

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** Request approval of scope statement and to proceed with drafting Board Order FR-19-11 related to amending NR 47 for WFLGP for private forest landowners and creating rules for WFLGP for weed management areas.

**FOR:** DECEMBER BOARD MEETING

**TO BE PRESENTED BY / TITLE:** Mark Heyde, Private& Community Forestry Section Chief

**SUMMARY:**

Board Order FR-19-11 and Board Order FR-20-11 are being combined into one order FR-19-11.

Subchapter VII NR47 will be reviewed and amended to reflect current forest resources needs and to improve efficiency and effectiveness of the Wisconsin Forest Landowner Grant Program (WFLGP) for private forest landowners. Areas reviewed will include practice descriptions and priorities, grant calculations, eligibility for applicants and practices, clarifying ineligible/eligible costs, and practice maintenance requirements.

Rules for the administration and implementation of the WFLGP for Weed Management Areas (WMA) authorized in 2007 Wis. Act 20 will be created in subch. XIII NR 47. Rules will include eligible practices; criteria for determining the amount of a matching grant; eligibility requirements for groups receiving grants; requirements for grants; and requirements for establishing WMA.

Impacted and interested parties include: Non-industrial Private Forest (NIPF) owners, weed management groups, conservation organizations, Federal, State and local agencies, organized landowner groups, cooperating foresters, other resource managers and labors hired to implement the practices.

The pink sheet and scope statement are attached. After scope statement approval and rule writing authorization from the Natural Resources Board (Board), the Department will begin the process for writing the rule and present the proposed rule language, fiscal estimate, and background memo at a future Board meeting for hearing authorization.

Economic Impact: Level 3- Little to no economic impact is expected. The only implementation costs to the department will be an estimated \$10,000 for modifications to the current database.

**RECOMMENDATION:** Approve scope statement and authorize rule drafting

**LIST OF ATTACHED MATERIALS:**

- |  |   |                              |          |
|--|---|------------------------------|----------|
| No <input checked="" type="checkbox"/> | Fiscal Estimate Required                              | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Background Memo                                       | Yes <input type="checkbox"/> | Attached |

**APPROVED:**

Robert Mylchak  
Bureau Director,

Paul DeLong  
Administrator,

Matt McInerney  
Secretary, Cathy Stepp

11/10/11  
Date

11/10/11  
Date

11/16/11  
Date

cc: NRB Liaison  
DNR Rules Coordinator

Natural Resources Board Order Number (if Applicable) <b>FR-19-11</b>	Bureau <b>Forest Management</b>
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended	Date <b>05/25/2011</b>

1. Subject of the administrative code action/nature of board action.  
 Update NR 47 Subch. VII, Wis. Admin. Code, under the authority of s. 26.38, Wis. Stats. for the Wis. Forest Landowner Grant Program.

2. Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue.  
 Policy issues to be reviewed and amended in Subchapter VII include: practice descriptions and priorities, grant calculations and eligibility for applicants and practices; clarifying ineligible and eligible costs; and clarifying practice maintenance requirements.

Impacted and Interested parties include: Non-industrial Private Forest (NIPF) landowners in the state of Wisconsin interested in implementing practices to improve and sustainably manage their forest land and the Cooperating Foresters, other resource managers and laborers hired by the NIPF landowners to establish and implement the practices.

3. Does rule/board action represent a change from past policy?  Yes  No Explain the facts that necessitate the proposed change.  
 The forest landowner grant program has been reviewed and changes will be proposed to maintain the effectiveness of the grant program.

4. Does rule/board action represent an opportunity for pollution prevention and/or waste minimization?  
 Yes  
 Unsure. Will consult with the Bureau's pollution prevention expert(s) and/or the Bureau of Cooperative Environmental Assistance.  
 No. Adoption of federal requirements that do not include or allow for pollution prevention.  
 No. Other reason (explain):  
 This action will affect the ability of interested landowners to apply for cost-sharing to prepare Forest Stewardship Plans and implement forestry practices on their lands.

5. Who will participate in board action/rule development, and what is the anticipated time commitment?

	Name of Person Responsible	Time Before Hearing	Time After Hearing	Acknowledgement
a. Drafting bureau	Carol Nielsen, Amy Singh	50 hours	30 Hours	CKW 5/24/11
b. Legal Services	Quinn Williams	10 hours	5 hours	Q.W.S 5/25/11
c. Env. Analysis/Liaison (SS)	Jim Pardee	10 minutes	20 minutes	JDP 5/31/11
d. Management & Budget	William Christianson	45 minutes	30	W.C. 5/25/11
e. Other Department staff	Hearing Examiner, Kathy Hanson			
f. Recommended Public Participation				

6. Which federal statute, regulation, state statute or judicial decision is the authority for the proposed rule/board action?  
26.38 Wis.Stats.

- a.  The proposed rule/board action conforms to and does not exceed requirements of a federal or state statute or controlling judicial decision.
- b.  The proposed rule/board action exceeds the minimum requirements of a federal or state statute or controlling judicial decision.
- c.  The proposed rule/board action is based on general authorization that requires rule making, but contains no specific standards.
- d.  The proposed rule/board action is based on a general authorization, with no specific direction that rules must be developed.

Bureau of Legal Services

7. Proposed schedule (Fill in blanks applicable)

a. Month of green sheet for requesting authorization for hearing or briefing on proposed board action: September 2011

b. Hearing(s) - Number: 1

Date(s): November 2011

Location(s): Madison, Rhinelander, Eau Claire

c. Rule adoption or action by Board: April 2012

Anticipated timing of Legislative review - Start: May 2012

End: June 2012

Anticipated effective date: July 1, 2012

Initials of Bureau Director:

**FOR DIVISION ADMINISTRATOR'S USE**

8a. Recommendation to Secretary  Approved  Approved as amended  Disapproved

b. Other Board actions  Approved  Approved as amended  Disapproved

Division Administrator's Signature

Date Signed

6/1/11

**FOR SECRETARY'S USE**

9. Secretary's approval required before drafting begins.

Drafting  may  may not proceed on rule or action.

Secretary's Approval

Date Approved

6/9/11

Completed original to be filed with the Bureau of Legal Services.

## CORRESPONDENCE/MEMORANDUM

DATE: May 6, 2011

TO: Natural Resources Board Chair, Vice Chair, Secretary and Issue Coordinator

FROM: Cathy Stepp *Matt Morone*

SUBJECT: Scoping Statement relating to NR47 proposed changes to Wisconsin Forest Landowner Grant Program (WFLGP) for non-industrial private forestland owners

**Objective of the Proposed Rule**

The objective of the proposed amendments to NR47 Subchapter VII is to implement updates and improvements to the Wisconsin Forest Landowner Grant Program (WFLGP). These recommended changes were identified during a review of the WFLGP completed by the Division of Forestry, with the assistance of partners.

**Description of Policy Issues/Analysis of Policy Alternatives**

Revisions to NR47 Subchapter VII - The Private Forest Landowner Grant Program, will implement updates and improvements to the program related to the implementation and administration of the WFLGP for NIPF owners including practice description and priorities, grants calculations, allowable costs, and eligibility for applicants and practices.

**Statutory Authority**

Statutory authority for creation of this rule can be found in s.26.38, Wis. Stats.

**Estimate of Time Needed to Develop the Rule**

The Department estimates that approximately 100 hours of existing staff time will be needed to develop this rule. This time includes drafting the rule, taking the rule to public hearings, presentations to the Natural Resource Board, legislative review, and rule adoption.

**Summary and Comparison of Applicable Federal Regulations**

There are no known federal rules which apply to the WFLGP for NIPF owners.

**Entities Affected by the Rule**

- Non-industrial private forestland owners wishing to apply for grants to create a forest stewardship plan or implement a forestry practice on their land.
- Division of forestry staff involved in the administration of the grant programs.
- Any cooperating forester, other resource managers or other private businesses that may be hired by a landowner to implement a practice under the grant program.

**Agency Contact Person**

WFLGP for NIPF owners

Carol Nielsen

Wisconsin Department of Natural Resources

101 South Webster Street

P.O. Box 7921

Madison WI 53707-7921

608-267-7508

[carol.nielsen@wisconsin.gov](mailto:carol.nielsen@wisconsin.gov)



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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July 14, 2011

Cathy Stepp  
Secretary  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

**RE: Statement of Scope for Modifications to NR 47**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on June 9, 2011, pursuant to Wisconsin Statutes § 227.135, in regards to modifications to NR 47. You may send the scope statement to the LRB for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker  
Governor

Natural Resources Board Order Number (If Applicable) <b>FR-20-11</b>	Bureau <b>Forest Management</b>
<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amended	Date <b>07/20/2011</b>

1. Subject of the administrative code action/nature of board action.  
 Create a new subchapter for NR 47, under the authority of 26.38, Wis. Stats. for the Wisconsin Forest Landowner Grant Program, to allow grants to be awarded to groups of interested parties for projects to control invasive plants in weed management areas.

2. Description of policy issues to be resolved, include groups likely to be impacted or interested in the issue.  
 Policy issues to be developed for the new subchapter will set the parameters for the additional funding appropriated for groups to control invasive plants in weed management areas, including: Eligibility requirements for groups receiving grants and for establishing Weed Management Areas; Determining what practices are eligible to receive funding; Requirements for the grants and grant match contributions; Establish a system of record keeping for groups for auditing by the Department.

Impacted and Interested parties include: Landowners in the state of Wisconsin, Weed Management Groups, Conservation organizations, Federal, State and Local agencies, Organized landowner groups, Cooperating foresters, Restoration/Landscape consultants and farm coops.

3. Does rule/board action represent a change from past policy?  Yes  No Explain the facts that necessitate the proposed change.

The 2007-09 budget directs the Department to develop rules for the additional funding being directed to weed management groups for projects to control invasive plants in weed management areas.

4. Does rule/board action represent an opportunity for pollution prevention and/or waste minimization?  
 Yes  
 Unsure. Will consult with the Bureau's pollution prevention expert(s) and/or the Bureau of Cooperative Environmental Assistance.  
 No. Adoption of federal requirements that do not include or allow for pollution prevention.  
 No. Other reason (explain):

This action will affect the ability of interested groups to control invasive species on privately owned lands across the state.

5. Who will participate in board action/rule development, and what is the anticipated time commitment?

	Name of Person Responsible	Time Before Hearing	Time After Hearing	Acknowledgement
a. Drafting bureau	Thomas Boos	50 hours	30 hours	<i>TB</i>
b. Legal Services	Quinn Williams	10 hours	5 hours	<i>Q.W.</i>
c. Env. Analysis/Liaison (SS)	Jim Pardee	10 minutes	20 minutes	<i>JP</i>
d. Management & Budget	Paul Neumann <i>W.H. Christianson</i>	45 minutes	30 minutes	<i>NR</i>
e. Other Department staff	Hearing Examiner, Kelly Kearns <i>SKK</i> ER/6, Kathy Hanson <i>KH</i> CF/2			<i>KH</i>
f. Recommended Public Participation				

Rule Agenda/Board Action Checklist

Form 1000-6 (R 9/00)

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6. Which federal statute, regulation, state statute or judicial decision is the authority for the proposed rule/board action?

26.38 Wis. Stats.

- a.  The proposed rule/board action conforms to and does not exceed requirements of a federal or state statute or controlling judicial decision.
- b.  The proposed rule/board action exceeds the minimum requirements of a federal or state statute or controlling judicial decision.
- c.  The proposed rule/board action is based on general authorization that requires rule making, but contains no specific standards.
- d.  The proposed rule/board action is based on a general authorization, with no specific direction that rules must be developed.

Bureau of Legal Services

7. Proposed schedule (Fill in blanks applicable)

a. Month of green sheet for requesting authorization for hearing or briefing on proposed board action: December  
November 2011

b. Hearing(s) - Number: 2

Date(s): January 2012

Location(s): \_\_\_\_\_

c. Rule adoption or action by Board: April 2012

Anticipated timing of Legislative review - Start: May 2012

End: July 2012

Anticipated effective date: November 2012

Initials of Bureau Director: PM

FOR DIVISION ADMINISTRATOR'S USE

- a. Recommendation to Secretary  Approved  Approved as amended  Disapproved
- b. Other Board actions  Approved  Approved as amended  Disapproved

Division Administrator's Signature

*Paul DeLong*

Date Signed

7/25/11

FOR SECRETARY'S USE

9. Secretary's approval required before drafting begins.

Drafting  may  may not proceed on rule or action.

Secretary's Approval

*Matt Moroney*

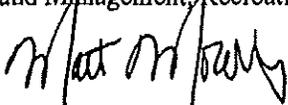
Date Approved

7/28/11

Completed original to be filed with the Bureau of Legal Services.

DATE: August 23, 2011

TO: Dave Clausen, Chair  
Preston D. Cole, Vice Chair  
Christine Thomas, Secretary  
Jane Wiley, Land Management, Recreation, and Fisheries/Wildlife Issue Coordinator

FROM: Cathy Stepp 

SUBJECT: Scoping Statement Relating to NR 47 proposed establishment of rules for the WFLGP for Weed Management Areas.

#### **Subject/Objective of the Proposed Rule**

The objective of this proposed rule change is to create NR 47 Subchapter XIII which establishes the rules for the Wisconsin Forest Landowner Grant Program (WFLGP) for groups interested in controlling invasive plants in weed management areas authorized in 2007-09 Biennial Budget (2007 Wis. Act 20).

#### **Description of Policy Issues/Analysis of Policy Alternatives**

The creation of NR 47 Subchapter XIII – The Private Forest Landowner Grant Program for Weed Management Areas (WMA) will provide for the implementation and administration of the WFLGP for groups in WMA authorized in 2007 Wis. Act 20. Rule development will include a system to implement and administer the program; eligible practices; criteria for determining the amount of a matching grant; eligibility requirements for groups receiving grants; requirements for grants; and requirements for establishing WMA.

#### **Economic Impact**

Level 3 – Little to no economic impact expected. There would be no implementation costs for the Department.

#### **Statutory Authority**

Statutory authority for creation of this rule can be found in s.26.38, Wis. Stats.

#### **Estimate of Time Needed to Develop the Rule**

The Department estimates that approximately 155 hours of existing staff time will be needed to develop this rule. This time includes collecting public input at listening sessions, drafting the rule, taking the rule to public hearings, presentations to the Natural Resources Board, legislative review, and rule adoption.

#### **Summary and Comparison of Applicable Federal Regulations**

There are no known federal rules which apply to the creation of WFLGP for groups in WMA.

#### **Entities Affected by the Rule**

- Non-industrial private forest landowners wishing to apply for grants to create a forest stewardship plan or implement a forestry practice on their land.
- Any party, organized landowner group, or organization wishing to apply for a grant for the control of invasive plants.
- Division of Forestry staff involved in the administration of the grant programs.
- Federal, state, and local agencies interested in the control of invasive plants or the implementation of

forestry practices on non-industrial private forestland.

- Any cooperating forester, restoration/landscape consultant, farm coops or other private businesses that may be hired to implement a practice under the grant program.

**Agency Contact Person**

**WFLGP for WMA**

**Thomas Boos II**

**Wisconsin Department of Natural Resources**

**101 South Webster Street**

**P.O. Box 7921**

**Madison, WI 53707-7921**

**608-266-9276**

**[Thomas.Boos@Wisconsin.gov](mailto:Thomas.Boos@Wisconsin.gov)**



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

August 24, 2011

Cathy Stepp  
Secretary  
Wisconsin Department of Natural Resources  
101 South Webster St.  
P.O. Box 7921  
Madison, WI 53707-7921

**RE: Statement of Scope for Modifications to Chapter NR 47**

Dear Secretary Stepp,

I hereby approve the Statement of Scope submitted on August 2, 2011, pursuant to Wisconsin Statutes § 227.135, in regards to modifications to Chapter NR 47 of the Wisconsin Administrative Code. You may send the Statement of Scope to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes §§ 227.135(3).

Sincerely,

A handwritten signature in black ink, appearing to be "Scott Walker", written over a horizontal line.

Scott Walker  
Governor