

Clearinghouse Rule 06-097

Report to
Legislative Council Rules Clearinghouse
NR 1.25, Wis. Adm. Code
Natural Resources Board Order No. FR-28-06

Wisconsin Statutory Authority

s. 823.075(1)(d), Stats., interpreting s. 823.075(1)(d), Stats. (2005 Wisconsin Act 79)

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

The proposed rule defines “generally accepted forestry management practices” and incorporates by reference the document “Wisconsin Forest Management Guidelines” (FMG). Section 823.075(1)(d), Stats., allows the Department to incorporate into the definition, by reference, the most recent version of the Department publication.

Sections 59.69(4)(a), 60.61(2)(a) and 62.23(7)(b), Stats., provide that a forestry operation may not be declared a nuisance if the forestry operation conforms to generally accepted forestry management practices. Also, under Act 79, a zoning ordinance may not prohibit forestry operations that are in accordance with generally accepted forestry management practices.

The FMG is used by the Department as a guidance document. It was developed with a process that relied heavily on public participation. A draft edition of the FMG was distributed for public review between October 2002 and March 2003. Hundreds of comments were received in the course of five open houses and from letters. These comments were carefully considered during the development of the FMG. The proposed rule would require updates to the FMG a minimum of every five years and would require the Department to use a process that incorporates public participation, including public comments.

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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