

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD  
RENUMBERING AND AMENDING, AMENDING, REPEALING AND RECREATING  
AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to renumber and amend NR 46.18(1)(a) and (b); to amend 46.15 (9) (note) and 46.18(2)(title); to repeal and recreate NR 46.16(1)(c) and 46.30(2)(a) to (c); and to create NR 46.15(26m), 46.18(1)(b) and (c) relating to the administration of the Forest Crop Land and the Managed Forest Law.

FR-18-03

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 20.370 (1)(cr), 77.06(2), 77.91(1) and 227.11(2)(a), Stats.  
Statutes interpreted: ss. 77.06(2), 77.82 and 77.91(1), Stats.

**Definitions:** Clearly connects the term “qualified forester” to accepted existing definitions under the private forestry rule, NR 1.21(2)(d) and (e) and to note that the building requirements apply to new conversions from Forest Crop Law (FCL) to Managed Forest Law (MFL) submitted after July 30, 2002 (the effective date of 2001 Wisconsin Act 109).

The Legislature, in 2001 Wisconsin Act 109, repealed s. 77.82 (4m) (c), Stats., which required that petitions for conversions of forest croplands to managed forest land must be submitted before January 1, 1998. The repeal of s. 77.82 (4m) (c) restores the opportunity for landowners to petition to convert forest cropland to managed forest land as of the effective date of 2001 Wisconsin Act 109 (July 30, 2002). The Department promulgated NR 46.15 (9) and the note following it in response to statutory changes enacted in 1997 Wisconsin Act 27 which required that the Department further define the phrase “developed for human residence.” NR 46.15 (9) took effect prior to the passage of 2001 Wisconsin Act 109. The fact that 2001 Wisconsin Act 109 restored the opportunity for landowners to convert forest cropland to managed forest land prompted the Department to clarify that, while the definition of “developed for human residence” does not apply to petitions to convert forest croplands to managed forest lands that were submitted before January 1, 1998 [as required by the repealed s. 77.82 (4m) (c), Stats.], that definition does apply to conversion petitions submitted after the effective date of 2001 Wisconsin Act 109. This change will not retroactively affect the eligibility status of any land.

**Application fee:** Reflects application fee changes for all types of applications to be consistently collected and credited to cover recording fees.

**Management plan:** Renumbers some elements for clarity and lists all attachments required to be submitted with the management plan.

**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, 2003 through October 31, 2004. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average price change for sawtimber is a 7.9% decrease over current rates. The pulpwood proposed prices are, on the average, 1.32% higher than current prices.

**SECTION 1.** NR 46.15 (9) **note** is amended to read:

NR 46.15 (9) **Note:** “Developed for human residence” is not meant to include storage or workshop buildings. If there is living space as part of such buildings, the living space will be compared against the 8 characteristics. This definition does not apply to entries in effect January 1, 1999 or lands converted from the forest crop law to the managed forest law under s. 77.82 (4m), Stats. pursuant to petitions submitted before January 1,

1998, except that those entries must adhere to the traditional domicile and landscaping definitions concerning buildings on MFL lands.

**SECTION 2.** NR 46.15 (26m) is created to read:

NR 46.15 (26m) “Qualified forester” for the purposes of this subchapter, means any person meeting either the definition of “department forester” in s. NR 1.21 (2)(d) or “forester” in s. NR 1.21 (2)(e).

**SECTION 3.** NR 46.16 (1)(c) is amended to read:

NR 46.16 (1) (c) *Application fee.* Each petition submitted to the department for a new designation or ~~an addition~~ a conversion of forest cropland to managed forest land shall include a nonrefundable application fee of ~~\$20.00~~ 100.00. Petitions accompanied by a proposed management plan, and petitions for additions to managed forest land shall include a nonrefundable application fee of \$20.00.

**SECTION 4.** NR 46.18 (1)(title)(a) and (b) are renumbered and amended to read:

**NR 46.18 Management plan. (1)** (title) ~~MAP ATTACHMENTS.~~ (a) Maps. 1. The management plan shall include a map, on forms provided by the department, at a scale of 8 inches equals one mile, showing land eligible for designation and areas designated as closed to public access under s. 77.83, Stats.

(b) 2. The map shall show major land features, using conventional map symbols, and vegetation cover types indicating species, size and density where appropriate.

**Note:** ~~Copies of conventional map symbols are available at the Department of Natural Resources, 101 South Webster St., Box 7963, Madison, WI 53707.~~

**SECTION 5.** NR 46.18(1)(b) is created to read:

NR 46.18(1)(b) *Land listing.* The management plan shall include a listing of lands including full legal descriptions and acres eligible for entry on forms provided by the department.

**SECTION 6.** NR 46.18(1)(c) is created to read:

NR 46.18(1)(c) *Land exam and practices report.* The management plan shall include reconnaissance data and scheduled practices by stand on forms provided by the department.

**Note:** Copies of conventional map symbols, land listing forms, and land exam and practices report forms are available at the Department of Natural Resources, 101 South Webster St., Box 7963, Madison, WI 53707, and at all DNR service centers.

**SECTION 7.** NR 46.18 (2) (title) is amended to read:

NR 46.18(2) (title) ~~FORMS: MANDATORY PRACTICES.~~

**SECTION 8.** NR 46.30(2)(a) to (c) are repealed and recreated to read:

(see attached page)

**SECTION 9. EFFECTIVE DATE.** This rule 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.

**SECTION 10. BOARD ADOPTION.** This rule was approved and adopted by the State of Wisconsin Natural Resources Board on June 25, 2003.

Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_  
Scott Hassett, Secretary

(SEAL)