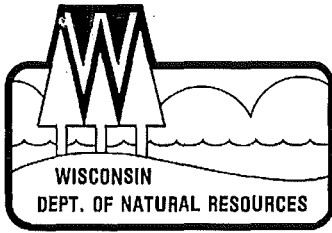


CR 93-133



George E. Meyer
Secretary

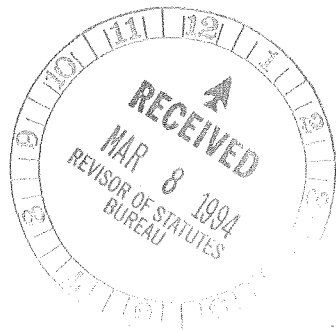
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street
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TELEPHONE 608-266-2621
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TDD 608-267-6897

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) SS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, George E. Meyer, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. FR-25-93 was duly approved and adopted by this Department on December 9, 1993. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Natural Resources Building in the City of Madison, this 3rd day of March, 1994.

George E. Meyer
George E. Meyer, Secretary

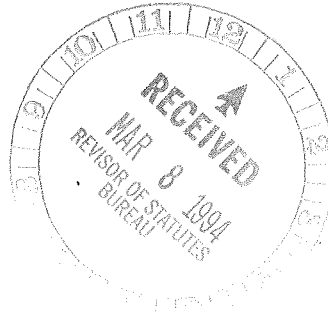
(SEAL)



6-1-94

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

IN THE MATTER of amending ss. NR 1.21(2)(d), 47.006(2), 47.06(2)(e), 47.12(3), 47.14(2), 47.15(7) & (8), 47.18 (4), 47.21(2), 47.52(4), 47.54(3), 47.55(1)(d) and 47.57; repealing and recreating s. NR 47.18(1); and creating ss. NR 47.19(9) and 47.57(12) of the Wisconsin administrative code pertaining to the administration of forestry grants and aids



FR-25-93

Analysis Prepared by Department of Natural Resources

Authorizing statutes: 16 USC 2101 et. seq, ss. 23.097(2), 23.11, 28.07 and 227.11(2)(a), Stats.
Statutes interpreted: ss. 23.097(1), 26.35, 28.01, and 28.07, Stats.

The following change is proposed to clarify ch. NR 1.

The change in Section 1 clarifies the definition of "forester" to specify that the required university or college degree must be in an accredited forest management curriculum.

The following changes are proposed to clarify ch. NR 47.

The change in Section 2 simply corrects a punctuation error in ch. NR 47.

The changes in Sections 3 and 6 place more emphasis on protecting threatened and endangered species as originally intended in ch. NR 47.

The changes in Section 4 allows the maximum cost-sharing for all practices to be 75%.

The changes in Sections 5 and 7 correct the name of the agency that pays landowners.

The changes in Section 8 remove towns as eligible for grants, because in 1991 Wisconsin Act 269, Section 160 f., the eligibility of towns for state funded urban forestry grants was vetoed. Section 10 corrects related wording.

The changes in Section 9 remove a spending cap from state funds that is required for federal funds by the implementation plan for Section 1219, Cooperative Forestry Assistance Act, 16 USC 2101 et.seq.

The changes in Sections 11 and 12 allow the department to be more responsive to changing needs of the applicants and consider cooperation as a desirable component for urban forestry projects.

SECTION 1. NR 1.21(2)(d) is amended to read:

NR 1.21(2)(d) "Forester" means a person other than one employed by the department who has received ~~a bachelor or higher degree from a school of forestry with curriculum accredited by the society of american foresters in the management of forest resources~~ a forestry degree in an accredited forest management curriculum from a university or college with a 4-year curriculum, or accredited graduate degree in forest management.

SECTION 2. NR 47.12(3) is amended to read:

NR 47.12(3) "ASCS" means the U.S. department of agriculture, agricultural stabilization and conservation service.

SECTION 3. NR 47.15(7) and (8) are amended to read:

NR 47.15(7) SIP 7. Fisheries habitat enhancement which includes the protection and enhancement of habitat for native fisheries, including resident and anadromous species, and threatened and endangered species habitat ~~modification~~ maintenance and enhancement, and management of significant natural communities or native vegetation.

(8) SIP 8. Wildlife habitat enhancement, which includes the establishment and enhancement of permanent habitat for game and nongame wildlife species, and threatened and endangered species habitat ~~modification~~ maintenance and enhancement, and management of significant natural communities or native vegetation.

SECTION 4. NR 47.18(1) is repealed and recreated to read:

NR 47.18(1) The grant shall be that percentage of the actual costs, or rates determined by the department. The maximum cost-share rate for practices described in s. NR 47.15 shall be 75%. The rates for practices shall be established by the state forester.

SECTION 5. NR 47.18(4) is amended to read:

NR 47.18(4) The grant shall be paid to the applicant by the ~~county ASCS office~~ Kansas City treasury, regional dispersing office, P O Box 3329, Kansas City, KS 66103.

SECTION 6. NR 47.19(9) is created to read:

NR 47.19(9) Provide endangered species habitat enhancement and natural community habitat maintenance and enhancement.

SECTION 7. NR 47.21(2) is amended to read:

NR 47.21(2) Upon certification by the department that a practice has been completed in accordance with specifications, the grant payment shall be calculated by the department and disbursed to the landowner by ~~ASCS~~ the Kansas City treasury, regional dispersing office, P O Box 3329, Kansas City, KS 66103.

SECTION 8. NR 47.52(4) is amended to read:

NR 47.52(4) "Municipal government" means a Wisconsin village, city, ~~town~~ or tribal government.

SECTION 9. NR 47.54(3) is amended to read:

NR 47.54(3) ~~Up to~~ No more than 20% of the federal monies available for grants under this subsection may be used to fund tree planting ~~and maintenance~~ projects.

SECTION 10. NR 47.55(1)(d) is amended to read:

NR 47.55(1)(d) The department may require ~~that~~ county, town and municipal governments to have on file with the department a comprehensive urban forestry management plan, approved by the department, to be eligible for grants for all projects except for the development of an urban forestry management plan.

SECTION 11. NR 47.57(intro.) is amended to read:

NR 47.57 GRANT SELECTION PROCESS. (intro.) In selecting projects for grants under this subchapter, the department shall may give priority to the following listed in no particular order:

SECTION 12. NR 47.57(12) is created to read:

NR 47.57(12) Projects that involve or stimulate cooperation with other local governments, organizations, schools or businesses.

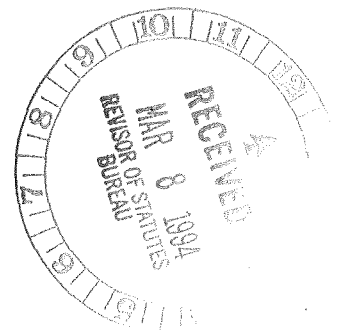
The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on December 9, 1993.

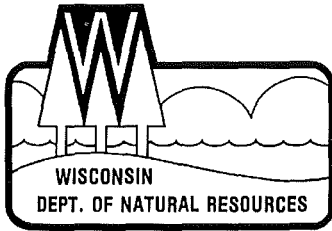
The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison Wisconsin March 3, 1994

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By George E. Meyer
George E. Meyer, Secretary





George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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March 3, 1994

Mr. Gary L. Poulson
Assistant Revisor of Statutes
131 West Wilson Street - Suite 800
Madison, WI

Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. FR-25-93. These rules were reviewed by the Assembly Committee on Agriculture, Forestry and Rural Affairs and the Senate Committee on Environment and Energy pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

George E. Meyer
Secretary

Enc.

