

Report From Agency

REPORT TO LEGISLATURE

NR 47, Wis. Adm. Code
Administration of the urban forestry catastrophic storm grant program

Board Order No. FR-11-08
Clearinghouse Rule No. 08-062

Basis and Purpose of the Proposed Rule

Currently the Department's urban forestry grant program distributes 50% match grants to local units of government, tribes and 501(c)(3) non-profit conservation organizations for the management of trees and related projects in populated areas.

The passage of 2007 Wisconsin Act 13 gives the Department the authority to provide urban forestry grants to meet communities' needs for repair, removal and replacement of trees following a catastrophic storm event for which the Governor has designated a state of emergency. Act 13 allows for a portion of the current urban forestry grant appropriation to be used to fund no-match catastrophic storm grants in an expedited manner for Governor-declared disasters in urban or developed areas of the state.

To accomplish this, the proposed rule will update the existing general provisions section on grantee accountability, grant termination and enforcement contained within subch. I of ch. NR 47. Additionally, subch. XII of ch. NR 47 will be created to administer the urban forestry catastrophic storm grants. Subchapter XII of ch. NR 47 establishes eligibility, application procedures, eligible costs for payment, the grant selection process and the required supporting documentation for the urban forestry catastrophic grant program.

Summary of Public Comments

No comments were received from the public.

Modifications Made

No modifications were required as a result of public comment. Minor changes were made for clarification. Subch. XII of ch. NR 47 was added in s. NR 47.005 on grantee accountability. Further review of s. NR 47.958(2) identified a duplication of terms. NR 47.958(2) was written as "Reimbursement". The wording was changed to "Disbursement". The Department shall disburse payments under this subchapter following review of final reimbursement claims submitted by applicants.

Appearances at the Public Hearing

No one appeared at the public hearing.

Changes to Rule Analysis and Fiscal Estimate

None were required.

Response to Legislative Council Rules Clearinghouse Report

The comments were accepted, except for:

Comment 5.c.2. The department determined that rain in and of itself would not cause sufficient damage to the urban forest. It is the accompanying wind that damages a forest.

Comment 5.c.6. The use of marshalling yard was retained. For the purpose of this rule, marshalling yard is more commonly used to describe the place where wood debris is stored.

Comment 5.b. Not-for-profit is used in other subchapters within ch. NR 47. The non-for-profit terminology was retained for rule consistency.

Comment 7.f.7. The wording was retained for rule consistency to coincide with the regular urban forestry grant program s. NR 47.956.

Final Regulatory Flexibility Analysis

Small business may benefit as a result of the proposed new grant program. Grant recipients may contract with small businesses in Wisconsin for equipment sales, consulting services, providing diverse nursery stock, along with removal, remediation and tree utilization efforts.