

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact: **LFB**

Alt. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Pre Topic:

SDC:.....Walter - Caucus # 2137,

Topic:

Drinking water study

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 06/26/99	ygeller 06/27/99		_____			
/1			hhagen 06/27/99	_____	lrb_docadmin 06/28/99		

FE Sent For:

<END>

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/?	traderc	1 6/21 jlg		8/13 6/27			

FE Sent For:

<END>

yes

SPC

Agency: Administration - Tribal Gaming Revenue Allocations

caucus number 2106

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Tribal Gaming Compacts. When racetracks are converted to Indian gaming facilities, a percentage of the compact payment must be applied to property tax relief. See LRBa0406/1

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2136

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Fort Folle Avoine, Burnett County. Provide \$100,000 in 1999-00 and \$100,000 in 2000-01 to increase educational programming and increase advertising. Money will be taken from Indian Gaming Tourism Initiative.

other notes

drafting instructions: See above and attached

more instructions:

caucus number 2137

duplicate flag:
duplicate with:

Other reference numbers: Paper 169	LFB Sum #:
FM 21	
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Drinking water & water quality study. Increase funding by \$130,000 PR in 1999-00 to the Town of Swiss and the St. Croix Tribe for engineering design and feasibility activities related construction of wastewater treatment facilities.

other notes

drafting instructions: The \$130,000 should be taken from the Economic development Program in the Tribal Gaming Initiative. Ref FM #21. See above and attachments.

more instructions:

caucus number 2138

duplicate flag:
duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number:	
LRB draft #	LRB P-draft:

description: Grants for County -Tribal law enforcement Program - Cooperative grant program between tribes and county law enforcement officials in Polk and Burnett counties with the St. Croix Tribe.

other notes

drafting instructions: See above and attached

more instructions:

TRIBAL GAMING REVENUE ALLOCATIONS

CN ~~XXXX~~ 2137

Economic Development - Town of Swiss Drinking Water & Water Quality Study
(Motion # 169)

JFC provided \$100,000 PR in 1999-00 in addition to \$300,000 PR in 2000-01. Increase funding by \$130,000 PR in 1999-00 to the Town of Swiss and the St. Croix tribe for engineering design and feasibility activities related to construction of wastewater and drinking water treatment facilities. This action enhances JFC action.



Jablonski-Radtke Government Relations

16 North Carroll Street Suite 620 Madison, Wisconsin 53703 608-251-0702

To: Senator Alice Clausing
Attn: Bill Wentzel

From: Ann Jablonski

Re: "Native American Gaming Initiative"

Date: May 13, 1999

Thank you for meeting with me this morning on St. Croix tribe budget requests. Allow me to recap the issues and try to bring a bit more focus to the issues.

Wastewater/water utility planning grant

The governor included \$300,000 in the second year of the biennium for a Drinking Water Study conducted by the Town of Swiss and the St. Croix Tribe. At the time of the proposal (October, 1999) we did not have the information we have now.

Due to nitrate and VOC contamination, the tribe and town want to move forward with constructing a municipal wastewater and water utility. Although the town may be able to qualify for a CDBG grant to construct a system because it is a low income area, the planning money is something that cannot easily be found.

A. We propose \$300,000 in the first year of the biennium to fund:

- A wastewater feasibility study (\$55,000).
- Water feasibility study for system mapping, fire protection tanks, supply, storage and distribution (\$35,000)
- Design for water distribution (\$200,000)
- Phase 1 VOC study (\$15,000)

Source of funding: economic development funds or priority watershed grants as set forth in the governor's proposal.

B. In the second year of the biennium, \$225,000 is needed:

- Design for well supply and tank storage (\$75,000)
- Design for wastewater treatment plant (\$100,000)
- Phase 2 VOC study (\$50,000)

Source of funding: Town of Swiss drinking water study appropriation.

2. Law enforcement grants for Burnett, Barron and Polk Counties.

The St. Croix tribe has only about 1500 enrolled members (other Native Americans live on the St. Croix reservation lands, however) dispersed over Burnette, Polk and Barron Counties.

Barron County made an initial proposal last October of \$75,000 to be used for crime prevention programs targeting youth. The tribe proposed an additional \$75,000 for Barron County law enforcement.

Burnett County, where most of the tribe members live, spends \$500,000 annually on out-of-home placement of juveniles and over 50% of these placements are Native American. The county also spends \$1.1 million a year on its court system, district attorney's office and jail. They say the jail population consistently averages over 40% Native American.

Polk County says it costs the county approximately \$200,000 a year on enforcement activities on reservation. Polk is interested in developing a crime prevention program targeted at reservation youth, also.

The tribe originally requested \$150,000 for Burnett, \$75,000 for Barron and \$75,000 for Polk County for law enforcement purposes.

Options:

You could target an appropriation at the County-Tribal Law Enforcement Program at DOJ or at the Tribal Law Enforcement Assistance Grants at the Office of Justice Assistance (OJA) at DOA.

However, the OJA program requires a tribe to develop its own law enforcement apparatus, and I doubt that the St. Croix want to do that.

I don't see any problem creating specific grants for St. Croix-Burnett, St. Croix-Polk, and St. Croix-Barron (these are joint, cooperative programs) under the County-Tribal Law Enforcement Program (s. 165.90).

The question is how much – (\$200,000, 100,000, 100,000 per year) Burnett County deserves the largest grant. Anyway, the funds have to be earmarked. Otherwise, it will just go into the general program and who knows where it will go.

Source of funding: Indian Law attorney at DOJ, Physician Loan Assistance Program.

3. Tourism promotion

Fort Folle d'Avoine \$ 50,000 per year

Source: State Tourism Marketing

Tourism grant money for each county from the State Tourism Marketing appropriation

Cost estimates

Subject: Cost estimates

Date: Thu, 22 Apr 1999 17:11:49 -0700

From: "Aaron Colson" <acolson@win.bright.net>

To: <alj@gateway.net>

Hi Ann:

I received some cost estimates over the phone from Foth & Van Dyke engineers out of Green Bay.

A wastewater feasibility study: \$55,000.00

Water feasibility study for system mapping,
fire protection tanks, supply, storage, and distribution: \$35,000.00

Design for water distribution: \$200,000.00

Design for well supply and tank storage: \$75,000.00

Design for wastewater treatment plant: \$100,000.00

If we go ahead with a VOC water quality study, it will depend on the result of our next round of sampling from the community water systems in Danbury. If we are still detecting VOCs, a Phase I Site Assessment will be needed. A phase I site assessment is determination of potential sources of the contamination such as abandoned landfills or dumps. Cost is \$15,000.00

If the Phase I Assessment gives the potential source of contamination, then Phase II could be done at a less cost. Phase II requires soil borings, monitoring, analytical work and so forth. Cost is \$50,000.00.

If the source cannot be determined or the extent of the contamination is great, the cost of Phase II could be as high as \$500,000.00.

Please do not hesitate to contact me if I can be of further assistance. I will be sending you some written estimates from SEH Environmental Consultants when I receive them.

Sincerely,
Aaron Colson
Director of Environmental Services
St. Croix Chippewa Tribe of Wisconsin
P.O. Box 287, Hertel, WI 54845
Fax: (715) 349-7602
Phone: (715) 349-2195 Ext. 106
e-mail: acolson@win.bright.net

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WATER RESOURCE NEEDS FOR ECONOMIC DEVELOPMENT INITIATIVE FOR THE ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

Under the Economic Development Initiatives, a water quality study, feasibility study, and design and construction of water and wastewater treatment is needed to improve economic and environmental conditions in Danbury within the Town of Swiss of Burnett County, Wisconsin. Several preliminary investigations show the need for a more detailed drinking water quality study, and the construction of a water and wastewater treatment system.

An analysis of St. Croix Tribal drinking water quality data by an environmental consulting firm (Attachment 1) shows that nitrate-nitrogen is consistently above the State of Wisconsin action level of 2 parts per million (ppm) on the St. Croix Reservation community of Danbury. One water sample was barely below the state and federal maximum contaminant level (MCL) of 10 ppm for nitrate-nitrogen. These consistent elevated nitrate levels indicate a likelihood that septic systems are polluting the Danbury water supply due to the number of wastewater systems and close proximity to drinking water supplies (Horsley & Witten, 1999).

Nitrate analysis of businesses in the non-tribal part of Danbury are reported to the Wisconsin Department of Natural Resources. These analyses also show elevated nitrate levels (Attachment 2).

In February of 1999, a sanitary survey was conducted by the St. Croix Tribal Environmental Services Department for the Reservation community, and concerned citizens, UW-Extension, and WDNR for the non-Reservation community. Survey results were compiled by Northwest Regional Planning, and summarized by UW-Extension (Attachment 3). In short, the survey shows that more than 20 percent of the septic systems are failing and are illegally discharging wastewater. Failing septic systems of Danbury not only adversely impact groundwater quality, failing septic systems are degrading the water quality of the St. Croix River.

In 1968, the upper stretch of the St. Croix River was approved as part of the National Wild and Scenic River System. The St. Croix River was one of the original eight river systems to receive a wild and scenic designation. In 1972, the lower St. Croix River was approved as part of the system. Improper wastewater treatment in the Danbury area is threatening the ecosystem health of the St. Croix River, and is contributing to excess nutrient concentrations. Excess nutrients in the main and lower stems of the St. Croix River have been identified by the Minnesota-Wisconsin Boundary Area Commission (1998).

Also, the sanitary survey shows that the majority of the businesses in Danbury want fire protection that a municipal water system would provide.

A public meeting was held at the St. Croix Tribal Community Center in October 1998. Representatives from the US EPA, National Park Service, USDA, WDNR, UW-Extension, and the St. Croix Tribe all agreed that efforts to protect water resources are needed, and a public water and wastewater treatment infrastructure should be a priority. This meeting in the small

community was well attended with over 100 people mostly in agreement with the government officials.

Furthermore, the drinking water in Danbury could be considered the most threatened of the St. Croix Tribal communities. Volatile Organic Compounds (VOCs) have been detected in the Danbury area wells. The VOC concentrations are below MCLs, but their presence indicates that dangerous solvents are contaminating the Danbury water supply. The sources of the VOCs must be identified to prevent further contamination, or to isolate the contamination. None of the VOC contamination appears to be from underground storage tanks (UST). However, a number of UST are potential contaminant sources (Horsley & Witten, 1999).

In order to improve economic conditions in Swiss Township, residents and visitors alike must be assured their environment is safe. The St. Croix Tribal community and the community as a whole in Danbury rely heavily on tourism. Tourists are drawn to the region in part due to the relatively pristine environment. To ensure that the economic benefits of tourism continue several measures must be taken that will likewise protect public health:

- A complete and detailed water resource study is necessary to determine the extent of surface and drinking water contamination with recommendations of abatement if necessary.
- An engineering facility plan is necessary for public water and sewer systems.
- An environmental assessment is necessary before construction can begin.
- A design plan for a public water and sewer infrastructure is needed.
- Construction of public water and wastewater treatment systems is required to provide a quality life for Danbury tribal and non-tribal residents.

Preliminary data suggest the costs of a water quality study, and a water and sewer project to be more than \$3 million. Agreements are being reached with the St. Croix Tribal Council, government officials in the Township of Swiss, and business owners that a facility plan should be done immediately.

References

- Horsley & Witten, Inc. Environmental Services. 1999. *Water Resources Management Plan St. Croix Indian Reservation*. Sextant Hill, 90 Route 6A, Sandwich Massachusetts 02563.
- Minnesota-Wisconsin Boundary Area Commission. 1998. *St. Croix Basin Management Plan Team Meeting - October 19, 1998*. Polk County Government Center - 100 Polk Plaza, Balsam Lake, Wisconsin. (715)485-9294, e-mail: mwbac@mwbac.state.wi.us.

1999

Date (time) needed SOON

LRB b 1076 11

**CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

RC : jj :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133**

SO

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page , line :

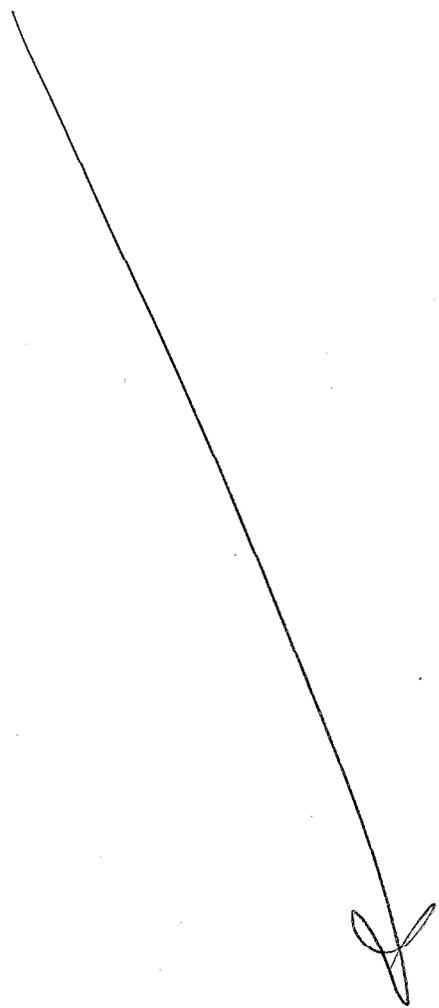
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1999

AMENDMENTS

LRB _____ / _____

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\$\$\$ INCREASE/DECREASE

In the component bar, for a "regular" amendment item:
For the item text, execute: create -> item: -> m: -> \$inc-dec

#. Page 107, line 19: in(de)crease the dollar amount for fiscal year 1999-00 by \$, . . . 130,000. and in(de)crease the dollar amount for fiscal year 2000-01 by \$, [to decrease funding for the purpose(s) for which the appropriation is made] [to . . .crease funding for]*.

#. Page 162, line 14: in(de)crease the dollar amount for fiscal year 1999-00 by \$, . . . 130,000. and in(de)crease the dollar amount for fiscal year 2000-01 by \$, [to . . .crease funding for the (purpose)] [purposes] for which the appropriation is made] [to . . .crease funding for (plain)]* (End) ✓

In the component bar, for a "frozen" amendment item (used in amendments to amendments):
For the item text, execute: create -> item: -> afterline [or the applicable item]
For the "frozen" item text, execute: . create -> item: -> frz: -> m: -> \$inc-dec

#. Page, line :
. Page, line : in(de)crease the dollar amount for fiscal year 1999-00 by \$, and in(de)crease the dollar amount for fiscal year 2000-01 by \$, [to . . .crease funding for the [purpose] [purposes] for which the appropriation is made] [to . . .crease funding for]*.

* Use the 2nd alternative if the purpose of the increase or decrease is more limited than the purpose or purposes of the appropriation as currently shown in the text of ch. 20, stats.

