	12.00	24.46	16.63	15.72	11.34	6.89
Basswood	4.41	7.01	7.12	6.74	7.01	4.41	9.78	2.00	4.41	4.16	2.00	2.00	2.00
Oak	7.11	14.25	18.54	10.11	10.39	7.11	14.06	11.72	8.00	12.06	9.29	6.75	9.86
Other Hardwood	8.51	6.65	21.88	12.43	8.13	11.75	13.41	13.75	8.34	13.28	13.81	9.85	13.59
Fuelwood	10.12	7.70	7.70	2.00	7.70	10.12	8.00	7.00	10.12	8.00	7.00	7.00	7.00

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

NR 46.30(2)(c) Piece products (stumpage value per piece).

	1	2	3	4	5	6	7	8	9	10	11	12	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Posts & Poles													
7 and 8 ft.	0.71	0.34	0.54	0.72	0.65	0.71	0.59	0.77	0.71	0.77	0.70	0.62	0.40
10 and 12 ft.	2.12	1.01	1.61	2.15	1.95	2.12	1.77	2.32	2.12	2.30	2.11	1.87	1.19
14 and 16 ft.	3.53	1.68	2.68	3.58	3.26	3.53	2.95	3.87	3.53	3.83	3.52	3.11	1.99
18 and 20 ft.	7.02	3.33	5.33	7.12	6.47	7.02	5.87	7.70	7.02	7.62	6.99	6.18	3.95
21 and 30 ft.	10.07	4.78	7.65	10.22	9.29	10.07	8.42	11.04	10.07	10.93	10.03	8.87	5.67
31 and 40 ft.	17.40	8.25	13.21	17.65	16.05	17.40	14.55	19.08	17.40	18.88	17.32	15.32	9.79
41 and 50 ft.	26.02	12.34	19.75	26.39	24.00	26.02	21.76	28.53	26.02	28.24	25.90	22.91	14.65
51 and 60 ft.	35.94	17.04	27.28	36.46	33.15	35.94	30.06	39.41	35.94	39.01	35.77	31.65	20.23
61 and 70 ft.	47.00	22.29	35.68	47.68	43.35	47.00	39.31	51.54	47.00	51.01	46.79	41.39	26.46
Christmas Trees													
Unsheared	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Sheared	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78	5.78

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The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on _____.

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 _____
Darrell L. Bazzell, Secretary

(SEAL)