

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

The Wisconsin Natural Resources Board proposes an order to amend NR 47.80, 47.83, 47.84 (2) (b) and 47.86(1)(a), (3)(a), (c), (e)1. and 4. and to create NR 47.84 (1) (c), 47.85(2)(a)4. and 5. and 47.895 relating to the administration of the Wisconsin Forest Landowner Grant Program.

FR-36-02

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 26.38, 28.01 and 28.07, Stats.  
Statutes interpreted: ss. 26.38, 28.01 and 28.07, Stats.

**Scope of Program:** Broadens the scope of the Wisconsin Forest Landowner Grant Program (WFLGP) to allow other state and federal funds to be distributed through this program for encouraging private landowners to manage their lands in a manner that benefits the state's forest land and related resources and the people of the state.

**Reimbursable Landowners Costs:** Creates new language to strengthen the commitment of private landowners to their projects by clearly disallowing the use of funds other than their own as the match required under this program. It further requires that any changes in a practice must be approved by the department before implementing if reimbursement is requested.

**Application Procedures and Grant Calculations:** Allows the department to reduce from 65% to 50% the amount of reimbursement a landowner can claim when demand exceeds available funding; application deadlines are modified to reflect internal processing deadlines; an allowance is made to use funds to assist in emergency situations; and priorities are established for funding requests.

**Authorization for Use of Other Funding Sources:** Establishes a method for allowing outside agencies or organizations to augment the State WFLGP funds. Funds may come from a private organization for a specific forestry practice or from the federal government for more general private landowner assistance efforts. All funds distributed through this program would be for projects consistent with the WFLGP goals, scope and purpose. This section was created to allow an avenue for distributing funds appropriated for a similar purpose through an existing structure.

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**SECTION 1.** NR 47.80 is amended to read:

**NR 47.80- Purpose and scope.** The purpose of this subchapter is to establish procedures and standards for the administration of the private forest landowner grant program as authorized under s. 26.38, Stats., and to distribute other available state and federal funds for the purpose of encouraging private forest landowners to manage their lands in a manner that benefits the state's forest and related resources and the people of the state.

**SECTION 2.** NR 47.83 is amended to read:

**NR 47.83 Program administration:** The department shall administer the program, within the guidance provided by authorizing statute. Additional guidance may accompany federal funding and state funding other than that provided through s. 20.370 (5) (av), Stats.

**SECTION 3.** NR 47.84 (1) (c) is created ~~and NR 47.84 (2) is amended to~~ read:

NR 47.84 (1) (c) Eligibility for federal funding may be defined in the grant agreement through which federal funding is provided. Further, additional eligibility criteria may accompany state funding other than that provided through s. 20.370 (5) (av), Stats.

**SECTION 4.** NR 47.84(2)(b) is amended to read:

NR 47.84 (2) (b) *Practices*. The following practices are eligible for grants under this subchapter if the land is subject to a department approved forest stewardship landowner management plan. However, additional restrictions on eligible practices may accompany funding for this program other than that provided through s. 20.370 (5) (av), Stats.

**SECTION 54.** NR 47.85 (2)(a) 4. and 5. are created to read:

NR 47.85(2)(a)4. As a match or in combination with any other public ~~or private~~ funds, ~~ing other than that provided directly by the applicant.~~

5. Practices not approved by the department in writing, or changes to a previously approved practice, unless authorized by the department in writing.

**SECTION 65.** NR 47.86 (1)(a), (3)(a) and (c), (e) 1. and 4. are amended to read:

NR 47.86(1)(a) ~~The A~~ matching grant provided through s. 20.370 (5) (av), Stats., or other state funds shall be not less than 50% nor more than 65% of the actual eligible costs depending on availability of funds. If a federal grant agreement provides for cost-share limitations different from those specified in this subsection, the cost-share rate from funds provided through the federal grant agreement may apply.

(3) APPLICATION AND APPROVAL. (a) ~~Applicants shall file applications with the bureau of forestry no later than November 30, 1998. Starting in 1999, the application~~ Application deadlines are as follows and are contingent upon availability of funds: February 1, ~~June~~ May 1, and ~~September~~ August 1. State funds for this program other than those provided through s. 20.370 (5) (av), Stats., and federal funds awarded pursuant to a federal grant agreement may specify other application deadlines.

(c) Grants under s. 26.38, Stats., shall be awarded for eligible projects on a first-come-first-serve priority basis based on the information received by the bureau of forestry. following criteria:

1. Up to 20% of the total annual funds may be designated towards a statewide forestry emergency, as designated by the chief state forester.

Note: A statewide forestry emergency includes, but is limited to natural and man-made events which cause large areas of forest mortality due to wind, ice, hail, flooding, forest fires, forest insect or disease.

2. No more than 80% of remaining funds may be designated towards forest stewardship plan development; reforestation and afforestation; and timber stand improvement.

3. The remaining funds after distribution to activities designated in subd. 2. to the remainder of the practices identified in sub. (2) (a).

4. If funds are available following distribution under subds. 1. to 3., they may be distributed on a first-come-first-serve basis to any approved applications awaiting funding.

(e)1. Consistency with a department approved landowner forest stewardship plan unless the applicant is applying for a grant to develop one.

4. The practice cost is determined to be at least ~~\$100~~ \$200 or more.

**SECTION 74.** NR 47.895 is created to read:

**NR 47.895 Funding.** Funding for grants under these rules includes:

(1) Funds appropriated for the grant program established under s. 26.38, Stats.

(2) Other state or federal funds appropriated for the purpose of encouraging private forest landowners to manage lands in a manner that benefits this state's forest and related resources and the people of the state, provided the practice or practices identified for the funding are consistent with any identified in this subchapter as eligible for funding

(3) Other state or federal funds distributed through this subchapter shall be distributed to practices or projects consistent with the appropriation.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 14, 2002.

The rules shall take effect 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)