

Chapter NR 48

COUNTY FOREST WITHDRAWAL

NR 48.01 Purpose.
NR 48.02 Definitions.
NR 48.03 County application.

NR 48.04 Department investigation and findings.
NR 48.05 Department decision.
NR 48.06 Reimbursement of aids.

NR 48.01 Purpose. The purpose of this chapter is to interpret and administer the county forest withdrawal provisions of s. 28.11 c11d, Stats.

Note: County forest includes regular and special use lands; both being subject to s. 28.11 c11d, Stats., and this chapter.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.02 Definitions. c1d XApplicationY or Xapplication for withdrawalY means an application filed under s. 28.11 c11d, Stats., to withdraw lands entered as county forest land, including all attachments and information submitted as required by the application form, s. 28.11, Stats., and this chapter.

c2d XEndangered speciesY has the meaning established in s. 29.604 c2d cad, Stats.

c3d XGame speciesY has the meaning given in s. 29.001 c33d, Stats.

c4d XNon-game speciesY has the meaning given in s. 29.001 c60d, Stats.

c5d XThreatened speciesY has the meaning given in s. 29.604 c2d cbd, Stats.

c6d XWild animalY has the meaning given in s. 29.001 c90d, Stats.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96; corrections in c2d and c5d made under s. 13.93 c2md cbd 7., Stats., Register November 2001 No. 551; corrections in c3d, c4d, and c6d made under s. 13.92 c4d cbd 7., Stats., Register May 2011 No. 665.

NR 48.03 County application. c1d GENERAL INFORMATION. All applications shall be on department forms and shall include, unless waived by the department in writing, the following information in connection with the land subject to the application:

Note: Application forms may be obtained from the department's central office. Department of Natural Resources, Bureau of Forestry, P.O. Box 7921, Madison, WI 53707-7921.

cad The legal description of the land, the acreage proposed to be withdrawn and the acreage remaining following withdrawal in the affected quarter-quarter section, government lot or fractional lot.

cbd The proposed use of the land.

ccd A map showing the location of the land.

cdd The names and addresses of persons who have requested the county to withdraw the land and the names and addresses of prospective purchasers of the land if the withdrawal is approved unless the information is confidential under federal or state law or the legal custodian of the information withholds the information under subch. II of ch. 19, Stats.

ced Any reservations on the transfer of title, such as a reversionary clause, or other mechanisms to assure compliance with restrictions or conditions of withdrawal.

cfid A copy of the county resolution authorizing the filing of the application.

cgd The attributes of the county forest site that relate to the requested use and a comparison of the site and its attributes

with other economically and environmentally feasible sites or areas if other sites or areas were considered.

chd A description of the potential environmental and forest related benefits and impacts affecting the land.

cid The historical and archeological background of the land based upon county records and a site examination by county personnel.

cjd Knowledge of the presence of endangered or threatened species of plants or wild animals on the land or in the waters on the land.

Note: The department's investigation will include a review of the natural heritage inventory.

ckd The consideration to be received for the land. If land or money or both is to be received in exchange for the land, the county shall describe proposed use and disposition including a description and map of any proposed trade lands to be exchanged with the county.

cld The present and future benefits of the proposed withdrawal action as identified by the county at the time of the application and the decision making process used to identify those benefits.

cmd Other information deemed necessary by the department.

Note: The department's liaison forester is available during the application process to provide technical forestry advice.

c2d DEPARTMENT DECISION ON COMPLETENESS OF THE COUNTY APPLICATION. The department shall determine whether an application for withdrawal is complete and satisfactory within 60 days of its filing. If the department determines the application documents are incomplete, it shall explain to the county why the application is incomplete and what further information is necessary to complete the application process.

Note: A project proponent other than the county may gather all or part of the information required in the application.

c3d WITHDRAWAL OF APPLICATION. The county may withdraw its application at any time prior to issuance of the department's decision under s. NR 48.05.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.04 Department investigation and findings.

c1d The department's investigation of an application for withdrawal shall include but is not limited to:

cad An environmental review required by s. 1.11, Stats., and ch. NR 150.

cbd An inspection of the land subject to the application, other land involved in the proposed transfer and other information available to the department describing the land and its values. The inspection shall be conducted by a department forester and other persons deemed appropriate by the department to participate in the inspection.

ccd The holding of a public hearing or informational meeting when deemed necessary by the department or requested in writing by a county making a withdrawal application.

c2d The department decision on the application shall include, but not be limited to, findings on the following:

cad Compliance of the application with the applicant[s] county forest comprehensive land use plan.

cbd Disposition and use of all land and funds involved in the proposed withdrawal transaction.

ccd Environmental impacts, including impacts on ground-water, surface water, wetlands, terrestrial resources and other environmentally sensitive areas on the land subject to the application as a result of the proposed use.

cdd Impacts on endangered and threatened species of plants and wild animals.

ced Impacts on game and nongame species of wild animals.

cfid Impacts on multiple use benefits of the land involved in the withdrawal and the remaining county forest.

cgd Impacts on production of forest products and commodities.

chd Compliance with s. 1.11, Stats., and ch. NR 150.

cid The minimum value of the land subject to the application or involved in the proposed withdrawal transaction.

cjd Impacts on archeological and historical values.

ckd Economic impacts of the withdrawal versus continued entry under s. 28.11, Stats.

cLd Whether upon withdrawal the land will be put to a better or higher use and whether the benefits of withdrawal to the people of the state as a whole and the county, outweigh the benefits under continued entry.

c3d In making its findings, the department shall consider, but is not limited to considering:

cad Alternative land for the proposed purpose which is reasonably available.

cbd Values to the public provided by the land subject to the application which may be lost and not replaced by the purchase and entry of additional land.

ccd Economic, social or other values received by the county or state as a result of sale or exchange of the lands subject to the application.

cdd Impacts on unique resource values.

ced Public health, safety or welfare impacts.

cfid County forest benefits.

cgd The history of the county[s] administration and enhancement of the county forests including land acquired and entered as county forest, public use opportunities and facilities developed on the forest.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.05 Department decision. The department[s] decision on an application for withdrawal may include:

c1d Conditions on the future use and disposition of the lands being withdrawn which are deemed reasonably necessary to protect the values of the county forest and the public.

c2d Conditions upon a specified future use as stated in the application.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.06 Reimbursement of aids. Amounts paid to the county and subject to reimbursement under s. 28.11 c11d cbd, Stats., shall be transferred to other county forest lands if the land withdrawn remains in the ownership of a unit of government, including the state or federal government, or an agency thereof.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.