

Report to
Legislative Council Rules Clearinghouse
NR , Wis. Adm. Code
Natural Resources Board Order No. FR-09-09

Wisconsin Statutory Authority

ss. 77.06(2), 77.82(3)(c), 77.91(1) and 227.11(2)(a), Stats., interpreting s. 77.06(2) and subch. VI of ch. 77.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The proposed rule includes:

1. The annual stumpage rate adjustments. Sections 77.06(2) and 77.91(1), Stats., require that the department establish stumpage rates (values) used in calculating severance and yield taxes on timber harvested from land enrolled in the Forest Crop Law (FCL) and Managed Forest law (MFL). This rule would repeal NR 46.30(2)(a) to (d) and recreate NR 46.30(2)(a) to (f) 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. While the statewide averages increased slightly, there are fluctuations between market zones and individual prices. Of all total 624 prices calculated, 173 (28%) increased, 188 (30%) decreased and 263 (42%) stayed the same. Estimates are based on the average change in rates for private land timber sales across species and zone for each product type (cordwood, sawtimber and mixed), the volumes reported and paid for in CY 2008, and the assumption that the volume and the ratio of the cordwood and sawtimber will remain the same.

2. Amendments to petition requirements in NR 46.16 (5). Petition requirements are being changed to streamline the administration and processing of new MFL entries. The rule would be modified to allow entries of land per municipality except in cases where lands must cross municipality lines to meet eligibility requirements.

3. 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. 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.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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