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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

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- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
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- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

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:

Board Order Number: FR-09-09

Clearinghouse Number: 09-31

Changes to NR 46 to update the stumpage values used to collect yield taxes for lands entered under the Forest Crop Law (FCL) and Managed Forest Law (MFL) programs. Additional changes will streamline the MFL program are being done to clarify how the department will administer the entry of lands that span municipal lines, create a draft deadline date for plans submitted for the current July 1 deadline and change the deadline for when completed and approved management plans are returned back to the department.

Date of Transmittal: July 3, 2009

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

**Quinn L. Williams
Department Rules Coordinator, Department Rules Coordinator
DNR Bureau of Legal Services
LS/8, 101 South Webster
608.266.1318
Quinn.Williams@Wisconsin.gov**

An electronic copy of the proposed rule submittal may be obtained by contacting

**Kathryn J. Nelson
Forest Tax Section Chief
Department of Natural Resources
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REPORT TO LEGISLATURE

NR 46, Wis. Adm. Code

Board Order No. FR-09-09
Clearinghouse Rule No. 09-31

Basis and Purpose of the Proposed Rule

Changes to NR 46 are done annually to update the stumpage values used to collect yield taxes for lands entered under the Forest Crop Law (FCL) and Managed Forest Law (MFL) programs. Additional changes to streamline the MFL program are being done to clarify how the department will administer the entry of lands that span municipal lines, create a draft deadline date for plans submitted for the current July 1 deadline and change the deadline for when completed and approved management plans are returned back to the department.

1. **Annual Stumpage Rate Adjustment:** For purposes of the Forest Crop Law (FCL) and the Managed Forest Law (MFL), this rule repeals and recreates NR 46.30(2)(a) to (e) and creates NR 46.30(2)(f) to (g) to revise annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2009 through October 31, 2010. Two new stumpage tables are created to represent new stumpage values used to calculate severance and yield taxes due on timber if the timber is sold by weight (tons). Thirteen separate zones reflect varying stumpage values for different species and products across the state.
2. **Amendment to Entry of Lands that Span Multiple Municipalities:** Currently, NR 46.16 (5) requires that *[A]ll eligible MFL land under the same ownership, when applied for designation in the same year, shall be designated under the same order of designation.* This rule, in effect, requires that lands that are not adjacent to each other, including lands that lie in different counties in the state, are entered under the same MFL order.

2005 Wisconsin Act 299 had removed the eligibility requirement that lands must consist of at least 10 contiguous acres in a single municipality. With the municipal lines requirement removed, lands that span across municipal lines, including township, village, city and county lines, may be entered into the MFL program as long as they meet eligibility requirements (i.e. are 10 acres and 80% productive).

DNR in kind removed statements to eliminate municipal lines in NR46. This change caused lands that lie in different parts of the state to be entered under the same MFL order. Landowners, DNR Foresters and Certified Plan Writers are confused with who is responsible for preparing and reviewing these MFL entries.

Since it appeared that the legislative intent was to allow a landowner's adjacent lands that do not meet the eligibility requirements per municipality to be entered under MFL, an argument can be made that a landowner's land that does meet the eligibility requirement per municipality can and should be entered under its own MFL order.

To simplify entry and administration of MFL lands DNR would allow entries of land per municipality except in cases where lands must cross municipality lines to meet eligibility requirements.

3. **Amendments to Management Plan Deadlines:** Deadlines to submit management plans for DNR approval are being changed to make the two application deadlines similar to each other.

Currently certified plan writers (CPWs) must submit a "completed and approved management plan to the Department by the 2nd July 1 after the landowner's initial application is received. A high percentage of the CPW prepared management plans need minor adjustments or slight corrections before they can be approved. Creation of a draft plan deadline date would allow for any corrections to be made prior to the final deadline. This change to NR 46 suggests a June 1 draft deadline date and allows "completed and approved" plans to be returned on or before August 15. These deadline dates increase the time available to CPW's to finalize their work.

Landowners with management plans prepared by DNR foresters must return their signed plans by August 1. A change in this deadline to August 15 is proposed to make the certified plan writer and DNR deadline the same for landowners to turn in completed management plans.

Summary of Public Comments

Attendance at the public hearing increased this year compared to past years. Submittal of written comments during the public comment period also increased. The interest in participation is largely due to three factors:

1. Downturn in the economy caused folks to report current stumpage rates.
2. The addition of stumpage tables based on weight, or tons, caused folks to look at the tables closer.
3. The addition of a stumpage rate for material 4 inches in diameter and smaller caused energy companies and industries who supply raw materials for these companies to find a term that could be used to collect yield tax and not conflict with other state law definitions.

Significant comments made during the public testimony and the Department's responses are:

- **Comment:** Recommendations to individual stumpage prices within individual Severance and Yield Schedule Zones.
Response: Changes to stumpage prices were made.
- **Comment:** Recommendations to change the word of "biomass" to either "small woody debris," "fine woody debris," or "fine woody material."
Response: The word "biomass" was changed to "fine woody material."
- **Comment:** Concerns were raised about the validity of the initial data the department collects to create the average stumpage values. Suggestions were made to re-evaluate the process used to collect and use the data. Suggestions were also made to hold a round table discussion on how these rates are collected and to discuss ways to improve the process.
Response: DNR will consider hosting a round table discussion and will re-evaluate the process used to collect the raw data.

Modifications Made

Adjustments were made to the stumpage rate tables based on public comment. The term "biomass" was replaced by the words "fine woody material." Revisions were made to clarify how landowners would enter lands that crossed municipal lines and when the revisions would be effective. The word "draft" was removed from the provisions describing the deadlines for submitting management plans for department review. References were made to other provisions within NR 46 to describe the requirements of a management plan.

No modifications were requested by the Natural Resources Board.

Appearances at the Public Hearing

May 13, 2009 – Stevens Point

As interest may appear:

Juris Repsa, 1011 Cheryl Court, Port Edwards, WI 54469-1164
Tim Nicklaus, 600 S. Center, Merrill, WI 54452
Jere Hamel, 5490 Poplar Lane, Vesper, WI 54489
Jerry Kauth, 911 4th St., Plover, WI 54467
Jim Hoppe, N9090 Cty. Rd. E, Tomahawk, WI 54487

In support – none

In opposition – none

May 13, 2009 – Green Bay

As interest may appear:

Tom Jacobs, 9300 Hwy S., P.O. Box 190, Tomahawk, WI 54487

In support – none

In opposition – none

May 13, 2009 – Eau Claire – no appearances

May 13, 2009 – Madison

As interest may appear:

Lee Herek, W9111 Delaney Lane, Elroy, WI 53929f
Scott Sawle, 19717 St. Hwy. 80, Box 652, Richland Center, WI 53581

In support – none

In opposition – none

Changes to Rule Analysis and Fiscal Estimate

Modifications were made to the rule analysis and fiscal estimate as a result of the public comments. Many stumpage rates decreased for the various tree species in the thirteen different Severance and Yield Schedule Zones. The decrease in stumpage rates is reflected in a decrease in money collected for yield and severance taxes that is returned to the local municipalities as payment of deferred property taxes.

Response to Legislative Council Rules Clearinghouse Report

All Clearinghouse comments were addressed.

Final Regulatory Flexibility Analysis

The proposed rule will affect landowners who are required to pay severance and yield taxes when timber is harvested from lands enrolled in Forest Crop Law and Managed Forest Law. It also requires that lands are entered under MFL by municipality except when lands in any one municipality is less than 10 acres in size or less than 80% productive. In these cases the lands will be entered under a single MFL order. Certified plan writers are given a deadline of June 1 to submit management plans for review by the DNR and a deadline of August 15 to submit a final management plan with landowner signatures. DNR Foresters are given under August 15 to submit final management plans with landowner signatures.

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

The Wisconsin Natural Resources Board proposes an order to amend NR 46.16 (5), amend NR 46.18(5)(a)1., NR 46.18(5)(1)2., NR 16.18(5)(a)3. repeal and recreate NR 46.30(2)(a) to (e) and create NR46.30(2)(f) to (g) relating to the administration of the Forest Crop Law and Managed Forest Law.

FR-09-09

Analysis Prepared by the Department of Natural Resources

Statutes interpreted: Section 77.06 (2) and subch. VI Ch. 77, Stats .

Statutory authority: Sections 77.06 (2), 77.82 (3) (c), 77.91 (1), Stats., and 227.11(2)(a), Stats., Sections 77.06 (2) and 77.91 (1), Stats. directs the department to establish stumpage rates on an annual basis for use in determining the severance and yield taxes assessed when timber is harvested from lands designated as forest crop land and managed forest land. New rates shall take effect on November 1 each year. Section 77.82 gives implicit authority the department to create rules for processing petitions.

Analysis of proposed rules.

Annual Stumpage Rate Adjustment: For purposes of the Forest Crop Law (FCL) and the Managed Forest Law (MFL), this rule repeals and recreates NR 46.30(2)(a) to (e) and creates NR 46.30(2)(f) to (g) to revise annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2009 through October 31, 2010. Two new stumpage tables are created to represent new stumpage values used to calculate severance and yield taxes due on timber if the timber is sold by weight (tons). Thirteen separate zones reflect varying stumpage values for different species and products across the state.

Timber prices have been variable from 2007 through 2008. The average statewide prices for sawlogs have decreased 11%, with a range of a 2% increase to a 31% decrease for individual severance and yield schedule zones. Individual species prices ranged greatly, with some species dropping in price 71% and other species increasing in price by 82%. Many of the species that decreased were commonly harvested species, such as red oak and sugar maple, while species that increased in price were not commonly harvested, such as yellow birch.

The average statewide prices for cords have decreased 7%, with a range of a 2% increase to a 21% decrease for individual severance and yield schedule zones. Individual species prices ranged greatly, with some species dropping in price 70% and other species increasing in price by 100%. Increases in pulpwood prices were mostly for firewood.

The average statewide prices for mixed products (mixture of sawlogs and cords for red pine, white pine and spruce) have decreased 5%, with a range of a 180% increase and a 20% decrease for individual severance and yield schedule zones. Increases in price were seen in eight market zones for individual species, must likely due to increase awareness and use of this product code by foresters who report the data.

The average statewide prices for piece products have decreased 2%, with a 0% increase and a

19% decrease for individual severance and yield schedule zones.

While the statewide averages increased slightly, there are fluctuations between market zones and individual prices. Of all total 629 prices calculated, 102 (16%) increased, 238 (38%) decreased and 289 (46%) stayed the same.

Timber harvest volumes are down since CY 2007 by the following amounts:

Timber Product	% Change
Cordwood	Down 11%
Fuelwood	Down 5%
Sawlogs	Down 11%
Mixed Product	Up 510%
Piece Products	Down 43%
Christmas Trees	Down 16%

Reporting of mixed products increased most likely due to the awareness that private landowners may sell red pine, white pine and white spruce in this fashion.

The severance and yield tax collected in CY 2008 was \$1,734,479. This value is 17% lower than it was in CY 2006. If harvest volumes remain the same in CY 2010 as in CY 2008, a total of \$1,613,638.69 will be collected in yield and severance taxes. This represents a decrease of 7% of revenues for local municipalities.

Amendments to petition requirements in NR 46.16 (5): Petition requirements are being changed to streamline the administration and processing of new MFL entries.

Currently, NR 46.16 (5) requires that *[A]ll eligible MFL land under the same ownership, when applied for designation in the same year, shall be designated under the same order of designation.* This rule, in effect, requires that lands that are not adjacent to each other, including lands that lie in different counties in the state, are entered under the same MFL order.

2005 Wisconsin Act 299 had removed the eligibility requirement that lands must consist of at least 10 contiguous acres in a single municipality. With the municipal lines requirement removed, lands that span across municipal lines, including township, village, city and county lines, may be entered into the MFL program as long as they meet eligibility requirements (i.e. are 10 acres and 80% productive).

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To simplify entry and administration of MFL lands DNR would allow entries of land per municipality except in cases where lands must cross municipality lines to meet eligibility

requirements.

Amendments to management plan requirements in NR 46.18 (5): Deadlines to submit management plans for DNR approval are being changed to make the two application deadlines similar to each other.

Currently certified plan writers (CPWs) must submit a "completed and approved management plan to the Department by the 2nd July 1 after the landowner's initial application is received. A high percentage of the CPW prepared management plans need minor adjustments or slight corrections before they can be approved. Creation of a draft plan deadline date would allow for any corrections to be made prior to the final deadline. This change to NR 46 suggests a June 1 draft deadline date and allows "completed and approved" plans to be returned on or before August 15. These deadline dates increase the time available to CPW's to finalize their work.

Landowners with management plans prepared by DNR foresters must return their signed plans by August 1. A change in this deadline to August 15 is proposed to make the certified plan writer and DNR deadline the same for landowners to turn in completed management plans.

Comparison of Federal Regulations: There are no known federal rules which apply to stumpage rates or Managed Forest Law petitions. There are no known federal rules that define ownerships. There are no specifying deadlines for submittal of management plans for MFL designation.

Comparison of Adjacent States: Checks with the surrounding states of Minnesota, Michigan, Iowa and Illinois indicate that while they offer some type of incentive program to forest landowners, none of the states have similar forestry practice requirements nor do they calculate annual stumpage rates for severance and yield taxes in conjunction with their programs.

Anticipated cost by private sector:

For owners of land designated as MFL or FCL there is an anticipated decrease in cost associated with the decrease in yield tax on MFL and severance tax on FCL based on the average decrease in stumpage rates proposed for both pulpwood (7% decrease) and saw timber (11% decrease).

Changes associated with submitting and approving management plans prepared by certified plan writers and DNR foresters will have no fiscal effect and allow additional time for plans to be written and approved.

Summary of factual data and analytical methodologies: Stumpage rate data is collected from Department Foresters and Cooperating Foresters annually. This data is used to calculate a three year weighted average for each species and product by zone. Only data obtained from private timber sales was used in the stumpage rate calculation.

$$\frac{\left(\begin{array}{l} \text{wtd avg} \\ \text{current year minus 3} \\ \text{selling price} \end{array} + \begin{array}{l} \text{wtd avg} \\ \text{current year minus 2} \\ \text{selling price} \end{array} + \begin{array}{l} \text{wtd avg} \\ \text{current year minus 1} \\ \text{selling price} \end{array} \right)}{3} - \begin{array}{l} \text{wtd avg} \\ \text{current year minus 1} \\ \text{selling price} \end{array} = \text{Base Rate}$$

The current rates in NR 46.30 are compared to the proposed rates to determine the average change in rates by product.

Analysis to determine effect on small business: A review of the law shows the impact on small business. The actual impact is dependant on the amount of timber (if any) is scheduled to be harvested on their specific land during this stumpage rate year.

Effect on Small Business: This rule will impact small businesses (i.e., farmers, landowners) that have land designated as managed forest land or forest crop land. Those involved in this voluntary program pay a reduced tax in place of the regular property tax in exchange for sound forest management on the land. When timber is harvested they pay a 5% yield tax or 10% severance tax, which is calculated using the stumpage rates established in NR 46.30. At the time of entry into these programs the owner pays for the preparation of a management plan, which includes sound forest management practices that must be completed during the order period to ensure and maintain a healthy stand of timber.

Agency Contact Person: Kathryn J. Nelson, Forest Tax Section Chief
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SECTION 1. NR 46.16 (5) is amended to read:

NR 46.16 (5) SAME OWNERSHIP. All eligible land under the same ownership and located in the same municipality; when applied for designation in the same year, shall be designated under the same order of designation. All eligible land under the same ownership that crosses any municipal boundary where land designated for entry in any one municipality is less than 10 acres in size or less than 80% productive, when applied for designation in the same year, shall be designated under the same order of designation. This provision shall take effect for MFL petitions received for the July 1, 2010 petition deadline.

SECTION 2. NR 46.18 (5) (a)1. is amended to read:

NR 46.18 (5)(a)1. Management plans prepared by an independent certified plan writer shall be approved by the department, signed by the landowner, and submitted to the department forester no later than ~~July 4~~ August 15 of the year in which the order of designation will be issued. The department shall deem a management plan completed if all the following apply:

- a. The management plan packet was submitted to the department for review on or before June 1.
- b. The management plan includes all requirements under subs. NR 46.18 (1) to (3).
- c. The department has approved the management plan.
- d. The owner has signed the management plan.

SECTION 3. NR 46.18 (5)(a) 2. is amended to read:

NR 46.18 (5)(a)2. As a condition of designating the land, the owner shall sign the department prepared and approved management plan and return it to the department no later than ~~August-1~~ August 15 of the year in which the order of designation will be issued unless otherwise specified by the department. The petitioner shall pay the plan preparation fee no later than October 1 of the year in which the order of designation will be issued.

SECTION 4. NR 46.18 (5)(a) 3. is amended to read:

NR 46.18 (5)(a)3. Failure to submit a management plan prepared by an independent certified plan writer no later than ~~July 4~~ August 15 or return the signed department prepared management plan no later than ~~August-1~~ August 15 or a later date agreed to by the department will result in a denial of the petition.

Section 5. NR 46.30 (2) (a) to (e) 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).

2010 Rates - Effective Nov. 1, 2009

	ZONES												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Aspen	Wau- kesha	Green Bay	Crittiz	Wausau	Wau- toma	Dodge- Ville	Riine- lander	Adams	Richland Center	Hay- ward	Eau Claire	River Falls	Sparta
Ash	40.00	40.00	85.00	61.00	53.00	59.00	61.00	59.00	56.00	82.00	95.00	58.00	57.00
Basswood	100.00	120.00	110.00	143.00	80.00	126.00	133.00	120.00	142.00	131.00	137.00	110.00	80.00
Birch	130.00	110.00	165.00	156.00	107.00	144.00	166.00	123.00	100.00	130.00	113.00	117.00	104.00
White	110.00	123.00	139.00	152.00	50.00	66.00	225.00	64.00	76.00	172.00	71.00	89.00	93.00
Yellow	200.00	279.00	266.00	105.00	229.00	229.00	192.00	98.00	252.00	219.00	116.00	69.00	112.00
Cedar	80.00	100.00	79.00	110.00	60.00	61.00	80.00	80.00	NA	80.00	80.00	80.00	80.00
Cherry	200.00	450.00	400.00	308.00	331.00	536.00	332.00	330.00	484.00	325.00	329.00	284.00	378.00
Elm	50.00	40.00	119.00	50.00	43.00	57.00	50.00	112.00	56.00	89.00	24.00	60.00	60.00
Fir	NA	50.00	50.00	94.00	NA	50.00	90.00	NA	NA	28.00	110.00	100.00	100.00
Hemlock	NA	52.00	53.00	100.00	NA	NA	70.00	NA	NA	300.00	100.00	57.00	57.00
Maple													
Sugar	430.00	400.00	440.00	400.00	250.00	319.00	350.00	340.00	386.00	340.00	310.00	328.00	480.00
Red	136.00	180.00	160.00	150.00	140.00	175.00	195.00	170.00	150.00	134.00	130.00	160.00	134.00
Other	125.00	180.00	160.00	150.00	178.00	175.00	195.00	170.00	150.00	150.00	141.00	125.00	155.00
Other Hardwoods	200.00	94.00	88.00	128.00	97.00	140.00	214.00	150.00	114.00	132.00	115.00	124.00	120.00
Oak													
Red	250.00	200.00	313.00	300.00	285.00	250.00	250.00	275.00	250.00	240.00	309.00	292.00	275.00
White	165.00	225.00	151.00	138.00	130.00	224.00	133.00	178.00	173.00	107.00	118.00	139.00	137.00
Other	75.00	185.00	162.00	159.00	150.00	139.00	151.00	138.00	164.00	100.00	122.00	140.00	167.00
Pine													
Jack	72.00	72.00	72.00	72.00	72.00	72.00	72.00	45.00	62.00	135.00	70.00	60.00	70.00
Red	57.00	94.00	74.00	110.00	106.00	63.00	144.00	110.00	129.00	80.00	110.00	82.00	112.00
White	90.00	90.00	148.00	133.00	90.00	114.00	133.00	163.00	104.00	79.00	110.00	95.00	165.00
Spruce	75.00	138.00	45.00	168.00	78.00	99.00	70.00	80.00	62.00	120.00	150.00	49.00	25.00
Tamarack	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Black Walnut	1,000.00	NA	NA	250.00	968.00	1577.00	252.00	NA	1318.00	NA	400.00	980.00	1395.00

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

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

NR 46.30(2)(b) Cord Products - 128 cubic feet of wood, air and bark assuming careful piling.

2010 Rates - Effective Nov. 1, 2009

		ZONES												
1	2	3	4	5	6	7	8	9	10	11	12	13		
Waukesha	Green Bay	Crivitz	Wausau	Wauwatona	Dodgeville	Rhinelander	Adams	Richland Center	Hayward	Eau Claire	River Falls	Sparta		
Aspen	15.00	25.00	22.00	15.00	10.00	25.00	22.00	14.00	24.00	22.00	21.00	23.00		
Basswood	7.00	8.00	8.00	5.00	2.00	10.00	5.00	3.00	13.00	7.00	5.00	3.00		
Birch	12.00	28.00	25.00	14.00	3.00	29.00	23.00	8.00	27.00	21.00	20.00	13.00		
Cedar	12.00	26.00	10.00	8.00	10.00	9.00	10.00	1.00	10.00	8.00	10.00	8.00		
Fir	4.00	21.00	13.00	23.00	NA	14.00	22.00	NA	19.00	10.00	20.00	10.00		
Hemlock	7.00	9.00	9.00	NA	NA	11.00	13.00	8.00	23.00	10.00	13.00	10.00		
Other Hardwood	14.00	29.00	26.00	18.00	8.00	25.00	25.00	12.00	24.00	23.00	20.00	25.00		
Oak	10.00	19.00	16.00	18.00	5.00	16.00	20.00	14.00	17.00	15.00	14.00	18.00		
Pine														
...Jack	29.00	40.00	32.00	27.00	18.00	28.00	31.00	29.00	35.00	27.00	29.00	33.00		
...Red	20.00	42.00	32.00	41.00	24.00	37.00	33.00	30.00	42.00	30.00	28.00	32.00		
...White	15.00	23.00	21.00	25.00	20.00	14.00	25.00	13.00	18.00	20.00	17.00	22.00		
Spruce	24.00	36.00	33.00	36.00	42.00	32.00	30.00	25.00	31.00	25.00	20.00	20.00		
Tamarack	12.00	23.00	13.00	18.00	13.00	13.00	15.00	19.00	11.00	38.00	20.00	15.00		
Fuelwood	11.00	18.00	9.00	14.00	5.00	5.00	14.00	5.00	3.00	6.00	10.00	4.00		

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

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

NR 46.30(2)(c) Cord products by weight (stumpage value per ton).

2010 Rates - Effective Nov. 1, 2009

		ZONES												
		1	2	3	4	5	6	7	8	9	10	11	12	13
Wau- kasha	Green Bay			Crivitz	Wausau	Wau- toma	Dodge- ville	Rhine- lander	Adams	Richland Center	Hay- ward	Eau Claire	River Falls	Sparta
Aspen	6.67	11.11	9.78	6.67	4.44	11.11	9.78	6.22	9.78	6.22	10.67	9.78	9.33	10.22
Basswood	3.64	4.16	4.16	2.60	1.04	5.19	2.60	1.56	2.60	1.56	6.75	3.64	2.60	1.56
Birch	5.00	11.67	10.42	5.83	1.25	12.08	9.58	3.33	9.58	3.33	11.25	8.75	8.33	5.42
Cedar	7.62	16.51	6.35	5.08	6.35	5.71	6.35	0.63	6.35	0.63	6.35	5.08	6.35	5.08
Fir	1.88	9.88	6.12	10.82	NA	6.59	10.35	NA	10.35	NA	8.94	4.71	9.41	4.71
Hemlock	2.92	3.75	3.75	NA	NA	4.58	5.42	3.33	5.42	3.33	9.58	4.17	5.42	4.17
Other Hardwood	5.28	10.94	9.81	6.79	3.02	9.43	9.43	4.53	9.43	4.53	9.06	8.68	7.55	9.43
Oak	5.45	6.91	5.82	6.55	1.82	5.82	7.27	5.09	7.27	5.09	6.18	5.45	5.09	6.55
Pine														
...Jack	7.06	13.65	18.82	15.06	8.47	13.18	14.59	13.65	14.59	13.65	16.47	12.71	13.65	15.53
...Red	8.44	8.89	18.67	14.22	10.67	16.44	14.67	13.33	14.67	13.33	18.67	13.33	12.44	14.22
...White	7.14	10.95	10.00	11.90	9.52	6.67	11.90	6.19	11.90	6.19	8.57	9.52	8.10	10.48
Spruce	8.50	12.00	18.00	16.50	21.00	16.00	15.00	12.50	15.00	12.50	15.50	12.50	10.00	10.00
Tamarack	7.74	5.16	9.89	5.59	5.59	5.59	6.45	8.17	6.45	8.17	4.73	16.34	8.60	6.45
Fuelwood ¹	4.15	6.79	3.40	5.28	1.89	1.89	5.28	1.89	5.28	1.89	1.13	2.26	3.77	1.51
Fine Woody Material ²	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	1.00

1 Pulpwood and larger sized products that are dead or cull material that is not merchantable as pulpwood or sawlogs due to quality.

2 Fine Woody Material consists of tops, branches and other materials that are not large enough to market as pulpwood.

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

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

NR 46.30(2)(d) Mixed products (stumpage value per cord). Only for use with red pine, white pine and spruce.

2010 Rates - Effective Nov. 1, 2009

		ZONES												
		1	2	3	4	5	6	7	8	9	10	11	12	13
		Wau- kesha	Green Bay	Crivitz	Wausau	Wau- toma	Dodge- ville	Rhine- lander	Adams	Richland Center	Hay- ward	Eau Claire	River Falls	Sparta
Fine														
Red	28.00	25.00	43.00	48.00	47.00	45.00	44.00	44.00	44.00	30.00	53.00	50.00	30.00	39.00
White	22.00	24.00	40.00	31.00	31.00	20.00	16.00	37.00	37.00	16.00	18.00	40.00	27.00	28.00
Spruce	25.00	31.00	39.00	34.00	38.00	42.00	32.00	35.00	35.00	25.00	35.00	29.00	20.00	38.00

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

NR 46.30(2)(e) Mixed products by weight (stumpage value per ton). Only for use with red pine, white pine and spruce.

2010 Rates - Effective Nov. 1, 2009

		ZONES												
		1	2	3	4	5	6	7	8	9	10	11	12	13
		Wau- kesha	Green Bay	Crivitz	Wausau	Wau- toma	Dodge- ville	Rhine- lander	Adams	Richland Center	Hay- ward	Eau Claire	River Falls	Sparta
Fine														
Red	12.44	11.11	19.11	21.33	20.89	20.00	19.56	19.56	19.56	13.33	23.56	22.22	13.33	17.33
White	10.48	11.43	19.05	14.76	14.76	9.52	7.62	17.62	17.62	7.62	8.57	19.05	12.86	13.33
Spruce	12.50	15.50	19.50	17.00	19.00	21.00	16.00	17.50	17.50	12.50	17.50	14.50	10.00	19.00

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

Section 6. NR 46.30 (2) (f) to (g) are created to read:

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

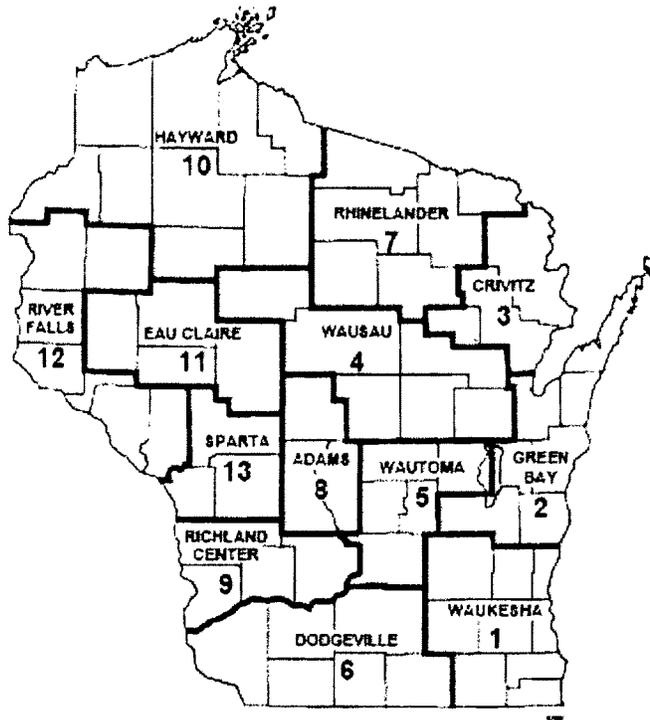
2010 Rates - Effective Nov. 1, 2009

		ZONES												
1	2	3	4	5	6	7	8	9	10	11	12	13		
Wau- kesha	Green Bay	Crivitz	Wausau	Wau- toma	Dodge- ville	Rhine- lander	Adams	Richland Center	Hay- ward	Eau Claire	River Falls	Sparta		
0.70	0.60	0.50	0.70	0.60	0.70	0.60	0.80	0.70	0.80	0.70	0.60	0.60		
2.10	1.90	1.60	2.10	1.90	2.10	1.80	2.30	2.10	2.30	2.10	1.90	1.90		
3.50	3.10	3.10	3.60	3.30	3.50	2.90	3.90	3.50	3.83	3.50	3.10	3.10		
7.00	6.20	5.30	7.10	6.50	7.00	5.90	7.70	7.00	7.60	7.00	6.20	6.20		
10.10	8.90	7.60	10.20	9.30	10.10	8.40	11.00	10.00	10.90	10.00	8.90	8.90		
17.40	15.40	13.20	20.00	16.00	17.40	20.00	19.10	17.40	20.00	17.30	15.30	15.40		
26.00	23.00	19.70	25.00	24.00	26.00	27.30	28.50	26.00	28.20	25.90	22.90	23.00		
35.90	31.80	27.30	36.50	33.10	35.90	30.10	36.00	45.00	39.00	35.80	31.60	31.80		
47.00	41.60	43.00	47.70	43.30	47.00	39.30	47.00	47.00	51.00	46.80	41.40	41.60		
2.00	2.00	2.00	2.00	2.00	2.00	3.80	2.00	2.00	2.84	2.00	4.00	3.00		
6.70	6.70	6.70	6.70	6.70	6.70	6.28	6.70	6.70	6.70	6.70	6.70	6.70		

Note: Stumpage values used to calculate severance and yield taxes during any specific period are intended for the purposes of the Forest Crop Law and Managed Forest Law. They are not a guarantee of actual market prices. Actual market prices can fluctuate, both up and down, and are the product of macro and micro-economic conditions reflecting specific factors of each individual sale.

(g) Map of severance and yield schedule zones.

Severance and Yield Schedule Zones



History: Cr. Register, January, 1960, No. 289, eff. 1-1-60; r. and rec. (c); Register, October, 1960, No. 293, eff. 11-1-60; r. and rec. (2) (a) to (c); Register, October, 1981, No. 310, eff. 11-1-81; r. and rec. (c) (intro.) (a) to (c); Register, October, 1982, No. 322, eff. 11-1-82; am. (1) (d), r. and rec. (2) (a) (b) and (c); Register, October, 1983, No. 334, eff. 11-1-83; am. (2) (a) (b) and (c); Register, October, 1984, No. 346, eff. 11-1-84; r. and rec. (2) (a), (b) and (c); Register, October, 1987, No. 358, eff. 11-1-87; recum. from NR 46.39 and am. (1) (c) (intro.) r. and rec. (2) (a) to (d); Register, October, 1986, No. 370, eff. 11-1-86; r. and rec. (2) (a) to (d); Register, October, 1987, No. 382, eff. 11-1-87; r. and rec. (2); Register, October, 1988, No. 394, eff. 11-1-88; r. and rec. (2) (a) to (c); Register, October, 1989, No. 406, eff. 11-1-89; r. and rec. (2) (a) to (c); Register, October, 1990, No. 418, eff. 11-1-90; r. (2) (a), recum. (1) (c) to be (c) (a), r. and rec. (2) (a) to (c); Register, October, 1991, No. 426, eff. 11-1-91; r. and rec. (2) (a) to (c); Register, October, 1992, No. 440, eff. 11-1-92; r. and rec. (2) (a) to (c); Register, October, 1993, No. 454, eff. 11-1-93; r. and rec. (2) (a) to (d); Register, October, 1994, No. 466, eff. 11-1-94; r. and rec. (2) (a) to (c); Register, October, 1995, No. 478, eff. 11-1-95; r. and rec. (2) (a) to (c); Register, October, 1996, No. 486, eff. 11-1-96; r. and rec. (2) (a) to (c); Register, October, 1997, No. 502, eff. 11-1-97; r. and rec. (2) (a) to (c); Register, October, 1998, No. 514, eff. 11-1-98; r. and rec. (2) (a) to (d); Register, October, 1999, No. 526, eff. 11-1-99, reprinted to correct table titles; Register, January, 2000, No. 538; r. and rec. (2) (a) to (c); Register, October, 2000, No. 548, eff. 11-1-00; CR 01-036; am. (1) (e) and r. and rec. (2) (a) to (c); Register, October, 2001, No. 550, eff. 11-1-01; CR 02-040; r. and rec. (2) (a) to (c); Register, October, 2002, No. 562, eff. 11-1-02; CR 03-034; r. and rec. (2) (a) to (c); Register, October, 2003, No. 574, eff. 11-1-03; CR 04-048; r. and rec. (2) (a) to (c); Register, October, 2004, No. 586, eff. 11-1-04; CR 05-030; r. and rec. (2) (a) to (c); Register, October, 2005, No. 598, eff. 11-1-05; CR 06-027; am. (1) (a) 1., r. and rec. (2) (a) to (c); recum. (2) (a) to be (2) (a); cr. (2) (d); Register, October, 2006, No. 610, eff. 11-1-06; CR 07-024; recum. (2) (a), (b), (c), (d) and (e) to be (1) (b), (c), (d), (e) and (f) and am. (1) (e), cr. (1) (a) and (b), r. and rec. (2) (a) to (d); Register, October, 2007, No. 622, eff. 11-1-07; CR 08-023; r. and rec. (2) (a) to (d); Register, October, 2008, No. 634, eff. 11-1-08.

SECTION 7. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro), Stats.

SECTION 8. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 24, 2009.

Dated at Madison, Wisconsin _____.

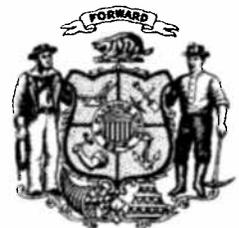
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew Frank, Secretary

(SEAL)



WISCONSIN STATE LEGISLATURE





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 **09-031**

AN ORDER to repeal NR 46.30 (2) (a) to (d); to amend NR 46.16 (5) (intro) and (a) 1. to 3.; and to create NR 46.30 (2) (a) to (f), relating to the administration of the forest crop law and managed forest law.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-15-2009 RECEIVED BY LEGISLATIVE COUNCIL.

05-12-2009 REPORT SENT TO AGENCY.

RS:HF

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

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-031

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

- a. The rule preface should follow the format found in s. 1.02 (2) (a), Manual.
- b. The pages of the rule should be individually numbered.
- c. In the text of SECTION 1, the notation "NR 16.16 (5)" should be replaced by the notation "NR 46.16 (5)."
- d. When material is deleted and material is added in the same location, the new underscored material always immediately follows the stricken material. For example, in s. NR 46.18 (5) (a) 1., the material "August 15 ~~July 4~~" should be replaced by "~~July 4~~ August 15." The entire rule should be reviewed for this problem.
- e. In s. NR 46.18 (5) (a) 1., reference is made to meeting "department standards." If these standards are in rule form, a cross-reference should be provided. If these standards are not in rule form, and if they meet the definition of the term "rule," in s. 227.01 (13), Stats., they should be promulgated and placed in the Administrative Code. Also, subds. 1. to 4. should be renumbered as subpars. a. to d.
- f. The treatment clause of SECTION 5 should read: "NR 46.30 (2) (a) to (d) are repealed and recreated to read:". A new SECTION 6 should be created and the treatment clause for that SECTION should read: "NR 46.30 (2) (f) is created to read:". The new par. (f) should be shown in SECTION 6 of the rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the statement of statutory authority in the rule preface, a comma should be inserted after the second occurrence of the word "Stats."

b. In the 5th paragraph of the "Analysis of proposed rules," the word "landowners" is misspelled.

c. The last sentence of s. NR 46.16 (5) (intro.) is not clear. If the intent of the department is to say that, notwithstanding the first sentence of the introduction, the same order of designation will apply to property that consists of at least 10 contiguous acres, that crosses a municipal boundary, and that meets any statutory and rule requirements for designation as managed forest land, then this should be so stated in the rule. Also, if the last sentence is retained, it appears that the phrase "a adjacent" should be replaced by "adjacent." It also appears that a comma should be inserted after the word "year" and after the word "requirements."