

**BEFORE THE
DEPARTMENT OF NATURAL RESOURCES**

NOTICE OF PUBLIC HEARING
Natural Resources Board Order FR-07-12

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on the creation of section NR 47.65, relating to a new County Forest time standards grant, which would allow county forests additional flexibility in selecting the optimal combination of resources provided by the department on the date(s) and at the time and location listed below.

Hearing Information

Date and Time

June 25, 2014, 4:15 PM

Location

Avalon Hotel & Conference Center,
1009 West Park Avenue
Chippewa Ballroom,
Chippewa Falls, WI 54729

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Joe Schwantes, Madison, WI 53707; by E-mail to Joseph.Schwantes@wisconsin.gov or by calling (608) 264-9217. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate

The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link <https://health.wisconsin.gov/admrules/public/Home>. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Joe Schwantes, Department of Natural Resources, Bureau of Forest Management 101 S. Webster St, Madison, WI, 53703, or by calling (608) 264-9217.

Submitting Comments

Comments on the proposed rule must be received on or before Wednesday July 2, 2014. Written comments may be submitted by U.S. mail, fax, E-mail, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Joe Schwantes
Department of Natural Resources
Bureau of Forest Management
101 S Webster St, Madison, WI 53703

Phone: (608) 264-9217

Fax: (608) 266-8576

E-mail: Joseph.Schwantes@wisconsin.gov

Internet: Use the Administrative Rules System Web site accessible through the link provided

Analysis Prepared by the Department of Natural Resources

1. Statutes interpreted:

Section 28.11 (5r), Wis. Stats.

2. Statutory authority:

Section 28.11 (5r), Wis. Stats.

3. Explanation of agency authority:

DNR's responsibilities for oversight of the County Forest program can be found in s. 28.11(5) Wis. Stats. and the authority for sustainable forestry funding is included in 28.11(5r) Wis. Stats. S. 28.11(5r)(b)

states: "The department may make grants, from the appropriation under s. 20.370(5)(bw), to counties having lands entered under sub.(4) to fund the cost of activities designed to improve sustainable forestry on the lands. Finally, Wis. Stat. s. 227.11 (2)(a) allows the DNR to promulgate rules for any statute if the DNR considers it necessary to effectuate the purpose of the statute. Without rulemaking authority for this rule, the DNR will not be able to administer or enforce the grant program authorized by statute, since the DNR would not be able to establish criteria that would uniformly apply across grant applicants without running afoul of the definition of "rule" found under Wis. Stat. s. 227.01(13).

4. Related statutes or rules:

Chapter NR 47.75 - Sustainable Forestry Grant For County Forests, establishes standards and procedures for implementation of a grant program to contribute funds to sustainable forestry practices on county forests under s. 28.11 (5r), Wis. Stats., specifically for projects that are suitable as a short term and unanticipated workload item consistent with a county's comprehensive county forest land use plan under s. 28.11 (5) (a), Wis. Stats.

5. Plain language analysis:

This proposed rule would create a new grant program, which would allow additional flexibility for County Forests to select the optimal combination of resources provided to each by the Department. Presently the DNR Division of Forestry (DOF) provides assistance to County Forests, aligning workload with the statutory role of the DNR in oversight of the County Forest program. An agreed upon number of hours are provided to each county based on the workload for that particular county. The DOF's Strategic Direction process in 2011-12 realigned forest resources to better accomplish the DOF's mission in Wisconsin's Statewide Forest Plan. As part of that process, each County Forest was given the opportunity to request a modification of the allocation of resources provided by the Department among a suite of grants and the hours of technical forestry assistance the DOF provides to best meet their individual needs. Several counties (Clark, Eau Claire, Iron, Jackson and Langlade) desire to reduce their technical assistance from DNR in exchange for funding that would allow them to hire contractors or seasonal staff to accomplish similar forestry work. The thought is that some of the forestry tasks may be done adequately using potentially lesser paid seasonal or contracted staff, with the end result being the ability to get more work done with the same amount of resources. The proposed grant program is structured to focus on accomplishing tasks already identified in the time standards agreement for each county, which guides what activities have typically been accomplished by DOF staff. This funding would provide for on-the-ground sustainable forestry practices with the reallocation of funding into appropriation 20.370(5)(bw).

6. Summary and comparison with existing and proposed federal regulations.

This rule/grant does not impact and is not impacted by any federal regulations.

7. Comparison of similar rules in adjacent states:

This rule/grant is not similar to rules in any adjacent states. The County Forest Program, as established by s. 28.10 and s 28.11 Wis. Stats., is unique in the nation, in terms of the partnership and roles of the State and participating counties in the management of County Forest lands.

8. Summary of factual data and analytical methodologies:

This new rule/grant will be consistent with the goals established in the Division of Forestry's Strategic Direction conducted in 2011-12, which realigned forest resources to better accomplish the DOF's mission in Wisconsin's Statewide Forest Plan. The proposed rule/grant language was developed by a team that included several DOF staff members, the Executive Director of the Wisconsin County Forests Association, and three County Forest Administrators. The proposed language has been vetted and approved by the DOF's Leadership and Operations Team as well as the Wisconsin County Forests Association's Legislative & Certification Committee.

9. Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis:

The Division of Forestry is directly contacting County Forest Administrators, who would be most directly affected group affected by this proposed rule/grant to solicit their input in the development of the Economic Impact Analysis (EIA). The County Forest Administrators are the individuals that would be responsible for completing and submitting grant applications under the proposed rule, and therefore are in the best position to describe the potential impacts of the rule on their budgets and the small businesses they may potentially hire to complete sustainable forestry projects.

10. Effect on small business:

This rule/grant would provide an option for counties to receive grant funding as an alternative to DNR staff assistance, which could be used to hire temporary staff or contractors to accomplish sustainable forestry projects. As such, there could potentially be a minor economic impact on small businesses, if counties received grant funding and subsequently hired contractors for that work. The actual overall economic impact to small businesses in Wisconsin will be minimal, although a few small businesses may see significant benefits if selected to do contract work on County Forest projects.

The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266-1959.

Environmental Analysis

The Department has made a preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department’s consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary

There is expected to be an insignificant fiscal effect on state and local government. This rule would allow the Department to shift resources provided to counties from staff time to financial assistance, the resulting overall value of assistance being provided would remain constant. Depending on the level of grant funding utilized by individual County Forests under this grant program, this rule would have minor impacts on those individual County Forest budgets to accomplish the activities identified. This rule would have no negative fiscal impact on counties. This rule would have no fiscal impact on other local governments. The fiscal effect of this rule is anticipated to be insignificant, as the overall level of assistance provided by the Department to counties will remain the same.

5/19/14

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

/S/

By _____
Cathy Stepp, Secretary