



NR 46

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss

RECEIVED
JUL 18 1977
REVISOR OF STATUTES
BUREAU

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. Fo-16-77 was duly approved and adopted by this Department on April 21, 1977. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 15th day of July, 1977.

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

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IN THE MATTER of amending sections NR 46.02
(3) intro. para., (5) & (6) and NR 46.04; and
creating sections NR 46.01(18) through (21),
inclusive, and NR 46.02(9) through (17),
inclusive, of the Wisconsin Administrative
Code pertaining to forest crop law renewals
and terminations
.....

Fo-16-77

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

AMENDING AND CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 77.03 and 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby amends and creates rules as follows:

SECTION 1 - Section NR 46.01 (18), (19), (20) and (21) are created to read:

(18) "Department" means the state of Wisconsin department of natural resources.

(19) "Renewal" means a continuation under the law according to all the provisions of the law in effect at the time of continuation of the contract except that existing entered lands containing less than an entire quarter quarter section, fractional lot or government lot as determined by U.S. government survey plat, excluding public roads and railroad right-of-ways that may have been sold are eligible for continuation.

(20) "Stumpage" means the quantity of merchantable timber by product and species as listed in section NR 46.02(8).

(21) "Merchantable timber" means standing trees by species and product which are because of size and quality, saleable within a reasonable time period from the subject lands.

SECTION 2 - Section NR 46.02 (3) intro. para., is amended to read:

(3) The following conditions will be considered upon application for entry

or renewal to determine if all or portion of the lands are more useful for purposes other than the practice of forestry.

SECTION 3 - Sections NR 46.02 (5) and (6) are amended to read:

(5) Lands remaining after a transfer, cancellation, withdrawal or being considered for renewal must meet the requirements for entry.

(6) Nonproductive areas shall not exceed 20% of the total contiguous proposed entry or renewal, except where the applicant demonstrates to the department's satisfaction that significant forestry benefits will result from entry or renewal.

SECTION 4 - Sections NR 46.02 (9) through (17), inclusive, are created to read:

(9) The determination of the tax for withdrawal or cancellation as specified in section 77.10, Wis. Stats., shall be based on a calculation for the uninterrupted period of entry under the law, or as otherwise directed by chapter 77, Wis. Stats.

(10) The renewal notice form shall be sent certified mail by the department to the landowner's last post office address. The landowner shall complete and return the renewal notice form to the department within 60 days. If the landowner does not return the renewal notice within 60 days, the department will unilaterally appoint an estimator and not renew the lands.

(11) The department is not required to hold a public hearing upon renewal, in conformance with section 77.03, Wis. Stats., of a previously entered contract when the department and the owner have agreed by mutual consent to renew the contract.

(12) The department is not required to publish or provide written notice of a renewal pursuant to section 77.03, Wis. Stats.

(13) The renewal order shall be filed, with all officers designated to receive copies of the orders of entry and the owner.

(14) Any petition for hearing pursuant to section 77.10(1)(a), Wis. Stats., or any request for hearing pursuant to section 77.02(2), Wis. Stats., shall contain an allegation, with a statement of facts to support such, that the lands to which the petition for entry or hearing applies are ineligible for entry or continuation under the forest crop law.

(15) The determination of estimated merchantable volume shall be at an accuracy level of 15 to 20% at 2 standard deviations for any one owner by county.

(16) Upon request by the owner the department may provide an estimated range of termination cost based upon forest type, stand size and density classes, using available department forest cover type maps and the current severance tax schedule.

(17) If the department and the landowner agree that the department will make the estimate, then the department will provide the estimate pursuant to section 77.03, Wis. Stats., at a cost to the owner of \$50 per quarter quarter section, fractional lot or governmental lot.

SECTION 5 - Section NR 46.04 is amended to read:

NR 46.04 Forms. Application for entry, renewal, transfer, withdrawal, management plan or cutting under the forest crop or woodland tax law shall be made on forms provided by the department and are available from: Department of Natural Resources, P. O. Box 7921, Madison, Wisconsin 53707.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 21, 1977.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 15 July 1977

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)