

SUBJECT: Request approval of scope statement and to proceed with drafting Board order FR-07-12 creating rules in NR47 for a County Forest Time Standards Grant

FOR: APRIL BOARD MEETING

TO BE PRESENTED BY / TITLE: Jeff Barkley, County Forest / Public Lands Specialist

SUMMARY:

The proposed County Forest Time Standards grant rule would affect and be of interest to those counties currently enrolled in the County Forest program (s. 28.10 and 28.11 Wis. Stats) and which would apply for the grant. The rule would define purpose, eligibility, application procedures, selection criteria, audit procedures and general provisions for a Time Standards Grant program. This new grant would provide counties with added flexibility in infusing DNR assistance into their programs.

The pink sheet, background memo, and scope statement are attached. After scope statement approval and rule writing authorization from the Natural Resources Board (Board), the Department will begin the process for writing the rule in collaboration with the Wisconsin County Forests Association (WCFA). The proposed rule language, fiscal estimate, and background memo will be provided at a future Board meeting for hearing authorization.

Economic impact: Little to no economic impact is expected. This is a reallocation of forestry seg funds into appropriation 20.370(5)(bw) to be used in conjunction with County Forest Administration and Sustainable Forestry grants.

RECOMMENDATION: Approve scope statement and authorize rule drafting

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input checked="" type="checkbox"/> | Fiscal Estimate Required | Yes | <input type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

Robert J. Mulla
Bureau Director,

4/16/2012
Date

Paul DeLong
Administrator,

4/16/2012
Date

Matt Moroney
Secretary, Cathy Stepp

4/18/12
Date

cc: NRB Liaison
DNR Rules Coordinator

CORRESPONDENCE/MEMORANDUM

DATE: February 16, 2012

TO: David Clausen, Chair
Jane Wiley – Land Management, Recreation, Fisheries and Wildlife Issue
Coordinator
Christine Thomas, Secretary

FROM: Cathy Stepp, Secretary

SUBJECT: Scoping Statement Related to NR 47 proposed creation of the County Forest Time Standards Grant

Subject/Objective of Proposed Rule

Create rules to direct the distribution of grant funding for the County Forest time Standards grant.

Description of Policy Issues/Analysis of Policy Alternatives

This is a new rule and grant program. Presently the DNR Division of Forestry (DOF) provides assistance to County Forests, aligning workload with the statutory role of the DNR in oversight of the County Forest program. An agreed upon number of hours are provided to each county based on the workload for that particular county. The DOF's Strategic Direction process in 2011-12 realigned forest resources to better accomplish the DOF's mission in Wisconsin's Statewide Forest Plan. As part of that process each County Forest was given the opportunity to modify the suite of grants and assistance the DOF provides to their best advantage. Three counties (Iron, Jackson and Clark) have elected to reduce their assistance from DNR in exchange for funding that would allow them to hire contractors or seasonal staff to accomplish forestry work. The thought is that some of the forestry tasks can be done adequately using contracted or lesser paid staff, the end result being the ability to get more work done with the same amount of resources. The proposed grant program would be structured to focus on tasks already identified in the time standards agreement for each county. This funding would provide for on-the-ground sustainable forestry practices with the reallocation of funding into appropriation 20.370(5)(bw).

Economic Impact

Level 3 – Little to no economic impact expected. This is a reallocation of resources.

Statutory Authority

DNR's responsibilities for oversight of the County Forest program can be found in s. 28.11(5) Wis. Stats. and the authority for sustainable forestry funding is included in 28.11(5r) Wis. Stats. Section 28.11(5r)(b) states: "The department may make grants, from the appropriation under s. 20.370(5)(bw), to counties having lands entered under sub.(4) to fund the cost of activities designed to improve sustainable forestry on the lands.

Estimate of Time Needed to Develop the Rule

The department estimates that approximately 80 hours of existing DNR staff time will be needed to complete the rule process. This time includes meeting with stakeholders, drafting rule language, completing an economic impact analysis, conducting statewide public hearings, collecting public input at those hearings, and providing information for the Natural Resources Board, and legislature.

Summary and Comparisou of Applicable Federal Regulations

There are no existing or proposed federal regulations that address County Forest grants for this purpose.

Entities Affected by the Rule

There are currently twenty-nine counties with county forests that could take advantage of this grant opportunity. In the near future (FY14 & 15) only three counties have indicated an interest in taking advantage of this option – Clark, Iron and Jackson. To the extent that counties utilize this grant, independent forestry consultants may stand to gain work. Conversely, DNR Forestry staff time would be reduced.

Agency Contact Person

Jeff Barkley or Chris Martin
County Forest / Public Lands Specialist
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608-264-9217

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FR-07-12

Relating to: County Forest Time Standards Grant (new)

Rule Type: New Administrative Rule

1. Finding/nature of emergency (Emergency Rule only):

This is not an emergency rule request.

2. Detailed description of the objective of the proposed rule:

Create rules to direct the distribution of grant funding for the County Forest Time Standards grant.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

This is a new rule and grant program. Presently the DNR Division of Forestry (DOF) provides assistance to County Forests, aligning workload with the statutory role of the DNR in oversight of the County Forest program. An agreed upon number of hours are provided to each county based on the workload for that particular county. The DOF's Strategic Direction process in 2011-12 realigned forest resources to better accomplish the DOF's mission in Wisconsin's Statewide Forest Plan. As part of that process each County Forest was given the opportunity to modify the suite of grants and assistance the DOF provides to their best advantage. Three counties (Iron, Jackson and Clark) have elected to reduce their assistance from DNR in exchange for funding that would allow them to hire contractors or seasonal staff to accomplish forestry work. The thought is that some of the forestry tasks can be done adequately using contracted or lesser paid staff, the end result being the ability to get more work done with the same amount of resources. The proposed grant program would be structured to focus on tasks already identified in the time standards agreement for each county. This funding would provide for on-the-ground sustainable forestry practices with the reallocation of funding into appropriation 20.370(5)(bw).

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

DNR's responsibilities for oversight of the County Forest program can be found in s. 28.11(5) Wis. Stats. and the authority for sustainable forestry funding is included in 28.11(5r) Wis.Stats. S. 28.11(5r)(b) states: "The department may make grants, from the appropriation under s. 20.370(5)(bw), to counties having lands entered under sub.(4) to fund the cost of activities designed to improve sustainable forestry on the lands. Finally, Wis. Stat. s. 227.11 (2)(a) allows the DNR to promulgate rules for any statute if the DNR considers it necessary to effectuate the purpose of the statute. Without rulemaking authority for this rule, the DNR will not be able to administer or enforce the grant program authorized by statute, since the DNR would not be able to establish criteria that would uniformly apply across grant applicants without running afoul of the definition of "rule" found under Wis. Stat. s. 227.01(13).

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

It is anticipated that rule development will require 80 hours of staff time and a minor amount of travel and conferencing costs.

6. List with description of all entities that may be affected by the proposed rule:

Currently there are twenty-nine counties with county forests that could take advantage of this grant opportunity. In the near future (FY14 & 15) only three counties have indicated an interest in taking advantage of this option – Clark, Iron and Jackson. To the extent that counties utilize this grant,

independent forestry consultants may stand to gain work. Conversely, DNR Forestry staff time would be reduced.

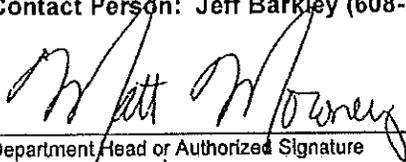
7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

This rule / grant does not impact any federal regulations.

8. Anticipated economic impact of implementing the rule:

This grant would provide an option for counties to receive grant funding as an alternative to DNR staff assistance. As such, there would be no anticipated economic impact, rather just a reallocation of resources for this purpose.

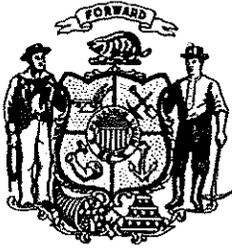
Contact Person: Jeff Barkley (608-264-9217) or Chris Martin (608-264-6039)



Department Head or Authorized Signature

3 / 14 / 12

Date Submitted



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

March 14, 2012

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Scope Statement for FR-07-12

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on March 14, 2012, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule FR-07-12. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor