

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee For  
Review of Administrative  
Rules (JCR-AR)

Sample:

Record of Comm. Proceedings ... RCP

- 05hrAC-EdR\_RCP\_pt01a
- 05hrAC-EdR\_RCP\_pt01b
- 05hrAC-EdR\_RCP\_pt02

➤ Appointments ... Appt

➤ \*\*

➤ Clearinghouse Rules ... CRule

➤ 97hrJCR-AR\_Crule\_98-056

➤ Committee Hearings ... CH

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Hearing Records ... HR

➤ \*\*

➤ Miscellaneous ... Misc

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

98-056-NR 46 - FOREST CROP - MANAGED  
CROP LA

State of Wisconsin  
Department of Natural Resources

**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-25-98

Legislative Council Rules Clearinghouse Number 98-056

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

Date of Transmittal to Presiding Officers July 7, 1998

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

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

**266-1959**

## 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-25-98  
Clearinghouse Rule No. 98-056

### Statement of Need

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, 1998 through October 31, 1999. Twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 7.82% increase over current rates. The pulpwood proposed prices are, on the average, 9.78% higher compared to current prices.

### Modifications as a Result of Public Hearing

A change was proposed to reduce the small end diameter of sawlogs by definition to address the smaller sawlogs being sawn by many of the sawmills in the state. This proposal is being tabled at this time due to opposition to the change and a need for time to address many of the questions arising from the proposal.

At the direction of the Natural Resources Board, the definition of "human residence" has been withdrawn from this rule and will be taken out again for further hearings. It will be processed as a separate clearinghouse rule.

### Appearances at the Public Hearing and Their Position

In support - none

In opposition:

Helen Balliet, 1700 W. Packard Street, Appleton, WI 54914  
Robert Balliet, 1700 W. Packard Street, Appleton, WI 54914  
Ralph Hamel, Hamel Forest Products, Inc., 5401 Hwy. D, Vesper, WI 54489  
John B. Hess, Route 1, Box 157, Laona, WI 54541  
Bill Harvey, 4304 N. Mountain Road, Wausau, WI 54401  
Steven P. Margitan, Tenneco Packaging Forestry Dept., N9090 Co. Road E, Tomahawk, WI 54487  
Al Koepfel, P.O. Box 160, Antigo, WI 54499  
David F. Jackson, N5391 Town Hall Road, Gleason, WI 54435  
Jim Moore, HC2, Box 245A, Florence, WI  
Gary Hockerman, 4335 N. 163 Street, Brookfield, WI 53005  
Earl Gustafson, Wisconsin Paper Council, P.O. Box 718, Neenah, WI 54957-0718  
Henry L. Anderson, N49531 County Road O, Osseo, WI 54758  
Thomas Norman, Tenneco Packaging, N9090 County Road E, Tomahawk, WI 54487  
Allan Waelchli, Association of Consulting Foresters, W7251 Belle Plaine Avenue, Shawano, WI  
Chris Viegut, 1001 W. 4<sup>th</sup> Street, Marshfield, WI 54449  
Ken Mullins, Wisconsin Timber Associates, P.O. Box 305, Laona, WI 54541  
Mike Umland, 4703 Business Highway 8 East, Rhinelander, WI 54501  
Susan K. Swanson, Georgia-Pacific, 100 Wisconsin River Drive, Port Edwards, WI 54469  
Bill Wenfeler, Wis. County Forest Association, 707 E. 7<sup>th</sup> Street, Merrill, WI 54452

Joe Timmerman, Consolidated Papers, Inc., Box 8050, Wisconsin Rapids, WI 54495  
Joe Rademacher, Goodman Forest Industries, 611 Hwy. 8, Armstrong Creek, WI 54103  
Pete Hilgers, Kretz Lumber Company, 1770 Lone Pine Lane, Mosinee, WI 54455  
Dave Stoiber, Thilmamy International Paper, E2715 Highway B, Scandinavia, WI 54977  
Jeffrey Olsen, Tenneco Packaging, N9090 County Highway E, Tomahawk, WI 54487  
Dean Pelkey, Tenneco Packaging, N9090 County Highway E, Tomahawk, WI 54487  
John R. Mathie, 124 Eau Claire Blvd., Wausau, WI 54403  
Lloyd Godell, Timber Producers Association of Michigan & Wisconsin, N2777 Wildwood Lane,  
Antigo, WI 54409  
Bill Gilbert, The Timber Company, 100 Wisconsin River Drive, Port Edwards, WI  
Curtis Stebil, Pine River Lumber Co., Ltd., P.O. Box 139, Long Lake, WI 54542

As interest may appear:

Ralph Mortier, 1123 Harmon, Spooner, WI 54801  
Cal Watters, 100 Baldwin Court, Appleton, WI 54915  
B. Berryhill, 229 Byrondale, Wayzata, MN 55391  
Steve Gress, 6259 Heller Street, Vesper, WI 54489  
Bill Kauth, Mosinee Paper Corporation, 100 Main Street, Mosinee, WI 54455  
Nadine Bailey, Timber Producers Assoc., of Michigan & Wisconsin, 315 N. Brow, Rhinelander, WI  
Philip J. Borchardt, 300 W. 8<sup>th</sup> Street, Merrill, WI 54452  
Michael Brace, E3941 County GG, Ogdensburg, WI 54962  
Harry B. Cook, 9337 Normandy, Morton Grove, IL 60053

#### Response to Legislative Council Rules Clearinghouse Report

The comments as they relate to s. NR 46.30 have been incorporated.

#### Final Regulatory Flexibility Analysis

The 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 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-25-98

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.

**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, 1998 through October 31, 1999. Twelve separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 7.82% increase over current rates. The pulpwood proposed prices are, on the average, 9.78% higher compared to current prices.

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**SECTION 1.** NR 46.30(2)(a) to (c) are repealed and recreated to read:

(see attached pages)

**NR 46.30 Stumpage Rates - 1999**

1999 Rates - Effective Nov. 1, 1998

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         |
|----------------|----------|-----------|------------|-----------------|-----------|------------|-----------|--------|------------|--------|-------------|------------|
|                | SOUTHERN | GREEN BAY | MARIN-ETTE | BLK RIVER FALLS | LA CROSSE | EAU CLAIRE | WOOD-RUFF | ANTIGO | WIS RAPIDS | BRULE  | CUMBER-LAND | PARK FALLS |
| Cedar          | 161.00   | 115.00    | 80.00      | 113.00          | NA        | 113.00     | 161.00    | 161.00 | 161.00     | 50.00  | 50.00       | 50.00      |
| Fir            | NA       | 40.00     | 40.00      | 40.00           | NA        | 40.00      | 40.00     | 40.00  | NA         | 40.00  | 40.00       | 40.00      |
| Hemlock        | NA       | 50.00     | 50.00      | 67.00           | NA        | 67.00      | 30.00     | 66.00  | NA         | 155.00 | 155.00      | 155.00     |
| Pine           |          |           |            |                 |           |            |           |        |            |        |             |            |
| Jack           | 65.00    | 47.00     | 47.00      | 65.00           | 39.00     | 39.00      | 47.00     | 47.00  | 47.00      | 84.00  | 28.00       | 48.00      |
| Red            | 127.00   | 140.00    | 120.00     | 109.00          | 105.00    | 94.00      | 130.00    | 165.00 | 110.00     | 125.00 | 97.00       | 129.00     |
| White          | 123.00   | 110.00    | 120.00     | 115.00          | 164.00    | 132.00     | 123.00    | 138.00 | 146.00     | 130.00 | 124.00      | 124.00     |
| Spruce         | 67.00    | 68.00     | 68.00      | 67.00           | 67.00     | 67.00      | 110.00    | 64.00  | 67.00      | 45.00  | 66.00       | 95.00      |
| Tamarack       | 34.00    | 34.00     | 34.00      | 34.00           | 34.00     | 34.00      | 34.00     | 34.00  | 34.00      | 34.00  | 34.00       | 34.00      |
| Aspen          | 26.00    | 54.00     | 56.00      | 44.00           | 36.00     | 31.00      | 65.00     | 40.00  | 32.00      | 26.00  | 41.00       | 25.00      |
| Ash            | 188.00   | 95.00     | 187.00     | 222.00          | 139.00    | 260.00     | 190.00    | 168.00 | 173.00     | 163.00 | 120.00      | 119.00     |
| Basswood       | 158.00   | 76.00     | 195.00     | 200.00          | 150.00    | 213.00     | 140.00    | 170.00 | 102.00     | 159.00 | 154.00      | 110.00     |
| Birch          |          |           |            |                 |           |            |           |        |            |        |             |            |
| White          | 76.00    | 150.00    | 184.00     | 83.00           | 87.00     | 96.00      | 151.00    | 130.00 | 137.00     | 27.00  | 80.00       | 100.00     |
| Yellow         | 173.00   | 150.00    | 213.00     | 173.00          | 173.00    | 173.00     | 165.00    | 165.00 | 165.00     | 181.00 | 110.00      | 108.00     |
| Elm            | 82.00    | 43.00     | 43.00      | 180.00          | 88.00     | 88.00      | 200.00    | 200.00 | 200.00     | 95.00  | 95.00       | 95.00      |
| Maple          |          |           |            |                 |           |            |           |        |            |        |             |            |
| Sugar          | 368.00   | 320.00    | 354.00     | 226.00          | 328.00    | 320.00     | 265.00    | 220.00 | 199.00     | 284.00 | 241.00      | 121.00     |
| Other          | 160.00   | 160.00    | 158.00     | 133.00          | 171.00    | 121.00     | 179.00    | 160.00 | 129.00     | 114.00 | 123.00      | 80.00      |
| Oak            |          |           |            |                 |           |            |           |        |            |        |             |            |
| Red            | 357.00   | 350.00    | 430.00     | 282.00          | 347.00    | 330.00     | 219.00    | 373.00 | 354.00     | 251.00 | 295.00      | 264.00     |
| White          | 233.00   | 150.00    | 150.00     | 157.00          | 172.00    | 136.00     | 213.00    | 150.00 | 211.00     | 103.00 | 101.00      | 136.00     |
| Other          | 150.00   | 137.00    | 150.00     | 125.00          | 104.00    | 140.00     | NA        | 115.00 | 140.00     | 150.00 | 53.00       | 151.00     |
| Other Hardwood | 155.00   | 140.00    | 149.00     | 64.00           | 314.00    | 110.00     | 169.00    | 143.00 | 145.00     | 121.00 | 91.00       | 90.00      |
| Black Walnut   | 639.00   | 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        | 2         | 3          | 4               | 5         | 6          | 7         | 8      | 9          | 10    | 11          | 12         |
|----------------|----------|-----------|------------|-----------------|-----------|------------|-----------|--------|------------|-------|-------------|------------|
|                | SOUTHERN | GREEN BAY | MARIN-ETTE | BLK RIVER FALLS | LA CROSSE | EAU CLAIRE | WOOD-RUFF | ANTIGO | WIS RAPIDS | BRULE | CUMBER-LAND | PARK FALLS |
| Cedar          | 16.50    | 20.00     | 20.00      | 6.00            | 6.00      | 6.00       | 11.30     | 3.00   | 5.30       | 37.30 | 37.30       | 37.30      |
| Fir            | NA       | 17.80     | 17.70      | 21.50           | NA        | 16.10      | 10.70     | 10.50  | NA         | 11.00 | 13.10       | 13.70      |
| Hemlock        | NA       | 9.40      | 9.20       | 10.80           | NA        | 10.80      | 9.40      | 11.20  | NA         | 8.30  | 8.30        | 8.30       |
| Pine           |          |           |            |                 |           |            |           |        |            |       |             |            |
| Jack*          | 24.90    | 42.90     | 42.90      | 30.00           | 34.20     | 27.80      | 40.90     | 39.70  | 28.80      | 35.10 | 29.60       | 27.00      |
| Red*           | 26.70    | 15.40     | 41.10      | 32.30           | 27.60     | 16.00      | 32.00     | 34.40  | 28.50      | 34.20 | 18.00       | 35.40      |
| White*         | 21.10    | 9.30      | 18.40      | 19.00           | 17.80     | 14.00      | 14.80     | 14.90  | 19.30      | 33.80 | 12.10       | 17.76      |
| Spruce         | 12.00    | 8.40      | 23.70      | 19.60           | 18.50     | 12.00      | 23.00     | 23.80  | 15.00      | 18.90 | 17.60       | 21.90      |
| Tamarack       | 15.60    | 17.00     | 19.30      | 10.60           | 11.00     | 10.80      | 14.00     | 11.90  | 13.20      | 16.60 | 14.00       | 15.90      |
| Aspen          | 20.60    | 14.10     | 26.70      | 17.70           | 12.10     | 14.00      | 17.00     | 20.00  | 13.70      | 16.00 | 20.00       | 20.70      |
| Birch          | 18.20    | 24.50     | 24.50      | 17.10           | 5.00      | 14.50      | 16.00     | 16.00  | 11.30      | 14.00 | 14.90       | 20.20      |
| Basswood       | 5.00     | 7.60      | 7.60       | 5.00            | 5.00      | 5.00       | 3.30      | 7.20   | 3.30       | 5.40  | 8.00        | 3.70       |
| Oak            | 11.60    | 10.00     | 15.00      | 12.10           | 8.80      | 13.40      | 20.20     | 11.80  | 11.30      | 11.80 | 9.00        | 12.60      |
| Other Hardwood | 8.30     | 14.00     | 21.40      | 17.00           | 15.10     | 13.10      | 18.30     | 15.00  | 11.20      | 13.90 | 11.50       | 12.30      |
| Fuelwood       | 7.30     | 12.00     | 10.00      | 5.50            | 6.70      | 6.10       | 10.00     | 8.50   | 2.20       | 9.80  | 7.60        | 7.60       |

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

\*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(2)(c) Piece products (stumpage value per piece).

|                 | 1        | 2         | 3          | 4               | 5         | 6          | 7         | 8      | 9          | 10    | 11          | 12         |
|-----------------|----------|-----------|------------|-----------------|-----------|------------|-----------|--------|------------|-------|-------------|------------|
|                 | SOUTHERN | GREEN BAY | MARIN-ETTE | BLK RIVER FALLS | LA CROSSE | EAU CLAIRE | WOOD-RUFF | ANTIGO | WIS RAPIDS | BRULE | CUMBER-LAND | PARK FALLS |
| Posts & Poles   |          |           |            |                 |           |            |           |        |            |       |             |            |
| 7 and 8 ft.     | 0.64     | 0.70      | 0.60       | 0.55            | 0.53      | 0.47       | 0.65      | 0.83   | 0.55       | 0.63  | 0.49        | 0.65       |
| 10 and 12 ft.   | 1.91     | 2.10      | 1.80       | 1.64            | 1.58      | 1.41       | 1.95      | 2.48   | 1.65       | 1.88  | 1.46        | 1.94       |
| 14 and 16 ft.   | 3.18     | 3.50      | 3.00       | 2.73            | 2.63      | 2.35       | 3.25      | 4.13   | 2.75       | 3.13  | 2.43        | 3.23       |
| 18 and 20 ft.   | 6.31     | 6.96      | 5.96       | 5.42            | 5.22      | 4.67       | 6.46      | 8.20   | 5.46       | 6.21  | 4.82        | 6.41       |
| 21 and 30 ft.   | 9.05     | 9.98      | 8.55       | 7.77            | 7.48      | 6.70       | 9.27      | 11.76  | 7.84       | 8.91  | 6.91        | 9.20       |
| 31 and 40 ft.   | 15.64    | 17.24     | 14.77      | 13.42           | 12.93     | 11.57      | 16.01     | 20.31  | 13.54      | 15.39 | 11.94       | 15.88      |
| 41 and 50 ft.   | 23.39    | 25.78     | 22.10      | 20.07           | 19.33     | 17.31      | 23.94     | 30.38  | 20.26      | 23.02 | 17.86       | 23.75      |
| 51 and 60 ft.   | 32.30    | 35.61     | 30.52      | 27.72           | 26.71     | 23.91      | 33.06     | 41.97  | 27.98      | 31.79 | 24.67       | 32.81      |
| 61 and 70 ft.   | 42.25    | 46.57     | 39.92      | 36.26           | 34.93     | 31.27      | 43.24     | 54.89  | 36.59      | 41.58 | 32.27       | 42.91      |
| Christmas Trees |          |           |            |                 |           |            |           |        |            |       |             |            |
| Unsheared       | 3.10     | 3.10      | 3.10       | 3.40            | 3.40      | 3.40       | 4.50      | 5.00   | 3.40       | 5.60  | 2.30        | 6.50       |
| Sheared         | 4.50     | 4.50      | 4.50       | 4.50            | 4.50      | 4.50       | 4.50      | 4.50   | 4.50       | 4.50  | 4.50        | 4.50       |

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on  
June 24, 1998

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)