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NR 46

STATE OF WISCONSIN)
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DEPARTMENT OF NATURAL RESOURCES)

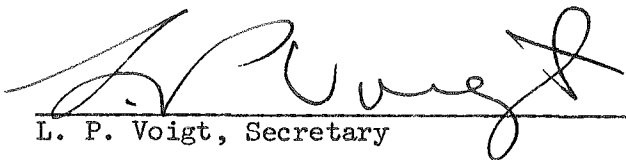
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, L. P. Voigt, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed rules and regulations relating to creation of NR 46 of the Wisconsin Administrative Code were duly approved and adopted by this Department on March 22, 1973.

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 City of Madison, this 9th day of April, 1973.

(SEAL)


L. P. Voigt, Secretary

STATE OF WISCONSIN NATURAL RESOURCES BOARD

 IN THE MATTER OF creating :
 NR 46 of the Wisconsin Administrative :
 Code pertaining to land applied for or :
 under Sections 77.01 through 77.16 of :
 the Wisconsin Statutes :

FT-6-73

ORDER OF THE STATE OF WISCONSIN NATURAL
 RESOURCES BOARD CREATING RULES

Pursuant to authority vested in the State of Wisconsin Natural Resources Board by Sections 77.01-16 and 227.01, Wisconsin Statutes, the Natural Resources Board hereby creates rules as follows:

Chapter NR 46

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|----------|------------------|----------|-----------------|
| NR 46.01 | Definitions | NR 46.02 | Forest Crop Law |
| NR 46.03 | Woodland Tax Law | NR 46.04 | Forms |
| NR 46.01 | Definitions. | | |

- (1) "Grazing" means the feeding on grass, herbage or other growing plants by domestic animals. Animals used during timber harvest operations are exempt.
- (2) "Burning" means the presence of fire on forest land, except when used as a prescribed tool in the practice of sound forestry.
- (3) "Practice forestry", "sound forestry practices" and "sound forestry" mean those timber cutting, transporting and forest cultural methods recommended or approved by the Department of Natural Resources for most effective propagation and improvement of the various timber types common to Wisconsin.
- (4) "Forest land" means land capable of producing wood products, having a minimum width of 120 feet, not developed for uses inimical to the practice of forestry and at least 10% stocked with forest trees of any of the following size classes:

Stand Size Classes	Tree Diameter Ranges		Density
	at 4.5 Feet from Ground Level		
Seedlings	0" - 1"		200 trees per acre
Saplings	1" - 5"		100 trees per acre
Pole-Timber	5" - 9"*, 11"***		3 cords per acre
Sawtimber	9"+*, 11"+**		1,300 board feet per acre

* For Conifer Species

** For Other Species

- (5) "Commercial forest land" means forest land capable of producing wood products within 100 years and not withdrawn from timber production.
- (6) "Non-commercial forest land" means forest land not capable of producing wood products within 100 years.
- (7) "Non-forest" means farmland (including grazing pastures), water, marsh, muskeg, bog, rock outcrops, sand dunes, recreational land, industrial land, residential land and rights-of-way.
- (8) "Non-productive area" means non-forest, non-stocked forest land and non-commercial forest land.
- (9) "Tree scale" means the measurement of merchantable volume of standing trees.
- (10) "Qualified forester" means a forester having a Bachelor or higher degree from a school of forestry.
- (11) "Quarter-quarter section" means a regular one-sixteenth part of a section, the boundaries of which are determined by a correctly executed subdivision of the section involved, as determined by U. S. Government survey plat.
- (12) "Fractional lot" means a portion of a section in a township formed by the excess or deficiency of land in said township, as shown by U. S. Government survey plat.
- (13) "Government lot" means an irregular portion of a section formed by a meandered body of water, impassible object, a State or reservation or grant boundary or for other similar reasons as shown by U. S. Government survey plat.
- (14) "Public roads and railroad rights-of-way" means public roads or railroad rights-of-way active or abandoned, in public or railroad ownership.
- (15) "Domicile" means the place of residence of an individual or family.
- (16) "Wood products" means those items listed on the current Forest Crop Law Stumpage Values for Severance Tax.
- (17) "Hunting" means shooting, shooting at, pursuing, taking, catching or killing of any wild animal or animals other than trapping. "Fishing" means taking, capturing, killing or fishing for fish of any variety in any manner. Landowners may prohibit activities other than public hunting and fishing on lands under the Forest Crop Law.

NR 46.02 Standards to be used in applying ss. 77.01 - 77.14 Wisconsin Statutes

- (1) Standard units of measurement shall be:
 - A. Sawlogs - board feet, Scribner Decimal C log rule.
 - B. Cords - piled cord, 4' X 4' X 96" - 100" or 4' X 8' X 4'. Cord products of other dimensions shall be converted to standard cords.
 - C. Piece products - per piece, post, pole or Christmas tree.
 - D. Weight - converted to cord equivalent by species.

- (2) In determining whether an applicant is holding the land permanently for the growing of timber and other forest crops the Department may consider:
 - A. The statements of the applicant on the entry petition.
 - B. Evidence which indicates the owner's primary intent to practice forestry.
- (3) The following conditions will be considered upon application for entry to determine if all or portions of the lands are more useful for purposes other than the practice of forestry.
 - A. Location within incorporated limits of cities or within registered plats.
 - B. The presence of buildings or other structures which are inimical to the practice of sound forestry. The existence of landscaping or ornamental plants, or the alteration of vegetation, adjacent to or near the buildings or structures shall be prima facie evidence that the buildings or structures are inimical to the practice of sound forestry. The use of buildings or structures as a domicile is deemed inimical to the practice of sound forestry.
 - C. Adjacency to or in the near vicinity of developments (i.e., industrial, recreational, residential, agricultural or commercial) for which the lands being applied for are also suitable.
 - D. The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.
 - E. Zoning laws and ordinances.
 - F. Other conditions may also be considered.
- (4) The following conditions will be cause for cancellation:
 - A. The presence of buildings or other structures which are inimical to the practice of sound forestry. The existence of landscaping or ornamental plants, or the alteration of vegetation, adjacent to or near the buildings or structures shall be prima facie evidence that the buildings or structures are inimical to the practice of sound forestry. The use of buildings or structures as a domicile is deemed inimical to the practice of sound forestry.
 - B. The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.
- (5) Lands remaining after a transfer, cancellation or withdrawal must meet the requirements for entry.
- (6) Non-productive areas shall not exceed 20% of the total contiguous proposed entry, except where the applicant demonstrates to the Department's satisfaction that significant forestry benefits will result from entry.

NR 46.03 Woodland Tax Law 77.16

- (1) Applications received prior to September 1 in any year shall be processed for entry by March 20 of the following year.
- (2) The minimum acreage for entry or renewal shall be a ten-acre tract of contiguous forest land. Areas of less than 10 acres, if contiguous to an existing entry, may be added to such entry.
- (3) Conveyance that results in partition of lands of an entry shall be cause for cancellation of the entire entry. An entry conveyed in its entirety shall continue its classification under this section.
- (4) The following conditions will be considered upon application for entry to determine if lands are more suitable for purposes other than the practice of forestry.
 - A. Location within incorporated limits of cities, villages or registered plats.
 - B. Adjacency to or in the vicinity of industrial, recreational, residential, agricultural or commercial developments for which the lands being applied for are also suitable.
 - C. The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations.
 - D. Zoning laws and ordinances.
 - E. Other conditions may also be considered.
- (5) The presence of surface disturbance in the form of current commercial metallic or non-metallic mining or landfill operations shall be prima facie evidence that the land is no longer used for forestry purposes.
- (6) Non-productive areas shall not exceed 20% of the total contiguous proposed entry.
- (7) Parcels of land with assessed improvements shall not qualify for entry.

NR 46.04 Forms

Application for entry, transfer, withdrawal 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, Box 450, Madison, Wisconsin 53701.


The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 22, 1973.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin, this 9th day of April, A.D., 1973.

(Department Seal)

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



L. P. Voigt, Secretary