

State of Rhode Island and Providence Plantations
Department of Environmental Management

**NOTICE OF THE PUBLICATION OF A PROPOSED
DIRECT FINAL RULE**

Guidelines for the Distribution of
Alternative Forest Use Challenge Grants (ERLID # 2763)

Pursuant to the provisions of Chapters 2-10-8, 42-17.1, 42-17.2 and 42-17.6 of the General Laws of Rhode Island as amended, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws of 1956, as amended, and specifically Section 42-35-2.11 of the amended Administrative Procedures Act, the Director of the Department of Environmental Management (the "Department" or "DEM") hereby proposes to file a Direct Final Rule pursuant to Section 42-35-2.11 of the General Laws of 1956, as amended. The Director believes that this proposed action is noncontroversial and anticipates that no objections will be received to the proposed repeal of the *Guidelines for the Distribution of Alternative Forest Use Challenge Grants*. The subject regulations are proposed to be repealed because they were designed to establish the process for award of challenge grants for implementing alternative forest based businesses, and the entirety of the grant allocation has been expended.

Pursuant to the requirements of Section 42-35-2.6 and 42-35-2.7 of the Rhode Island General Laws, DEM has made the following determinations: DEM has considered alternative approaches to the proposed dismissal and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome.

A copy of the subject regulations will be available for examination from January 30, 2017 through March 1, 2017 by mail or at the Office of Customer and Technical Assistance at 235 Promenade Street, Providence, RI 02908, weekdays from 8:30 - 4:00 PM or by calling the Office at (401) 222-6800. Electronic copies of the proposed regulations to be repealed will also be available on the DEM website.

DEM encourages the submission of written objections to the proposed repeal of the *Guidelines for the Distribution of Alternative Forest Use Challenge Grants* (ERLID # 2763), via a Direct Final Rule pursuant to Section 42-35-2.11 of the General Laws of 1956, as amended. If no objection is received on or before March 1, 2017, DEM will file the repeal without opportunity for public comment. All written objections should be sent to the Department at the Division of Forest Environment located at 235 Promenade Street, Suite 394, Providence, RI 02908 or via e-mail to catherine.sparks@dem.ri.gov and must be received no later than 11:59 PM on **March 1, 2017**.

Janet L. Coit
Director, Department of Environmental Management

Posted

**~~STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
SUSTAINABLE WATERSHEDS OFFICE~~**

**~~GUIDELINES FOR THE DISTRIBUTION OF ALTERNATIVE FOREST
USE CHALLENGE GRANTS~~**



~~April 2003~~

~~Regulation #:~~

~~AUTHORITY: These guidelines are adopted pursuant to Chapters 2-10-8 and 42-17.1 in accordance with chapter 42-35 of the Rhode Island General Laws of 1956, as amended.~~

~~GUIDELINES FOR DISTRIBUTION OF ALTERNATIVE FOREST USE CHALLENGE GRANTS~~

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~~GUIDELINES FOR DISTRIBUTION OF ALTERNATIVE FOREST USE CHALLENGE GRANTS~~

~~RULE 1. PURPOSE~~

~~The purpose of this policy is to establish procedures for the distribution of challenge grants for implementing alternative forest based businesses. The Department of Environmental Management—Sustainable Watersheds Office in cooperation with the Division of Forest Environment and Division of Agriculture are responsible for administering the program.~~

~~This policy will:~~

- ~~(A)—— Define projects eligible for inclusion;~~
- ~~(B)—— Set eligibility requirements;~~
- ~~(C)—— Specify standards for reimbursable expenses.~~

~~RULE 2. AUTHORITY~~

~~These policies are adopted pursuant to Chapter 42-17.1, Environmental Management, and chapter and sections 2-10-8 in accordance with 42-35, Administrative Procedures Act, of the Rhode Island General Laws of 1956, as amended.~~

~~RULE 3. ADMINISTRATIVE FINDINGS~~

~~Although more than half of Rhode Island is forested, there is intense development pressure on the remaining forestland. Proper management of forest resources requires that all reasonable alternative management strategies be considered and evaluated. The small size of most parcels of forestland and the long wait between harvests make traditional forest management opportunities unattractive to many landowners. Forest landowners could fill the niche markets for alternative forest products, such as edible and medicinal plants, decorative products, and recreational use, which are largely ignored by traditional retailers. The revenue generated may help prevent the fragmentation of forestland by providing a way to pay property expenses, and lead to small businesses that are consistent with the lifestyle of rural communities.~~

~~This industry has great potential in Rhode Island since the high population density provides markets close at hand. The Department, in cooperation with the Rhode Island Rural Lands Coalition has already been active promoting this concept. Participants at workshops and a focus group cited lack of start-up capital and lack of information about production costs and yields were the major limiting factors preventing startup of alternative forest business enterprises.~~

These grants are aimed at assisting landowners in overcoming financial barriers to start-up alternative forest based businesses. This builds on the success of a previous grant from USDA Forest Service, Rural Development through Forestry Program, that developed publications, established a web site, and conducted demonstration workshops on alternative forest uses.

RULE 4. APPLICABILITY

The terms and provisions of these guidelines shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

RULE 5. DEFINITIONS

For the purposes of this guidance document, except as provided below, the following terms shall have the following meanings:

- (A) — **“Actively Managed”** means forestland managed in accordance with the provisions of a written forest stewardship plan for the enhancement of forest resources.
- (B) — **“Advisory Committee”** means the committee established per Section 6 of these guidelines.
- (C) — **“Allowable Cost”** means expenses directly related to the project that are deemed reimbursable by the Advisory Committee.
- (D) — **“Alternative Forest Use”** means a forest based business whose product is non-timber and may include medicinal and edible plants, floral greenery, specialty wood products and/or fee-based recreation.
- (E) — **“Challenge Grant”** means funds given to landowner to initiate alternative forest based business’s with no repayment due provided the project is completed in accordance with the conditions of Section 8 of these guidelines.
- (F) — **“Director”** means the Director of the Rhode Island Department of Environmental Management or his/her authorized designee.
- (G) — **“Department”** shall mean the Rhode Island Department of Environmental Management.
- (H) — **“Edible Plants”** means plants propagated and grown under a forest canopy with one or more parts that can be used for human consumption.
- (I) — **“Eligible Landowners”** means private individuals, recognized native American tribes, non-government groups or association.

- (J) — **“Fee-based recreation”** means leases for hunting and fishing or user fees for other outdoor recreational activities.
- (K) — **“Floral greens,”** means native plant products, such as evergreen boughs or cuttings, used for decorative applications.
- (L) — **“Forestland”** means any tract or contiguous tracts of land, five (5) acres or more bearing a dense growth of trees, young regenerating forest, and having either the quality of self — perpetuation, or being dependent upon its development by the planting and replanting.
- (M) — **“Grantee”** means eligible landowners who’ve applied, and receive approval, to receive a grant.
- (N) — **“Landowner”** means the person recorded as the owner on the deed of a parcel of forestland.
- (O) — **“Match”** means the landowner’s contribution to the project. Grants pay up to 50 percent of the cost of initiating an alternative forest based business; the landowner must provide the rest. Costs used to satisfy grantees match requirements may be financed from any non federal source, including cash or in kind contributions.
- (P) — **“Medicinal Plants”** means plants propagated and grown under a forest canopy which have medicinal use for humans.
- (Q) — **“Person”** means any individual, firm, corporation, co-operative, partnership or other form of organization.
- (R) — **“Project Plan”** means the written document that details the methods and materials used to produce alternative forest products.
- (S) — **“Reimburse”** means to compensate landowners part of the cost (50%) for approved practices related to establishing alternative forest based businesses. Costs eligible for reimbursement must meet requirements established by the Committee for eligibility and documentation.
- (T) — **“Reporting Form”** means a report of the applicants’ investment in time and materials, as well as the growth and yield information of the crop produced using grant funds.
- (U) — **“Specialty Wood Products”** means wooden items from trees, or parts of trees, that are not normally harvested in commercial forestry operations but can be turned into valuable products by skilled artisans.

RULE 6. ADVISORY COMMITTEE

6.1 — ~~Committee Established~~

~~The Director shall appoint a committee to advise and assist the Department in matters relating to alternative forest use challenge grant distribution. The Alternative Forest Use Advisory Committee shall have no fewer than 5 and no more than 10 members selected to represent the Department as well as providing balanced representation of the interests of forest landowners and others concerned with the sustainable management of Rhode Island's forests.~~

6.3 — ~~Decisions~~

~~The votes of a majority of a quorum are required for any action or recommendation.~~

~~The Chairman shall advise the Director of all decisions and recommendations of the Alternative Forest Use Advisory Committee.~~

RULE 7. MEETINGS

7.1 — ~~Open Meetings.~~

~~All Committee meetings shall be consistent with the Open Meetings Law (Chapter 42-46 of the General Laws) and the Access to Public Records Act (Chapter 38-2 of the General Laws).~~

RULE 8. ELIGIBILITY

8.1 — ~~Eligible landowners~~

~~Forest landowners eligible for grant funding through this program include private individuals, recognized native American tribes, non-government groups or associations with five or more acres of forestland.~~

8.2 — ~~Eligible Projects~~

~~Eligible project categories as established by the Committee include edible and medicinal products, floral greenery, specialty wood products, and forest based recreation. Funding priority will be given to projects that, in the opinion of the Committee, are the most likely to succeed and become viable forest based businesses based on the information provided in the grant application.~~

8.3 — ~~Eligible Project costs~~

~~The grants must be used to offset expenses related to the startup of alternative forest based businesses. This includes up to 50 percent of the cost of supplies and materials directly related to startup. Items not eligible for reimbursement include: land purchase, leasing, property taxes,~~

~~or other costs for the use of land, engineering charges, permit fees, consultant fees, equipment purchase or other capital costs.~~

~~The grant award shall not exceed 50 percent of eligible costs as determined by the Committee. Grants will range from \$500.00 to \$1,000.00 each, but may be larger for appropriate and/or worthy projects as determined by the Committee.~~

~~Only costs outlined in the project plan, and approved by the Committee, are eligible for reimbursement. No costs incurred prior to notification of grant award will be eligible for reimbursement. Tax reporting is the responsibility of grantee.~~

RULE 9. APPLICATION PROCEDURE

9.1 — Application Forms

~~Application Forms shall be available to all eligible to participate on the Department of Environmental Management web site- (www.state.ri.us/dem/programs/bpoladm/stratpp/forprod/forstprd.htm) or by calling 222-3434.~~

9.2 — Filing of Application

~~Applications shall be filed with the Department as indicated in the filing form instructions.~~

~~The application package shall contain:~~

- ~~• Grant application with Project Plan attached.~~
- ~~• A Locus Map of the property.~~

9.3 — Application submission

~~Grant applications must be submitted by June 13, 2003.~~

~~Reimbursement requests and a project reporting form must be submitted by May 22nd 2004.~~

9.4—Application Review

The Committee shall review the applications and disqualify those that fail to meet the minimum eligibility requirements or are incomplete. The applications shall be ranked by the Committee in accordance with the criteria established by the Committee (10.2) and funding awarded to the highest scoring applicants.

In the event there are insufficient funds, the Committee has the option of awarding partial grants to qualified applicants.

RULE 10. EVALUATION AND AWARD

10.1—Evaluation

The Committee shall review the applications received and rank eligible applications for consistency with the Alternative Forest Use Grant Guidelines. Grants funds will be allocated to those projects that best meet Committee objectives and demonstrate likelihood for success based on information provided in the application.

10.2—Ranking Criteria

Proposals are ranked according to criteria using the form in the Appendix.

Projects eligible for challenge grant funding must meet minimum eligibility requirements established by the Committee including:

- The land must be owned by private individuals, non-government group or association.
- Minimum ownership of five (5) acres of forestland.

The project must also address categories established by the Committee, which are described in detail in the Alternative Forest Use Brochures created by the Rural Lands Coalition. These categories include:

- Medicinal forest products
- Edible forest products
- Floral greens
- Specialty wood products
- Fee based recreation

10.3 Awards

~~Once the sub-Committee has reviewed and evaluated all applications, it shall determine which will receive grant recommendations. The Committee shall consider proposed projects that score highest according to criteria established by the Committee using the Evaluation Form in the Appendix. After completion of all ranking activities, the Committee will approve grant awards and provide the Director with a list of recommendations for grant awards.~~

~~The Director shall review the Committees recommendations and notify the successful applicants. The final decision for awarding a grant rests with the Director.~~

~~The total amount of the grant awards may not exceed the amount of funds available.~~

RULE 11. ADMINISTRATION OF FUNDS

~~11.1 — In order to receive reimbursement, the landowner must submit receipts for expenses incurred as a result of the project, as well as an accounting of labor or other expenses used as match on the Reporting Form. The reporting form must include an itemized accounting of:~~

- ~~• Dates and hours of work performed~~
- ~~• Cost per hour for labor (not to exceed \$10.00 per hour)~~
- ~~• Type of equipment used~~
- ~~• Charge for equipment~~
- ~~• Type and cost of materials used~~

~~11.2 — Failure to file for reimbursement by May 22nd 2004 shall be considered a waiver of the right to compensation for eligible expenses.~~

~~Expenses shall be considered ineligible for reimbursement if:~~

- ~~• The procedures and schedule outlined in the Project Plan are not followed.~~
- ~~• Other use is made of the subject property inconsistent with its management as forestland.~~
- ~~• A project Reporting Form is not completed.~~

~~11.3 — Reporting for tax purposes is the responsibility of the grantee.~~

RULE 12. SEVERABILITY

~~If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.~~

~~RULE 13. EFFECTIVE DATE~~

~~The foregoing “Rules and Regulations For Alternative Forest Use Challenge Grants,” after due notice, are hereby adopted and filed with the Secretary of State this day of April 2003, to become effective twenty (20) days thereafter, in accordance with the provisions of chapter 42-35 of the General Laws of Rhode Island, 1956, as amended.~~

~~Jan Reitsma, Director
Department of Environmental Management~~

~~Notice Given on: February 18, 2003-~~

~~Public Hearing held: Not requested-~~

~~Filing Date:~~

~~Effective Date:~~

APPENDIX A. Alternative Forest Use Challenge Grant Application

The Rhode Island Department of Environmental Management (RIDEM) is offering Challenge Grants to encourage the establishment of alternative forest based businesses in Rhode Island Forests.

Eligible applicants: Private individuals, non-government groups or association that own more than 5 acres of forestland in Rhode Island are eligible to apply for a grant.

Funding available: Grants will range from \$500.00 to \$1000.00 each, but may be larger for appropriate and or worthy projects as determined by the Committee.

Use of funds: Grants must be used to offset expenses directly related to the startup of an alternative forest based business. Eligible project categories are listed in the fact sheet.

Grant Requirements: 1) Only costs outlined in the project plan, and approved by the Committee, are eligible for reimbursement. 2) Grant awards will not exceed 50 percent of eligible costs as determined by the Committee. 3) To receive reimbursement, landowners must submit documentation of expenses and a completed reporting form. 4) Tax reporting is the responsibility of the grant recipient.		Grant Award Process: 1) The grant application must be received by June 13, 2003. 2) All applications are reviewed for eligibility. 3) A grant review committee ranks applications and allocates funds to projects that are likely to succeed and fulfill the goals of the project. 4) The project must be completed and reimbursement request received by May 22, 2004.	
Applicant's Name:	Yes No Is there a written forest management plan for the property? ☐ ☐ Is there a written marketing plan for the property? ☐ ☐ Is the property actively managed? ☐ ☐ Do you have past success with forest based business activities? ☐ ☐ Is the property available for use as a demonstration site? ☐ ☐		
Street Address:			
City, State and Zip Code:	Social Security Number (REQUIRED):		
Telephone: () Email:	Grant Amount Requested: \$		
Project Plan: (Briefly describe on a separate sheet) • The crop and production process. • Physical resources available (equipment). • Management resources (time, special expertise). • How the products will be marketed. • Budget and timeline. • Describe what you feel is the likelihood of success of the project.			
Is the project consistent with local zoning? ☐ Yes ☐ No ☐ Decision Pending			
_____ Applicant's Signature Date			
Submit completed application by June 13, 2003 to: RIDEM, Sustainable Watersheds Office 235 Promenade Street, Suite 330 Providence, RI 02908			
Please attach a map showing the location of the property and approximate boundaries (a copy of a topographic map would be ideal).			

APPENDIX B. Challenge Grant Ranking Criteria

Alternative Forest Use Challenge Grant Ranking Criteria	
Landowner:	
Minimum Eligibility Criteria	
Eligible forestland owner (private individual, non government group or association)	
5 acres of forestland	
Addresses criteria established by the Advisory Committee (edible and medicinal plants, floral greens, specialty wood products, recreation)	
Complete application and project plan	
Consistent with state and local policies (letter from municipal official that it complies with zoning)	
Bonus Criteria (assign 1 point for each that applies)	Points
More than 10 acres	
More than 25 acres	
Written Forest management plan (meets DEM criteria for the Farm, Forest, and Open Space Program)	
Property has been actively managed (as stated on application)	
Property is available for use as a demonstration site (stated on application)	
Project viability/ Likelihood of project success- low, medium, high (assign 1, 2, or 3 points)	Points
Physical resources	
Management resources	
Market resources	
Financial Resources	
Technical References used for project Plan	
Comments:	
Projects must score at least 10 points to qualify for funding	Total =
Evaluator: _____ Date: _____	