

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to amend NR 47.008(1) and 47.903(3) and(6) and to create NR 47.75 and 47.905(2)(f) and (g) relating to forest fire protection grants and sustainable forestry grants for county forests

FR-9-02

Summary Prepared by Department of Natural Resources

Statutory authority: ss. 26.145, 28.11(5r) and 227.11(2)(a), Stats.
Statutes interpreted: ss. 26.145 and 28.11(5r), Stats.

Sustainable Forestry Grant - A \$200,000 continuing appropriation, to be provided annually, was approved in the last budget to promote sustainable forestry on county forest lands. Rules will address the purpose, eligibility, application procedures, selection criteria, audit procedures and general provisions for sustainable forestry grants.

Forest Fire Protection Grant - The changes will modify ss. NR 47.008(1) and 47.903(3) and (6) and create NR 47.905(2)(f). In the past it has been difficult for fire departments and municipalities to budget effectively given the application deadline of October 1. Grant awards were made so late in the calendar year fire departments had difficulty incorporating the awards in their budget process. The application deadline is moved to July 1 to best accommodate the Jan.-Dec. fiscal year that most municipalities employ. The second rule change to this grant concerns the current requirement that the municipality or fire department sign the grant agreement prior to initiating a purchase or conducting work. This is inconsistent with other grants we administer and retards the process. The Department's approval is sufficient to authorize the municipality or fire department's action. The money is not actually encumbered until the signed agreement is returned. The creation of NR 47.905(2)(f) and (g) adds forest fire prevention and forest fire training materials to the list of eligible uses of grant funds.

SECTION 1. NR 47.008(1) is amended to read:

NR 47.008(1) The provisions in this section apply only to subchs. II, IV, V, VIII and IX.

SECTION 2. NR 47.75 is created to read:

NR 47.75 Sustainable forestry grant for county forests. (1) PURPOSE. The purpose of this section is to establish standards and procedures for implementation of a grant program to contribute funds to sustainable forestry practices on county forests under s. 28.11(5r), Stats.

(2) APPLICABILITY. This section is applicable to those counties that have land entered under s. 28.11(4), Stats., as county forest and which apply for a sustainable forest management grant.

(3) DEFINITIONS. As used in this section:

(a) "Comprehensive county forest land use plan" means the document governing management of the county forest which has been approved by the county board and the department, s. 28.11(5), Stats.

(b) "County" means a county that has entered county-owned land under the county forest law, ss. 28.10 and 28.11, Stats.

(c) "County forest time standards" refers to the agreement between the department and a county that quantifies the amount of technical forestry assistance the department provides to the county to fulfill s. 28.11(5) and (6), Stats., responsibilities

(d) "Fiscal year" means the time period commencing at July 1 and ending on June 30.

(e) "Forester" has the meaning given in s. NR 1.21(2)(e).

(f) "Sustainable forestry" has the meaning given in s. 28.04(1)(e), Stats.

(g) "Annual adjustment category" means that part of the county forest time standards that identifies time needed to complete short term projects in excess of the required minimum core hours. The quantity of these hours is adjusted annually by mutual agreement of the department and the county.

(4) ELIGIBLE PROJECTS. To be eligible for a sustainable forestry grant:

(a) Projects shall promote sustainable forestry on the county forest and may include, but are not limited to any of the following:

1. Salvage, treatment or reforestation operations stemming from storms, insects, disease or fire.
2. Initial reconnaissance of new acquisitions.
3. Initial geographic information system development.
4. Integrated planning efforts between county forests.
5. Efforts to improve marketing.
6. Short-term, accelerated efforts at timber marking, reconnaissance, regeneration harvest establishment or timber stand improvement to reduce backlogs of overdue practices.
7. Biotic inventories.
8. Timber theft prevention.
9. Development and implementation of road access plans.
10. Initial gathering of global positioning system data.
11. Forest certification efforts.
12. Other projects fitting eligibility in pars. (b) and (c).

(b) Projects shall be consistent with a county's comprehensive county forest land use plan under s. 28.11(5)(a), Stats.

(c) Projects shall be suitable as a short term and unanticipated workload item as identified in the annual adjustment category of the county forest time standards.

(d) A grant under this section may be awarded to a county to contribute to the funding of a subcontractor for the purposes described in par. (a).

(5) INELIGIBLE PROJECTS. (a) Ineligible projects include, but are not limited to:

1. Land acquisition.

2. Permanent staff salary or benefits.
3. Upgrade or replacement of existing computer software and hardware.
4. Land surveying.

(b) Grants may not be used to fund work required by the department as part of its obligation under the county forest time standards.

(c) Grants may not be used to fund projects that are ongoing in nature and a regular inclusion in an annual work plan.

(6) APPLICATION AND GRANT PROCEDURE. (a) Other than as provided in par. (c), a county may apply for a sustainable forestry grant under this section for the purposes described in sub. (4). The application shall include, but is not limited to, all of the following:

1. Documentation of approval by county forestry committee as identified in s. 28.11 (3)(a), Stats., specifying the county's decision to apply for a sustainable forestry grant.
2. The project description including: maps, an estimated cost breakdown and a short narrative to be signed and approved by the county forest administrator and the department liaison forester.
3. Other information the department feels necessary and requests within 20 days following receipt of the application.

(b) Grant applications shall be for a minimum of \$1000.00 with a maximum not to exceed 25% of the total available funds in any one year. Applications shall be filed by the county with the department's division of forestry.

Note: The mailing address is WI DNR, Division of Forestry, P.O. Box 7921, Madison, WI. 53707-7921 Attn: County Forest Specialist.

(c) A county is ineligible to apply if any of the following occur:

1. Current management or internal policy is in opposition to the county forest land use plan.
2. Previous unexpended funds from this grant program are owed the department as described in sub. (9)(e).
3. A county fails to comply within 3 years to department forestry audit recommendations.

(7) GRANT SELECTION PROCESS. (a) Grants shall be awarded on a fiscal year basis and applications shall be accepted during the application periods in this section as follows:

1. The first application period shall be from July 1 to August 15. Decisions on those applications shall be made no later than the following September 15 in accordance with par. (b).
2. The second application period shall be from August 16 to December 1. Decisions on these applications shall be made in accordance with par. (b) no later than January 1.
3. All other applications received from December 2 to June 30 shall be approved on a first-come, first-serve basis.

(b) In selecting projects for grants under this section, the department shall give priority to eligible projects as follows:

1. First preference:

a. Storm-related projects.

b. Hiring of temporary staff to address short-term workload items identified in sub. (4).

2. Second preference: All other projects eligible under sub. (4).

(c) Within a preference category, projects in counties that have received grants the most recently shall be given lowest priority.

(d) If, after ranking a project in accordance with pars. (a) and (b), full funding is not available due to insufficient funds to provide grants applied for in the first 2 application periods, the department shall offer the applicants the choice of receiving pro-rated funding for the project up to the amount of available funding or withdrawal of the application.

(e) No less than 25% of the annual funds shall be kept available for appropriation during the second application period.

(f) A grant under this section may be awarded to a county to contribute to the funding of a subcontractor for the purposes described in sub. (4).

(g) No county may have more than 2 open projects at any one time.

(8) FUNDING RATES AND CONSTRAINTS. (a) Payment of all grants shall be made at project completion unless an advance payment has been made by the department.

(b) An advance payment of not more than 50% of the grant amount may be paid upon mutual agreement of the county and the department.

(c) The county shall submit information requested by and satisfactory to the department demonstrating project completion.

Note: The mailing address is WI. DNR, Division of Forestry, P.O. Box 7921, Madison, WI. 53707-7921 Attn: County Forest Specialist.

(d) A county may apply more than once in any given calendar year although no county will receive a second grant until all pending initial projects from other counties that meet the criteria in sub. (4) are funded.

(e) An individual county may not be awarded grants totaling more than 25% of total available funds in one fiscal year.

(9) PROJECT COMPLETION ACCOUNTABILITY AND AUDIT PROCEDURES. (a) Grant funds may be spent only on project identified costs.

(b) All grant funds received from the department shall be deposited in the county state aid forestry account.

(c) All grant records shall be audited with the normal departmental audit of the county forest program.

(d) An approved project may not exceed 2 years in length unless written approval is obtained from the department.

(e) Any grant funds not spent on project identified costs or not used by the termination date of the project shall be returned to the department. Failure to return the funds shall render a county ineligible for any future grants under this section.

SECTION 3. NR 47.903(3) and (6) are amended to read:

NR 47.903 **(3)** ~~For funding available following July 1, 1998~~ Beginning in 2002, applications shall be submitted ~~by October 1~~ no later than July 1 of each year unless otherwise provided for on the application.

(6) Applicants who have been selected to receive grants shall be notified by the department and sent a grant agreement for signature and return. No project work may be done or cost incurred until the grant agreement has been signed by the department ~~and the applicant.~~

SECTION 4. NR 47.905(2)(f) and (g) is created to read:

NR 47.905**(2)** (f) Forest fire prevention supplies.

(g) Forest fire training materials.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on February 27, 2002.

The rules shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Darrell Bazzell, Secretary

(SEAL)