

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-21-02

Legislative Council Rules Clearinghouse Number 02-047

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

Date of Transmittal to Presiding Officers July 9, 2002

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

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

Telephone: 266-1959
e-mail: turnec@dnr.state.wi.us

An electronic copy of the proposed rule may be obtained by contacting Ms. Turner

REPORT TO LEGISLATURE

NR 46.30, Wis. Adm. Code
Administration of the forest crop law and the managed forest law

Board Order No. FR-21-02
Clearinghouse Rule No. 02-047

Statement of Need

For purposes of the Forest Crop and Managed Forest Laws, this rule repeals and recreates s. NR 46.30(2)(a) to (c) for the annual revision of the stumpage values used to calculate severance and yield taxes due on timber harvested during the period from November 1, 2002 through October 31, 2003. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 1.40% increase in current rates. The pulpwood proposed prices are, on the average, 5.45% higher than current prices.

Modifications as a Result of Public Hearing

The average price change for sawtimber decreased from a 2.85% average increase to a 1.40% average increase; for pulpwood, the average price change decreased from a 8.63% average increase to a 5.45% average increase.

Appearances at the Public Hearing and Their Position

In support:

Scott Leonhardt, P.O. Box 576, Rhinelander, WI 54501

In opposition – none

As interest may appear:

Juris Repsa, Domtal Industries, Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469
Jeff Plunkett, Weyerhaeuser, 200 Grand Avenue, Rothschild, WI 54474
Clifford A. Dahl, Jr., 5455 Silver Lake Road, Rhinelander, WI 54501

Response to Legislative Council Rules Clearinghouse Report

The Clearinghouse did not have any comments or recommendations on the proposed rule.

Final Regulatory Flexibility Analysis

Landowners cutting timber from Forest Crop and Managed Forest Law lands will pay severance and yield taxes based on the revised stumpage values. The forest products industries own approximately 40% of the forest tax law acreage and, therefore, will be affected as landowners. Small private forest landowners and forest industries enrolled under the Forest Crop Law and Managed Forest Law are required by statute 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.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
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-21-02

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, 2002 through October 31, 2003. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 1.40% increase over current rates. The pulpwood proposed prices are, on the average, 5.45% higher than current prices.

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

NR 46.30 Stumpage Rates - 2003

2003 Rates - Effective Nov. 1, 2002

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	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Cedar	100.00	131.25	131.25	131.25	131.25	100.00	125.00	130.00	100.00	125.00	130.00	130.00	130.00
Fir	NA	45.00	45.00	45.00	NA	NA	55.00	NA	NA	55.00	45.00	45.00	45.00
Hemlock	NA	79.00	80.00	80.03	NA	NA	80.15	NA	72.14	80.15	72.14	72.14	72.14
Pine													
Jack	40.36	60.00	60.00	60.00	60.00	40.36	65.00	65.00	55.00	65.00	65.00	55.00	65.00
Red	125.00	125.00	107.27	107.72	130.33	140.12	112.19	121.61	140.12	156.30	149.18	128.95	124.19
White	105.26	165.00	146.49	145.69	130.00	100.00	173.01	134.84	100.00	140.67	117.08	125.72	142.84
Spruce	81.35	69.00	120.00	100.00	90.00	81.35	90.00	81.35	81.35	80.00	81.35	81.35	81.35
Tamarack	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42	62.42
Aspen	65.00	58.00	95.00	93.16	80.00	89.17	74.90	40.87	73.58	62.19	55.00	60.00	60.00
Ash	176.72	150.00	130.00	130.03	151.98	126.05	125.78	178.00	171.64	176.22	153.72	120.07	165.74
Basswood	150.00	95.00	152.11	187.94	123.20	253.39	154.48	151.95	136.52	155.75	159.47	148.58	119.84
Birch													
White	95.00	83.45	134.25	175.16	109.84	85.00	180.72	115.00	85.00	140.54	84.11	95.41	85.00
Yellow	186.01	122.00	175.00	137.75	166.88	186.01	178.15	120.00	186.01	135.81	120.00	120.00	120.00
Elm	101.95	87.56	83.71	100.00	117.50	119.18	74.99	70.36	74.35	74.99	70.36	116.00	112.50
Maple													
Sugar	375.00	280.00	331.96	384.29	441.95	374.08	341.95	361.10	403.84	334.97	396.80	337.84	235.00
Other	165.71	120.00	166.85	196.45	195.74	168.53	149.79	154.89	192.31	112.90	143.27	120.00	123.47
Oak													
Red	300.00	350.00	437.31	435.64	302.86	409.96	365.96	362.99	363.86	312.85	426.27	386.37	349.22
White	165.00	150.00	150.00	215.25	247.25	242.80	225.00	169.42	143.57	108.79	163.76	155.90	142.24
Other	125.00	150.00	210.53	164.43	105.84	225.75	185.00	135.10	180.00	90.00	155.00	166.49	166.06
Other Hardwood	215.00	110.00	162.65	104.51	147.34	215.00	161.11	116.20	245.00	146.56	115.00	139.65	128.70
Black Walnut	695.70	NA	NA	NA	NA	769.73	NA	NA	503.33	NA	459.62	350.00	460.00

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	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Cedar	23.95	25.33	25.00	15.06	25.33	23.95	15.00	23.95	NA	15.00	23.95	23.95	23.95
Fir	NA	20.95	21.22	15.18	NA	NA	16.36	24.00	NA	23.18	10.00	20.00	20.01
Hemlock	NA	11.31	10.00	14.54	NA	NA	12.00	12.00	NA	10.00	12.00	12.00	12.00
Pine													
Jack	23.06	22.39	42.16	30.03	32.74	15.00	31.96	39.99	25.00	37.34	38.00	38.00	34.14
Red	22.50	30.75	48.33	36.15	44.48	25.01	38.16	38.14	34.00	44.85	43.36	30.00	40.56
White	20.00	20.77	27.93	21.20	35.19	17.23	18.26	19.83	27.12	22.56	23.01	24.60	18.20
Spruce	20.00	20.20	26.21	31.16	32.00	15.00	22.78	21.12	28.00	24.20	24.39	23.62	18.43
Tamarack	20.48	27.98	27.98	26.00	27.98	20.48	20.50	20.48	20.48	18.65	20.48	20.48	20.48
Aspen	12.22	12.25	26.88	22.14	10.36	15.95	17.98	18.10	15.95	23.53	23.12	21.84	17.88
Birch	20.05	20.89	20.89	20.15	20.89	20.05	18.38	13.85	20.05	19.15	17.04	10.88	13.85
Basswood	5.48	5.92	5.93	6.93	5.92	5.48	6.24	2.00	5.48	6.32	8.00	6.71	6.71
Oak	6.60	10.00	18.76	9.50	8.39	6.60	16.84	10.60	8.00	8.45	10.62	7.99	9.37
Other Hardwood	6.57	7.66	20.85	13.76	6.93	5.16	13.95	13.29	8.29	13.82	14.11	11.46	14.88
Fuelwood	10.00	7.45	7.45	8.00	7.45	10.00	8.69	8.00	10.00	8.69	7.78	7.78	7.00

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

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

	1	2	3	4	5	6	7	8	9	10	11	12	13
	WAUKESHA	GREEN BAY	CRIVITZ	WAUSAU	WAU-TOMA	DODGE-VILLE	RHINE-LANDER	ADAMS	RICHLAND CENTER	HAY-WARD	EAU CLAIRE	RIVER FALLS	SPARTA
Posts & Poles													
7 and 8 ft.	0.63	0.63	0.54	0.54	0.65	0.70	0.56	0.61	0.70	0.78	0.75	0.64	0.62
10 and 12 ft.	1.88	1.88	1.61	1.62	1.95	2.10	1.68	1.82	2.10	2.34	2.24	1.93	1.86
14 and 16 ft.	3.13	3.13	2.68	2.69	3.26	3.50	2.80	3.04	3.50	3.91	3.73	3.22	3.10
18 and 20 ft.	6.21	6.21	5.33	5.35	6.47	6.96	5.57	6.04	6.96	7.76	7.41	6.41	6.17
21 and 30 ft.	8.91	8.91	7.65	7.68	9.29	9.99	8.00	8.67	9.99	11.14	10.63	9.19	8.85
31 and 40 ft.	15.39	15.39	13.21	13.26	16.05	17.25	13.81	14.97	17.25	19.24	18.37	15.88	15.29
41 and 50 ft.	23.02	23.02	19.75	19.84	24.00	25.80	20.66	22.39	25.80	28.78	27.47	23.74	22.87
51 and 60 ft.	31.79	31.79	27.28	27.40	33.15	35.64	28.53	30.93	35.64	39.75	37.94	32.80	31.59
61 and 70 ft.	41.58	41.58	35.68	35.83	43.35	46.61	37.32	40.45	46.61	51.99	49.62	42.89	41.31
Christmas Trees													
Unsheared	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
Sheared	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22	6.22

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on June 26, 2002.

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 _____
Darrell Bazzell, Secretary

(SEAL)



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 02-047

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.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-08-02 RECEIVED BY LEGISLATIVE COUNCIL.

04-29-02 REPORT SENT TO AGENCY.

RS:MM:tlu

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

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Clearinghouse Director

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CLEARINGHOUSE RULE **02-047**

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.

Submitted by **DEPARTMENT OF NATURAL RESOURCES**

04-08-02 RECEIVED BY LEGISLATIVE COUNCIL.

04-29-02 REPORT SENT TO AGENCY.

RS:MM:tlu

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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

Report to
Legislative Council Rules Clearinghouse
NR 46.30, Wis. Adm. Code
Natural Resources Board Order No. FR-21-02

Wisconsin Statutory Authority

ss. 77.06(2), 77.91(1) and 227.11(2)(a), Stats., interpreting ss. 77.06(2) and 77.91(1), Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

Sections 77.06(2) and 77.91(1), Stats., require an annual hearing related to the determination of stumpage values used in calculating severance and yield taxes on timber cut from Forest Crop Lands (FCL) and Managed Forest Lands (MCL). This rule will repeal and recreate s. NR 46.30(2)(a) to (c) to revised the annual stumpage values used to calculate severance and yield taxes due on timber cut during the period from November 1, 2002 through October 31, 2003. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 2.85% increase over current rates. The pulpwood prices are, on the average, increased 8.63%.

Agency Procedures for Promulgation

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

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Liaisons

Ken Hujanen, Bureau of Forestry - 266-3545
Edwina Kavanaugh, Bureau of Legal Services - 264-8991
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on April 9, 2002

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
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-21-02

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, 2002 through October 31, 2003. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 2.85% increase over current rates. The pulpwood proposed prices are, on the average, 8.63% higher than current prices.

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

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board
on _____.

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 _____
Darrell Bazzell, Secretary

(SEAL)