

Report From Agency

REPORT TO LEGISLATURE

NR 45.075, Wis. Adm. Code
Declaring natural emergencies on forested lands owned by the state
and under the jurisdiction of the department

Board Order No. FR-09-07
Clearinghouse Rule No. 07-013

Basis and Purpose of the Proposed Rule

Through the 2005 Act 166, the legislature directed the department to promulgate rules to implement its provisions pertaining to the chief state forester's authority to specify emergencies on forested lands under the jurisdiction of the department. The objective of FR-09-07 is to allow rapid response to emergencies that could arise on department lands to prevent additional damage that could occur as a result of delay. We do not expect that this rule will be called on often as there are procedures for dealing with damaging agents and many of them are foreseen in management plans for properties. Even if damage should occur whereby a deviation from the master plan would be necessary for appropriate response, there is a procedure for obtaining a variance or amendment through the Natural Resources Board. A variance would require at least a 30 day public comment period and typically takes two to three months to complete. An amendment takes longer, typically 4 months and in situations where controversial action is proposed, it may take far longer. Delays of a year have occurred before action could take place. There are situations where an immediate response would be necessary to avoid further damage to forested state property and it is in these cases that this rule would be called on to allow action by the chief state forester. An example would be a wind event causing blow-down of pine in a state campground in early summer. A swift response would be needed to ensure public safety, salvage timber values, and avoid build-up of bark beetles on the downed trees and their spread into nearby standing trees. This rule would allow the department to take appropriate and timely action on department lands in such a case.

Summary of Public Comments

There were no public comments on this proposed rule.

Modifications Made

There were no modifications made to the rule based on public comments.

Appearances at the Public Hearing

No one came to the public hearings on this rule.

Changes to Rule Analysis and Fiscal Estimate

There were no changes to the rule analysis or fiscal estimate other than those suggested by the Rules Clearinghouse.

Response to Legislative Council Rules Clearinghouse Report

Corrections suggested by the Rules Clearinghouse Report were made to the rule.

Final Regulatory Flexibility Analysis

This rule does not regulate businesses so will have no regulatory impact on them.