

Chapter NR 48

COUNTY FOREST WITHDRAWAL

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NR 48.01 Purpose. The purpose of this chapter is to interpret and administer the county forest withdrawal provisions of s. 28.11 (11), Stats.

Note: County forest includes regular and special use lands; both being subject to s. 28.11 (11), Stats., and this chapter.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.02 Definitions. (1) "Application" or "application for withdrawal" means an application filed under s. 28.11 (11), Stats., to withdraw lands entered as county forest land, including all attachments and information submitted as required by the application form, s. 28.11, Stats., and this chapter.

(2) "Endangered species" has the meaning established in s. 29.604 (2) (a), Stats.

(3) "Game species" has the meaning given in s. 29.001 (33), Stats.

(4) "Non-game species" has the meaning given in s. 29.001 (60), Stats.

(5) "Threatened species" has the meaning given in s. 29.604 (2) (b), Stats.

(6) "Wild animal" has the meaning given in s. 29.001 (90), Stats.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96; corrections in (2) and (5) were made under s. 13.73 (2m) (b) 7., Stats., Register November 2001 No. 551; corrections in (3), (4) and (6) made under s. 13.93 (2m) (b) 7., Stats.

NR 48.03 County application. (1) GENERAL INFORMATION. All applications shall be on department forms and shall include, unless waived by the department in writing, the following information in connection with the land subject to the application:

Note: Application forms may be obtained from the department's central office. Department of Natural Resources, Bureau of Forestry, P.O. Box 7921, Madison, WI 53707-7921.

(a) The legal description of the land, the acreage proposed to be withdrawn and the acreage remaining following withdrawal in the affected quarter-quarter section, government lot or fractional lot.

(b) The proposed use of the land.

(c) A map showing the location of the land.

(d) The names and addresses of persons who have requested the county to withdraw the land and the names and addresses of prospective purchasers of the land if the withdrawal is approved unless the information is confidential under federal or state law or the legal custodian of the information withholds the information under subch. II of ch. 19, Stats.

(e) Any reservations on the transfer of title, such as a reversionary clause, or other mechanisms to assure compliance with restrictions or conditions of withdrawal.

(f) A copy of the county resolution authorizing the filing of the application.

(g) The attributes of the county forest site that relate to the requested use and a comparison of the site and its attributes with other economically and environmentally feasible sites or areas if other sites or areas were considered.

(h) A description of the potential environmental and forest related benefits and impacts affecting the land.

(i) The historical and archeological background of the land based upon county records and a site examination by county personnel.

(j) Knowledge of the presence of endangered or threatened species of plants or wild animals on the land or in the waters on the land.

Note: The department's investigation will include a review of the natural heritage inventory.

(k) The consideration to be received for the land. If land or money or both is to be received in exchange for the land, the county shall describe proposed use and disposition including a description and map of any proposed trade lands to be exchanged with the county.

(L) The present and future benefits of the proposed withdrawal action as identified by the county at the time of the application and the decision making process used to identify those benefits.

(m) Other information deemed necessary by the department.

Note: The department's liaison forester is available during the application process to provide technical forestry advice.

(2) DEPARTMENT DECISION ON COMPLETENESS OF THE COUNTY APPLICATION. The department shall determine whether an application for withdrawal is complete and satisfactory within 60 days of its filing. If the department determines the application documents are incomplete, it shall explain to the county why the application is incomplete and what further information is necessary to complete the application process.

Note: A project proponent other than the county may gather all or part of the information required in the application.

(3) WITHDRAWAL OF APPLICATION. The county may withdraw its application at any time prior to issuance of the department's decision under s. NR 48.05.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.04 Department investigation and findings.

(1) The department's investigation of an application for withdrawal shall include but is not limited to:

(a) An environmental review required by s. 1.11, Stats., and ch. NR 150.

(b) An inspection of the land subject to the application, other land involved in the proposed transfer and other information available to the department describing the land and its values. The inspection shall be conducted by a department forester and other persons deemed appropriate by the department to participate in the inspection.

(c) The holding of a public hearing or informational meeting when deemed necessary by the department or requested in writing by a county making a withdrawal application.

(2) The department decision on the application shall include, but not be limited to, findings on the following:

(a) Compliance of the application with the applicant's county forest comprehensive land use plan.

(b) Disposition and use of all land and funds involved in the proposed withdrawal transaction.

(c) Environmental impacts, including impacts on groundwater, surface water, wetlands, terrestrial resources and other envi-

ronmentally sensitive areas on the land subject to the application as a result of the proposed use.

(d) Impacts on endangered and threatened species of plants and wild animals.

(e) Impacts on game and nongame species of wild animals.

(f) Impacts on multiple use benefits of the land involved in the withdrawal and the remaining county forest.

(g) Impacts on production of forest products and commodities.

(h) Compliance with s. 1.11, Stats., and ch. NR 150.

(i) The minimum value of the land subject to the application or involved in the proposed withdrawal transaction.

(j) Impacts on archeological and historical values.

(k) Economic impacts of the withdrawal versus continued entry under s. 28.11, Stats.

(L) Whether upon withdrawal the land will be put to a better or higher use and whether the benefits of withdrawal to the people of the state as a whole and the county, outweigh the benefits under continued entry.

(3) In making its findings, the department shall consider, but is not limited to considering:

(a) Alternative land for the proposed purpose which is reasonably available.

(b) Values to the public provided by the land subject to the application which may be lost and not replaced by the purchase and entry of additional land.

(c) Economic, social or other values received by the county or state as a result of sale or exchange of the lands subject to the application.

(d) Impacts on unique resource values.

(e) Public health, safety or welfare impacts.

(f) County forest benefits.

(g) The history of the county's administration and enhancement of the county forests including land acquired and entered as county forest, public use opportunities and facilities developed on the forest.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.05 Department decision. The department's decision on an application for withdrawal may include:

(1) Conditions on the future use and disposition of the lands being withdrawn which are deemed reasonably necessary to protect the values of the county forest and the public.

(2) Conditions upon a specified future use as stated in the application.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.

NR 48.06 Reimbursement of aids. Amounts paid to the county and subject to reimbursement under s. 28.11 (1) (b), Stats., shall be transferred to other county forest lands if the land withdrawn remains in the ownership of a unit of government, including the state or federal government, or an agency thereof.

History: Cr. Register, September, 1996, No. 489, eff. 10-1-96.