

Clearinghouse Rule 11-013

Report to
Legislative Council Rules Clearinghouse
NR 46, Wis. Adm. Code
Natural Resources Board Order No. FR-45-10

Wisconsin Statutory Authority

Sections 227.11(2)(a), 77.82(2m)(a) and (am), (3)(am) and (g), (4), Stats. and generally subchs. I and VI, Ch. 77, Stats.

Federal Authority

There are no known federal rules which apply to the Managed Forest Law program.

Comparison of Adjacent States

Minnesota, Michigan, Iowa and Illinois offer some type of incentive program to forest landowners, however their program requirements are not as comprehensive as Wisconsin's Managed Forest Law.

Court Decisions Directly Relevant

None

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

Changes to NR 46 are required as a result of 2009 Wisconsin Act 365 and as needed to effectively administer the MFL program,

Changes include the following:

- Repeal Subchapter II regarding the Woodland Tax Law and references to Woodland Tax Law throughout NR 46.
- Amend the definition of "incompatible with existing uses of the land."
- Repeal the definition of "management plan packet".
- Amend the wording of NR 46 to replace "petition" and "petitioner" with "application" and "applicant".
- Amend the application dates and requirements.
- Amend MFL application fees.
- Repeal NR 46 wording requirements in application forms and management plans.
- Amend the certified plan writer program certification requirements.
- Amend reporting dates as a result of new application deadlines provided for in 2009 Wisconsin Act 365.
- Require that owners buying lands from large ownerships as defined in NR 46.18(4) provide a management plan within one year of the transfer date,
- Require that owners who no longer meet the qualifications of a large ownership in NR 46.18(4) must provide a management plan within one year of losing large ownership status,

Amend wording associated with the alternative withdrawal tax calculation,

Agency Procedures for Promulgation

Public hearing on April 13, 2011 in Wausau, WI, followed by Natural Resources Board Adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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