

## Chapter NR 47

## FORESTRY GRANT AND STATE AID ADMINISTRATION

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## Subchapter I — General Provisions

**NR 47.001 Purpose.** The purpose of this chapter is to implement and administer grant and state aid programs pertaining to forestry and forest resources in the state.

**History:** Cr. Register, August, 1992, No. 440, eff. 9-1-92.

**NR 47.002 Definitions.** For purposes of this chapter:

(1) "Act" means the cooperative forestry assistance act as amended (16 USC 2101, et seq.).

(2) "Committee" means the state forest stewardship coordinating committee created under s. NR 47.003.

(3) "Department" means department of natural resources.

(4) "Fiscal year" means October 1 through September 30.

Note: This is the fiscal year of the United States government.

(5) "Forest service" means United States department of agriculture, U.S. forest service.

(6) "Landowner" means any private individual, group, association, corporation, Indian tribe or other native group, or other private legal entity, excluding corporations whose stocks are publicly traded or legal entities principally engaged in the production of wood products.

(7) "Nonindustrial private forest land" means rural lands with existing tree cover or which are suitable for growing trees and owned by any landowner as defined in this section.

(8) "Project" means the practice or activity for which funds are applied for under this chapter.

(9) "State" means the state of Wisconsin.

(10) "State forester" means the state forester of the department's bureau of forestry, as appointed by the secretary of the department.

History: Cr. Register, August, 1992, No. 440, eff. 9-1-92.

**NR 47.003 Forest stewardship coordinating committee.** (1) **CREATION; COMPOSITION.** There is created a forest stewardship coordinating committee appointed by the state forester and chaired by the state forester or his or her designee. The state forester shall ensure that the membership of the committee is representative, to the extent practicable, of the following groups:

(a) The forest service, soil conservation service, agricultural stabilization and conservation service, and extension service;

(b) Representatives of:

1. Local governments
2. Consulting foresters
3. Environmental organizations
4. Forest products industry
5. Forest land owners
6. Land-trust organizations
7. Conservation organizations
8. The state fish and wildlife agency, and
9. Any other individual determined appropriate by the state forester.

Note: The composition of the committee is as directed in the act.

(2) **ROLE OF COMMITTEE.** The committee shall make recommendations to the state forester on administration of the forest stewardship program.

History: Cr. Register, August, 1992, No. 440, eff. 9-1-92.

**NR 47.004 Project reports.** (1) **APPLICABILITY.** The provisions of this section apply only to subchs. II, IV and V.

Register, August, 1995, No. 476

(2) Applicants with a tree ordinance, plan or administrative rule which describes public policies for tree planting, protection, maintenance and removal.

(3) Applicants with an ongoing forestry program budget. This funding need not be a line item amount in the budget but could include for example expenditures for tree removal, administration expenses, volunteer labor and other activity involved in managing trees.

(4) Applicants that have not received urban forestry assistance grants in the past.

(5) Projects that maximize benefits to the urban forest resource.

(6) Projects that are cost effective.

(7) Projects that involve the community in the development or implementation of the project.

(8) Projects that maximize benefits to the public.

(9) Projects that are innovative.

(10) Activities that are not currently funded.

(11) Community population.

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

History: Cr. Register, August, 1992, No. 440, eff. 9-1-92; am. (intro), cr. (12), Register, May, 1994, No. 461, eff. 6-1-94.

**NR 47.58 Grant awards; payment.** (1) **GRANT AWARDS.** Grants shall be awarded subject to execution of the department's project agreement.

(2) **PAYMENT.** Grant payments shall be made upon approval of the final report and the final accounting claim supported by evidence of cost.

(3) **FINAL AUDIT.** All payments are contingent upon final audit. Financial records including all documentation to support entries in the accounting records to substantiate charges for each project shall be kept available for review by state or federal officials for a period of 3 years after final payment.

History: Cr. Register, August, 1992, No. 440, eff. 9-1-92.

### Subchapter VI—County Forests

**NR 47.60 County forest project loans.** (1) **PURPOSE.** The purpose of this section is to implement and administer project loans under s. 28.11 (8) (b) 2, Stats., pertaining to county forest operations.

(2) **APPLICABILITY.** This section is applicable to those counties which have land entered under s. 28.11 (4), Stats., as county forest and which apply for a county forest project loan.

(3) **ELIGIBILITY.** To be eligible for a county forest project loan:

(a) Projects shall be economically productive forest operations, including land acquisition.

(b) Projects shall be consistent with the county's 10 year comprehensive land use plan under s. 28.11, Stats.

(c) Loans may not be used for construction of recreational facilities or for fish or wildlife management projects.

(4) APPLICATION PROCEDURES. (a) A county may apply for project loans under this section for the purposes described in sub. (3). The application shall include but is not limited to:

1. An approved county board resolution specifying the county's decision to apply for a county forest project loan.

2. The project specifications including: maps, a short narrative, and an estimated cost breakdown including any county contributions.

3. Any other information the department feels necessary and requests within 20 days following receipt of the application.

4. Applications shall be filed by the county with the department of natural resources, bureau of forestry.

Note: The mailing address is WI DNR, Bureau of Forestry, P.O. Box 7921, Madison, WI 53707-7921 Attn: County Forest Specialist.

(5) APPLICATION DEADLINE; DECISIONS ON APPLICATIONS. (a) Project loans shall be awarded annually on a fiscal year basis and applications shall be accepted during the application periods in this section. The first application period shall be from July 1 to August 15. Decisions on those applications shall be made in accordance with sub. (6) no later than the following September 15.

(b) The second application period shall be from August 16 to December 1. Decisions on those applications shall be made no later than the following January 1.

(c) Notwithstanding sub. (6), all other applications received from December 2 to June 30 shall be approved on a first-come, first-serve basis.

(d) A county may apply more than once in any given calendar year.

(6) SELECTION CRITERIA. (a) Preference shall be given to projects as follows:

1. First preference: Land acquisition

2. Second preference: Land management activities including but not limited to:

a. Tree planting;

b. Direct seeding;

c. Site preparation for regeneration;

d. Noncommercial thinnings of forest stands;

e. Release from competing vegetation (conifers or hardwoods both artificially or naturally regenerated).

f. Land management equipment including tree planters, scarifier and other management equipment.

g. Pruning.

3. Third preference: Land information activities including but not limited to:

a. Vegetative/animal inventories;

b. Geographic information systems including computer hardware, software and digitizing of forest management information;

c. Aerial photo purchases.

4. Fourth preference: Capital purchases/improvements including but not limited to:

a. Roads/access construction and maintenance;

b. Buildings construction and maintenance.

(b) Within a preference category, projects shall be prioritized in ascending order, with projects in counties that have most recently received project loans given lowest priority and projects in counties that have not received loans previously given highest priority.

(c) For applications in the same preference category except as provided under par. (b), preference shall be selected by lottery.

(d) If after ranking a project loan application in accordance with pars. (b) and (c) only partial funding is available due to insufficient funds, the department shall offer the applicant the choice of receiving partial funding for the project up to the amount of available funding or withdrawing the application.

(7) APPROVED PROJECT MODIFICATIONS. Project loans may be modified regarding the type of activities to be funded and the date and type of loan disbursements with written approval from the department. Requests for an increase in the loan amount shall be accompanied by a county board resolution authorizing the request.

(8) FUNDING RATES AND CONSTRAINTS. (a) Payment of all loans shall be made at project completion unless an advance payment has been made by the department.

(b) An advance payment of not more than 75% of the loan amount may be paid upon mutual agreement of the applicant and department.

(c) The recipient shall submit information requested by and satisfactory to the department demonstrating project completion.

(d) A loan may be approved with payments in 2 consecutive fiscal years as long as the payment in each year does not exceed 25% of the total available funds for the year, except funding may exceed the 25% limit by applying all funds not applied for and remaining available following April 15 of each year not to exceed the application total.

Note: A loan in the amount of \$100,000 each year is approved even though the application was for \$200,000 each year. If after April 15 the account balance is \$100,000, that money would be sent to fulfill that year of application amount.

(9) PROJECT COMPLETION ACCOUNTABILITY AND AUDIT PROCEDURES.

(a) Project loan funds may be spent only on project identified costs and in compliance with the provisions of the loan agreement.

(b) All loan records shall be audited with the normal departmental audit of the county forest program.

(c) An approved project may not exceed 2 years in length unless written approval is obtained from the department.

(10) **PROJECT AGREEMENT.** Recipients of project loans under this section shall enter into and comply with a project loan agreement containing provisions consistent with s. 28.11 (8) (b) 2, Stats., this section and mutual obligations with regard to a portion or all of a specific project.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**NR 47.70 County forest administrator grant program.** (1) **PURPOSE.** The purpose of this section is to establish standards and procedures for implementation of a grant program to contribute funds toward payment of the salary of a professional forester in the position of administrator or assistant administrator of a county forest.

(2) **DEFINITIONS.** As used in this section:

(a) "Annual plan of work" means a listing of work projects and activities agreed to by the department and the county to be performed in the upcoming calendar year in the county which involves the management of the forest resources and its attributes.

(b) "Annual salary" means the total annualized compensation paid to a county employe excluding the cost of any fringe benefits.

(c) "Cost shared administrator" means any department employe who is presently performing the duties of county forest administrator by mutual agreement of the county and the department.

(d) "County" means a county that has entered county-owned land under the county forest law, ss. 28.10 and 28.11, Stats.

(e) "Forester" has the meaning given in s. NR 1.21 (2) (d) or who is employed as a county forest administrator or assistant county forest administrator in the administration of county forests as of August 12, 1993.

(f) "Grant year" means the calendar year to which the grant payment applies.

(g) "Independent consulting forester" means a forester as described in par. (e), who provides a variety of professional forestry services on a contract or fee basis and is employed by a county.

(3) **APPLICATION AND GRANT PROCEDURE.** (a) A county may apply for a grant under the county forest administrator grant program. A county shall include in an application a county board resolution authorizing the application. A county shall file the application with the department no later than November 30th of the year preceding the grant year, except for the grant year the rule becomes effective when the application shall be filed no later than May 1, 1994.

(b) A county that has received an initial grant under par. (a), shall file an application and resolution, as set forth in par. (a), to obtain a grant for each succeeding year unless the county has entered into a written agreement with the department.

(e) Except as provided in par. (d), a grant shall be limited to funding annual salary for a forester employed by a county.

(d) A grant under this section may be awarded to a county to contribute to the funding of an independent consulting forester or the salary of a forester shared between 2 counties.

(e) A grant may not be awarded to any county receiving services from a department cost shared administrator.

(f) Grants shall be distributed no later than April 15 of the grant year, except for the grant year the rule becomes effective when the grants shall be distributed no later than August 1, 1994.

(4) GENERAL PROVISIONS. (a) An annual grant award to a county may not exceed the lesser of 50% of the position's annual salary or the maximum grant amounts established in par. (b).

(b) The maximum grant which may be awarded each county forest shall be based upon the acreage of the county forest and is:

Acres of County Forest	Maximum Grant Amount
0 - less than 10,000	\$7,000
10,000 - less than 20,000	\$12,000
20,000 - less than 50,000	\$14,000
50,000 and larger	\$16,000

Note: The department intends to review the grant amounts and consider change by rule modification every 4 years.

(c) If the total amount of grants which the counties are eligible for under this section exceeds funds available, the grants shall be prorated prior to distribution.

(d) The department may not make a grant to a county under this section unless all the following apply:

1. An annual plan of work is jointly developed by the department's district forestry supervisor, the county forest administrator, department's liaison forester and the county forestry committee.

2. The annual plan of work is consistent with the county forest 10-year comprehensive land use plan for the county.

3. The annual plan of work is approved by the county and the department prior to the beginning of the grant year.

History: Cr. Register, June, 1994, No. 462, eff. 7-1-94.