

2001 DRAFTING REQUEST

Bill

Received: **05/23/2001**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Jennifer**

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

Drafter: **rkite**

May Contact:

Addl. Drafters: **gibsom
traderc**

Subject: **Nat. Res. - miscellaneous
Agriculture - soil and water**

Extra Copies: **MES, MJL**

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Revising the estimated motorboat gas tax payment and funding for various DNR programs

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<END>



ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

May 4, 2001

To: Robin Kite

From: Jennifer Halbur

Re: Additions to LRB 2904/1

Per our conversation, I have attached the list of appropriations Senator Cowles would like added to LRB 2904/1.

If you have any questions, please contact me at 266-0484.

Per Jennifer -

OK to talk to fiscal bureau

*Wants all the funding for the listed projects to
come from the increase in the motor fuel gas
tax*

Per Jennifer -

*OK to talk with Eric Ebersberger in the
DNR budget office*

Per Jennifer -

OK to talk with Kristen Grunde

Motor Fuel Gas Tax Transfer Proposal

In its proposed 2001-2003 biennial budget, the Department has requested a change to the formula for determining the motor fuel gas tax transfer that the Department currently receives from the Transportation Fund. The transfer represents the gas tax on motor fuel used by boats, and the proposed formula change would increase the number of gallons used in the formula from 50 gallons to 80 gallons. The money from the fuel tax transfer is deposited to the Water Resources Account of the Conservation Fund.

- Current formula – the current motorboat gas tax transfer is the number of registered, in-state motor boats times the state excise gas tax (currently \$.258/gal.), times 50 gal., times a .4 multiplier to represent out-of-state boats using Wisconsin's waters. The Department estimates that under the current formula, approximately \$10,668,600 would be transferred in FY 02.
- Proposed formula – the Department's proposal would be to increase the number of gallons used in the formula from 50 gallons to 80 gallons.
- Proposed revenue – the proposed increase in gallons—together with a projected slight increase in the number of registered boats and a formula-driven increase in the excise tax—would generate an increase in the gas tax transfer of an estimated \$6,401,100 to a total of \$17,069,700 in FY 02. This proposed increase represents less than 1% of the motor fuel tax collected in fiscal year 2000.
- Current expenditures – the revenue transferred from the Transportation Fund based on the formula goes into the Water Resources Account of the Conservation Fund. The revenue is used to fund a variety of water and boating related activities in the Department, including (but not limited to) recreational boating projects (Waterways Commission – approximately \$5.2 million), lake and river management (\$2.1 million), lake management grants (\$2.7 million), dam safety and wetland mapping (\$450,000), and others.
- Proposed expenditures – the Department's 2001-03 biennial budget proposal currently includes a number of spending proposals that would draw on the increased revenue from the motorboat gas tax transfer. These include (but are not limited to) an increase in dam safety, repair, and removal; an increase in aquatic nuisance species management; an increase in lake & river grants, and shoreland protection and restoration activities; a wetlands mitigation initiative; and other items.
- Justification – the Department is currently doing research and user surveys to determine current gas usage by boaters. Preliminary results indicate that an increase to 80 gallons is justified. The research will be continued through the remainder of the 2000 boating season, and the results will be tabulated.

* - Larger boats have become more prevalent. Between 1985 – 1999,

- The number of registered motorboats in Wisconsin has increased by 139,199 since 1985
- The proportion of all registered boats under 16 feet with smaller motors in 1985 was 71%, while in 1999 that fell to 54%
- The proportion of all registered boats between 16 and 26 feet with larger motors increased from 27% to 41%
- The proportion of the under 16 ft category classified as fiberglass inboard boats, or jetskis which use more gas, grew from under 1% in 1985 to 11% in 1999

* - Boat motors have been increasing in size,

- the average horsepower for a boat motor in 1985 was estimated to be 41
- the average horsepower for a boat motor in 1997 was estimated to be 98, an increase of 139%

- - A study in Ohio found that boaters used 299 gallons of fuel on average during the 1995 boating season, an increase over the 1993 boating season which found boaters using 163 gallons.
- A Minnesota study completed in 1999 surveyed motorboat gas use by boats in that state. When their usage figures are applied to the number and type of boats in Wisconsin, the motorboat gas usage in Wisconsin is calculated at 100 gallons per boat per boating season.

Over for appropriations →

The following items refer to requests for new resources in the Department's FY 01-03 budget submittal to the Governor. The proposed new spending from the Water Resources Account totals \$6,479,100 in FY 03.

done
Dam Safety -- The Department has requested \$244,500 in FY02, \$256,800 in FY03 and 3.0 FTE water regulation and zoning engineers annually to inspect dams for safety in compliance with statutorily established inspection requirements. This request also proposes to authorize \$3,000,000 in bonding to provide funding for the Department's dam safety aid program, which currently is completely subscribed. This program provides funding for the maintenance, repair, or removal of a municipally-owned dam, as well as for the removal of abandoned dams, and removal of small dams, including restoration work on the previously dammed stream.

1047?
0354
20.370 (4)
(6R)

done
River Coordinator - The Department has requested \$50,200 in FY 02, \$57,000 in FY 03, and 1.00 FTE statewide river coordinator position annually to help coordinate the array of river related functions in the Department and other state agencies, and to provide technical support for the river protection grant program.

996 1316

done
Wisconsin Watersheds Partnership Center - The Department has requested \$400,000 annually to develop the Wisconsin Watersheds Partnership Center (WWPC), an integrated program developed in partnership with the UW Extension, and the UW System. The WWPC will establish collaborative research and education efforts among participating institutions; support professional development among staff and students working toward watershed management; and improve citizen, business, and industry awareness and knowledge of their impacts on watershed management.

9960 689

20.370 (4) (ag)

done
Lake & River Grants - The Department has requested \$2,800,000 annually to supplement existing lake and river protection grant programs. These grant programs share the cost of lake and river ecosystem management projects with eligible applicants, typically lake or river management organizations and local governments. This proposal would increase each of the lake and river protection grant programs by \$1,400,000 annually and establish a separate grant category for shoreline protection and restoration projects.

0353
20.370 (6)
(ag)
(ag)

281.69

done
Wetlands Mitigation - The Department has requested \$498,000 in FY 02, \$730,000 in FY 03, and 5.0 FTE annually to allow the Department to begin to address the workload inherent in the recently enacted wetlands compensatory mitigation and enforcement legislation. Wetlands compensatory mitigation is a component of the Department's wetlands strategy, the principal themes of which include strengthening relationships with property owners, not for profit organizations and local governments; managing wetlands to protect species diversity, wildlife health, and ecological integrity; simplifying a wetlands regulatory approach; and applying modern technology to wetlands management.

approp.?

done
Wisconsin Waters Initiative (Part 2) - The Department has requested \$969,400 in FY 02 and \$1,413,100 in FY 03 to continue the Department's Wisconsin Waters Initiative, to expand permit consolidation projects, and to provide shoreland wetland and floodplain zoning training to local government boards of adjustment.

0455

see budget doc

done
Invasive Species Management - The Department has requested \$300,000 in FY 02 and \$500,000 in FY 03 to begin to establish a comprehensive program to manage invasive aquatic plant and animal species. The Department's proposal includes four main elements: 1) a watercraft inspection program implemented at public access sites during the boating season; 2) an information and education campaign including public service announcements, billboards, publications and brochures; 3) a monitoring program, one main goal of which would be to develop individual species response plans; and 4) a bio-control project to control purple loosestrife--an invasive weed affecting the state's wetlands.

20.370 (5) (ag)

done
Lower St. Croix Riverway Management - The Department has requested \$101,900 in FY 02, \$109,200 in FY 03, and 1.00 FTE annually to help address the resource management needs along the Lower St. Croix National Scenic Riverway.

no projects (4) (ag)

done
Upper Mississippi River Basin Association (UMRBA) Dues Increase - The Department has requested \$13,000 annually to allow the Department to pay Wisconsin's full share of annual dues to the Upper Mississippi River Basin Association (UMRBA). The UMRBA, an organization of five Upper Mississippi River Basin states, voted in 1999 to increase member states' dues from \$35,000 to \$48,000 beginning in FY 2000.

1020 503 (ag)

done
Army Corps of Engineers (ACOE) Matching Funds - The Department has requested \$200,000 annually with which to cost-share Army Corps of Engineer (ACOE) feasibility studies related to potential aquatic ecosystem restoration projects throughout the state.

Eric Ebersberger

Question / \$100,000 emergency safety actions

1. Dam Safety - do they want bonding?
if so, problem because this money comes
from the capital improvement fund

2. River Coordinator - what approp.? (4)(ag)

3. Does the Wisconsin Watersheds Partnership
Center exist? no - must create program
(4)(ag)

4. Lake + River grants - (b)(ar) 2,500,000 ^{1,400,000} annually
which appropriation? (b)(av) 2,800,000 ^{1,400,000} annually
also, language re: shoreline protection +
restoration - same as in budget? yes

5. Wisconsin Water Initiative -
is this program in place?
which appropriation?
will send this - W1 approp.

6. Wetlands mitigation
(4)(ag)

7. Invasive Species Management - (4)(ag)
program language in budget

8. Lower St Croix
(4)(ag)

9. UMBRA (4)(ag) - already done

10 ACOE (4)(ag) - will send paper - (4)(ag)

Emergency safety actions
Dan Safety -
\$100,000 } continuing approp. or (4) ~~hrs~~ (br)
\$100,000 }

balance for FTE's
we (4) (br) for positions
will get we bonding approp.

Kite, Robin

From: Ebersberger, Eric K
Sent: Wednesday, May 23, 2001 12:44 PM
To: Kite, Robin
Subject: RE: Motorboat Gas Tax transfer budget items

Robin,

I've attached documents related to our conversation over proposed expenditures from additional revenues generated by an increase in the motorboat gas tax formula.

With respect to the \$3 million in bonding authority for the dam safety aid program, the segregated revenue support debt service appropriation would be s.20.370 (7)(ar).

I have attached a fact sheet describing the Wisconsin Watersheds Partnership Center (WWPC).



UWSP_Wtrshed
Prtnrshp Ctr_Fac...

The attached document also describes the DNR's request for \$400,000 annually for the WWPC. We asked that this money be appropriated in 20.370 (4)(aq).



5411_Wtrshd Prtnrshp
Ctr .doc

This next document briefly describes the DNR's requests related to the Wisconsin Waters Initiative, including the permit partnership funding component, and the local government boards training element. Again, we asked that this money be appropriated in 20.370 (4)(aq).



5413_WWI_Part 2.doc

Finally, I have attached a document that briefly describes the DNR's request for Army Corps of Engineers project matching funds. Not surprisingly, we asked for this money in appropriation 20.370 (4)(aq).



5406_Army Corps
Funding.doc

Please let me know if you have additional questions.

Thank you,

Eric
Eric Ebersberger
DNR Bureau of Management & Budget
608/266-0818
eberse@dnr.state.wi.us

PROGRAM: WATER

SUBPROGRAM: FISHERIES MANAGEMENT AND HABITAT PROTECTION

DECISION ITEM 5413: WISCONSIN WATERS INITIATIVE

	<u>2001-2002</u>			<u>2002-2003</u>	
CON SEG	\$ 969,400	FTE	CON SEG	\$ 1,413,100	FTE

The Department requests \$969,400 in FY 02 and \$1,413,100 in FY 03 to continue the Department's Wisconsin Waters Initiative, to expand permit consolidation projects, and to provide shoreland wetland and floodplain zoning training to local government boards of adjustment.

Wisconsin Waters IT Initiative – Phase Two

The Wisconsin Waters Initiative is designed to promote consistent and efficient service to applicants for waterway and wetland permits, citizens, and local governments. In the 1999-2001 biennium, the Department began successfully implementing the initial phase of this initiative. The Department has upgraded the computer equipment and software for regional water management specialists, expanded global positioning system (GPS) capability, and identified Web delivery and service needs for water-related data. Additionally, geographic information systems (GIS) desktop technology is available to Department waterway and wetland permitting staff, and is helping to make waterway permit decision-making more efficient.

This initiative would expand on the progress to date by continuing information technology systems development and deployment. This second phase of the initiative would make water-related site information easily accessible to agency staff, landowners, contractors, consultants, and local governments to simplify development related planning. It will continue to focus on water information Web site development and linking existing tabular databases with a GIS spatial information system, allowing easy access to volumes of water-related information linked to any chosen location. Developers, contractors, realtors, lenders, individual landowners, and local governments will no longer need to search for maps, engineering studies, copied reports, or wait for mail to obtain current water resource information and standards for waterway alteration activities. This initiative will help to provide Internet access to Department data on water levels, flood flows, wetlands, dams, waterway alteration permits, and state and local protection standards. Through a new Web page, developers and landowners will be able to analyze project side effects and permit needs, obtain application forms and instructions, review data on similar projects and likely outcomes, and ultimately file applications and receive documents electronically.

Although parts of the waterway and wetland permit system itself have long been automated, hardware and software needs, and existing network capabilities limit efficiency. DNR field staff spend up to an estimated 30% of their time preparing and delivering basic ecological and program information. Effectively produced and electronically delivered materials could significantly reduce the time currently required for these activities. Customers and staff alike are frustrated by data systems that do not provide the basic level of information delivery and technological efficiency found in many businesses. This initiative will tailor and deploy proven systems and capabilities such as those used by the Department of Transportation and the consulting industry for years.

Permit Partnership Funding

This element of the Wisconsin Waters Initiative will provide financial support to local governments to facilitate more efficient divisions of labor related to waterway permitting between state and local government staff and to enable advance planning in anticipation of development in selected geographic areas. The state will contract with local governments to perform steps in the permit process or advance

planning. Final decisions about jurisdiction in and use of state waters will remain with the Department of Natural Resources. Final decisions about fundamental land uses will remain with local governments. Financial support to local governments can increase efficiencies in the permitting processes without compromising local land use or state water management objectives.

Such permitting partnerships promote innovation that will help protect lakes and rivers by making the best use of available state and local resources. Partnership projects will improve service to landowners and developers by addressing the multiple levels of regulation that can confuse and frustrate customers. Predictability and speed of decision-making will be increased by advance planning projects that essentially "pre-make" groups of regulatory decisions.

Under this proposal, using existing models of cooperative agreements and advance planning, the Department would award local government contracts based on the extent to which projects will reduce state and local duplication in the permitting process. Examples of contracted services may include the distribution of initial applicant information, initial application receipt and review; compliance assistance, and data entry.

Department staff have long envisioned cooperative agreements with local governments to better divide labor, while saving applicant time and frustration - or to make water use decisions in advance to guide water use proposals and related investments. Over the past five years, DNR staff and several local governments have discussed the feasibility and desirability of such systems. Two current projects demonstrate the merit of this proposal. Today, Marathon and Washington Counties are working with Department staff on cooperative agreements that would be models for other permit partnership contracts. In Marathon County, the draft agreement would shorten the review process for qualified nonmetallic mining if certain waterway protection criteria are met. An Environmental Assessment is being prepared to analyze the impacts of projects meeting the proposed criteria. Marathon County has extensive standards and process provisions in its zoning ordinances for nonmetallic mining. The DNR and Washington County are developing a Memorandum of Understanding which will assign a single lead agency for a variety of jointly regulated activities and develop a process for consolidating steps in the permit process.

Other advance planning projects include the City of Superior Special Area Management Plan, the Town of Norway Sensitive Areas Plan, and the Green Bay Advanced Identification Study, all of which delivered pre-made wetland decisions in a regional context. While implementation and analysis of the benefits of these consolidation efforts is not yet complete, the City of Superior reports that the expedited permit process under the Special Area Management Plan has been a significant factor in the city's ability to attract some new business interests to the community. DNR staff have received fewer clearly ineligible applications to fill wetlands, and have been able to act very quickly on applications received in the area covered by the Town of Norway Study.

The Department anticipates significant demand for permit partnership funding. However, this request has been scaled back to ensure that existing staff can provide adequate proposal review, technical involvement, and contract management.

Training for Local Government Boards of Adjustment

Finally, the Department proposes to require, fund, and provide shoreland, wetland, and floodplain zoning training for local government boards of adjustment. Zoning decisions related to shoreland, wetland, and floodplain areas can be complex. Boards of Adjustment act in a quasi-judicial capacity related to complex shoreland, wetland, and floodplain zoning in which their members often have no training. Department staff are notified of and are to review all zoning variance decisions related to shoreland, wetland, and floodplain areas. Increasingly, DNR staff expend considerable time and effort to challenge zoning decisions that were based on an incomplete or inaccurate understanding of applicable state standards. However, given the workload related to waterway and wetland permitting, DNR staff unable

to review all variance requests. Based on the inaccuracies among variance decisions the Department is able to review, staff assume that there are an equal number of inaccuracies among those decisions they are unable to review.

Through a joint DNR/UW-Extension effort, this proposal would provide periodic mandatory training throughout the state—and at state expense—to ensure that local board members are trained in applicable state standards, thereby improving decision-making at the local level, reducing the Department's workload related to challenging zoning decisions, and better protecting water resources throughout the state. Along with the UW-Extension, the Department has already provided a voluntary training program with supporting materials. This proposal would extend that same level of training throughout the state.

WISCONSIN WATERSHEDS PARTNERSHIP CENTER

Introduction:

Wisconsin is a water rich state. Our lakes, rivers, streams, and groundwater are the primary fuel for our state's economy. Business profitability, agriculture, forestry production and citizen quality of life are all directly tied to our state's water resources. Because of its paramount importance, we need to make wise investments in managing both the quantity and quality of this precious resource. Management by watershed is considered the most comprehensive, efficient, and effective approach to managing water resources.

Many agencies and organizations are currently pursuing independent watershed management research and education efforts. The DNR, in partnership with UWEX and the UW System, is proposing to establish a watersheds center that will partner with citizens and communities throughout Wisconsin in the collection, analysis, and dissemination of watershed based information. The center will be a central point of contact for citizens and will clarify for them the jurisdictions of participating agencies. This approach will link independent watershed efforts across the state, provide coordination and oversight of various "watershed based" research activities, fill gaps that currently exist in Wisconsin's watershed programs, and will reach out directly to citizens through students and interaction with partner groups.

Goal of the Wisconsin Watersheds Partnership Center (WWPC):

The Wisconsin Watersheds Partnership Center will

- Establish collaborative research and education efforts among participating institutions.
- Support professional development of staff and students working toward watershed management.
- Improve citizen, business, and industry awareness and knowledge of their role related to watershed management.

How/Where:

The WWPC will be established at the University of Wisconsin-Stevens Point, College of Natural Resources (CNR). An inter-institutional advisory committee will direct the WWPC's efforts. The center will operate under a detailed annual plan of work.

Needs:

The WWPC will build upon, incorporate, and integrate existing partnership programs presently operating at the UW- Stevens Point College of Natural Resources (CNR) (e.g., Groundwater Center, Lakes Partnership, Environmental Task Force). In addition to existing resources, the following staffing is needed to fill identified voids.

- 1) Watershed Specialist/Center Coordinator
- 2) Watershed/Rivers Specialist
- 3) Watershed/Wetlands Specialist
- 4) Program Assistant
- 5) Two graduate research assistantships

Funding:

Base funding will be secured through the DNR budget process. Positions (FTE) will be provided through UWEX/UWSP. The annual projected cost for each of the first five years would be \$400,000 for personnel, supplies, services, publications, and travel. The funding source for the WWPC would be the water resources account of the Conservation Fund. Staff of the WWPC would also secure supplemental funds in the form of grants and revenue generation.

Summary:

The combination of the technical and regulatory skills in the DNR with the education and research skills in the University will provide an unprecedented opportunity to significantly impact the state's progress toward watershed management. This program has broad-based support within each institution and by relevant policy makers around the state.

PROGRAM: WATER

SUBPROGRAM: FISHERIES MANAGEMENT AND HABITAT PROTECTION

DECISION ITEM 5411: WATERSHED PARTNERSHIP CENTER AND LAKE AND RIVER GRANTS

	<u>2001-2002</u>			<u>2002-2003</u>	
CON SEG	\$ 400,000	FTE	CON SEG	\$ 400,000	FTE

The Department requests \$400,000 annually to develop the Wisconsin Watersheds Partnership Center (WWPC), an integrated program developed in partnership with the UW Extension, and the UW System. The WWPC will establish collaborative research and education efforts among participating institutions; support professional development among staff and students working toward watershed management; and improve citizen, business, and industry awareness and knowledge of their impacts on watershed management.

Management by watershed is considered the most comprehensive, efficient, and effective approach to managing water resources. The WWPC will link independent watershed efforts across the state, provide coordination and oversight of various watershed-based research activities, fill gaps that currently exist in Wisconsin's watershed programs, and reach out directly to citizens through students and interaction with partnership groups.

The WWPC will be established at the University of Wisconsin-Stevens Point, College of Natural Resources. An inter-institutional advisory committee will direct the WWPC's efforts and oversee a detailed annual workplan. The WWPC will build upon, incorporate, and integrate existing partnership programs presently operating at the UW-Stevens Point College of Natural Resources (CNR) (e.g., Groundwater Center, Lakes Partnership, and the Environmental Task Force). The WWPC will supplement existing natural resources partnership expertise with a Watershed Specialist/Center Coordinator, a Watershed/Rivers Specialist, a Watershed/Wetlands Specialist, as well as program support and graduate research.

Combining the technical and regulatory skills in the DNR with the education and research skills in the University will provide an unprecedented opportunity to significantly impact the state's progress toward watershed management.

The Department is also requesting \$2,800,000 annually to help address the unmet need for financial assistance to work in productive partnerships with lake, riverine, and shoreland/wetland project sponsors. These funds are requested under decision item 5411 in the Environmental Aids section of this budget request.

PROGRAM: WATER

SUBPROGRAM: WATERSHED MANAGEMENT

DECISION ITEM 5406: ARMY CORPS OF ENGINEERS PROJECT MATCHING FUNDS

	<u>2001-2002</u>			<u>2002-2003</u>	
CON SEG	\$ 200,000	FTE	CON SEG	\$ 200,000	FTE

The Department requests \$200,000 annually with which to cost-share Army Corps of Engineer (ACOE) feasibility studies related to potential aquatic ecosystem restoration projects throughout the state. Pursuant to the Federal Water Resource Development Act, these feasibility studies represent the second stage of a three-stage process. The first stage, the reconnaissance study phase, is fully funded by the Federal government. Reconnaissance studies are planning studies designed to identify opportunities for restoring degraded ecosystem structures and functions, including the ecosystem's hydrology, plant, fish, and wildlife communities. Reconnaissance studies also assess local support for continuing on to a feasibility study and into eventual project construction. Feasibility studies, cost-shared equally between the ACOE and state or local governments, lead to a recommendation for or against federal participation in a project. Examples of projects include: environmental restoration actions related to flood control or navigation, wetland creation and management structures, fish passage facilities, water control management facilities, fish and wildlife habitat construction, river walks and aquatic habitat construction. The construction phase of a project is cost-shared on a case-by-case basis, but generally at a rate of 65% federal, 35% non-federal. The Department anticipates that the state share of project construction can be met using existing program dollars or work-in-kind.

The federal share of feasibility studies must be authorized and appropriated in the federal budget. A feasibility study for the Illinois and Wisconsin Rock River Watershed is included in the House and Senate versions of the proposed 2001 federal budget. If the Rock River feasibility study is finally authorized and appropriated in the federal budget, the state's cash share would amount to a total of \$350,000 spread over three fiscal years. Additionally, funding for a Fox River feasibility study may also be authorized in the federal fiscal year 2001 budget. Other potential projects that could be authorized in the federal fiscal year 2002 budget include one for the Sheboygan River.

Wisconsin lags behind other regional states in securing federal Army Corps of Engineers funding for environmental restoration projects. Providing a secure source of funding to allow the Department to take advantage of opportunities to cost-share feasibility studies would position the state to benefit from significant federal funding for major restoration projects.

Permit Partnership Projects

July 19, 2000

When permits are required from both the County and the Department of Natural Resources (DNR), the process may be redundant and lengthy. The DNR has undertaken permit partnership projects with Marathon and Washington Counties in an effort to reduce redundancy and streamline review processes while maintaining a high standard of protection. Each level of government maintains its fundamental standards and legal responsibilities. The project locations were chosen because local partners indicated their interest.

Nonmetallic Mineral Mining Permit Partnership with Marathon County

The DNR is developing an agreement with Marathon County that could potentially save nonmetallic mineral mining operators significant amounts of time in their permit application process. This agreement would allow qualified operators to shorten the DNR permit application turnaround time if certain criteria are met. Marathon County has extensive standards and process provisions in their zoning ordinances for nonmetallic mining.

The proposed process would allow operators to complete an abbreviated DNR permit process. The DNR will create a general EA that will cover a range of site conditions. If a mining facility design meets the requirements set forth in the general EA, the DNR will shorten the permitting process with Marathon County providing supplemental plan review, site inspection, and reporting. Operators would still need to meet public notice requirements (Ch. 30.19(3)) for all projects and follow the regular permit processes for activities not specifically covered by the general EA. The tentative criteria have been developed and the EA is currently being drafted.

The development process for this project began with discussions comparing jurisdiction and standards leading to a concept for a rational division of labor. Next, technical discussions produced the tentative criteria. At that point the concepts were presented to mining operators. The new process will be put in place following public review of the EA and signing of an MoU document.

Permit Partnership Project with Washington County

The DNR and Washington County are developing a Memorandum of Understanding (MoU) through a collaborative effort, which will assign lead agencies to a variety of permit activities and develop a process for streamlining the permit process. The lead agency will be the primary contact for the applicant and be responsible for forwarding the application to the secondary agency for review, obtaining the supporting agency's decision on the permit application. Washington County may be the lead agency for the following activities:

- Boat Ramps
- Clear Span Bridges (less than 35 feet in length)
- Culvert Replacement

Wisconsin Department of Natural Resources
Bureau of Fisheries Management and Habitat Protection

- Residential Grading
- Riprap
- Unconnected Ponds (less than 2 acres in size, not in a wetland, within 500 feet of Ordinary High Water Mark, and within the Shoreland/Wetland or Floodplain ordinance jurisdiction.

The project design process began with discussion to compare regulated activities and standards. A matrix helped compare jurisdiction, standards and processes. Followup discussions focused on how standards could be adapted, how critical information could be shared, and how to handle the logistics of notices and decisions. The DNR will provide guidance based on its short form permits to aid the County in its decision process. Applications involving sensitive areas, Natural Heritage Inventory Areas, threatened or endangered species, wetlands, or 3 or more permitted activities will not be eligible for this process. A dry run is being conducted now. The MoU is expected to be in place during the summer of 2001.

For More Information Contact:

Dan Helsel , FH/3 266-2997
Jennifer Bardeen, FH/3 266-8451

Kite, Robin

From: Ebersberger, Eric K
Sent: Thursday, May 24, 2001 8:10 AM
To: Kite, Robin
Subject: Wisc. Waters Initiative Permit Partnership Projects

Robin,
I've attached a fact sheet related to current DNR permit partnership projects. Mary Ellen Vollbrecht (264-8554), Chief of the Rivers and Habitat Section in the Bureau of Fisheries Management and Habitat Protection is an excellent contact on this issue.



5413_Permit
Partnrshp_Fact Shee...

I let me know if I can be of further assistance.

Thanks,
Eric
Eric Ebersberger
DNR Bureau of Management & Budget
608/266-0818
eberse@dnr.state.wi.us



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

GEN

the formula used for calculating the estimated motorboat gas tax payment;

- 1
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AN ACT ...; relating to: bonding for dam safety projects; grants for cooperative permitting projects; computer accessible water resource management information; establishing a watershed management center; programs for aquatic plant management; and funding for engineer positions to perform water regulation and zoning functions, for a river coordinator position, for wetlands mitigation activities, for resource management activities along the Lower St. Croix national scenic riverway, for the payment of dues to the Upper Mississippi River Basin Association, for feasibility studies related to aquatic ecosystem restoration, for training local boards of adjustment and appeals, and for lake management and river protection grants.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.866 (2) (tL) of the statutes is amended to read:

2 20.866 (2) (tL) *Natural resources; segregated revenue supported dam safety*
3 *projects.* From the capital improvement fund, a sum sufficient for the department
4 of natural resources to provide financial assistance to counties, cities, villages, towns[↑]
5 and public inland lake protection and rehabilitation districts for dam safety projects
6 under s. 31.385. The state may contract public debt in an amount not to exceed
7 ~~\$6,350,000~~ \$9,350,000 for this purpose.

History: 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, p. 146; 1999 a. 150 s. 672; 1999 a. 184.

8 SECTION 2. 23.09 (15) of the statutes is created to read:

9 23.09 (15) ~~(C)~~ + No ~~(B)~~ **Training for boards of adjustment.** The department shall
10 contract with a 3rd party to provide floodplain, shoreland, and wetland zoning
11 training to members of county boards of adjustment under s. 56.694 (3m)[✓], to
12 members of town boards of adjustment under s. 60.65 (2m)[✓], and to members of city
13 boards of appeals under s. 62.23 (7) (e) 2m.[✓] The department shall provide the
14 training at no cost to the person receiving the training. The department shall
15 promulgate rules establishing minimum training requirements under this
16 subsection.[✓]

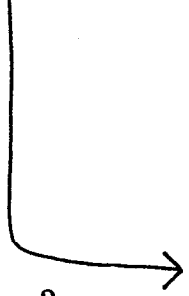
17 SECTION 3. 23.09 (20r)[✓] of the statutes is created to read:

18 23.09 (20r) GRANTS FOR COOPERATIVE PERMITTING PROJECTS. (a) In this ^{sub}section,
19 "governmental unit" means a city, village, town, or county.

20 (b) The department shall establish a program under which a governmental
21 unit may enter into a cooperative agreement with the department to perform
22 functions that facilitate the issuance of permits under ch. 30.[✓] The department shall

1 award grants to governmental units for this purpose from the appropriation under
2 s. 20.370 (4) (aq).[↓]

Insert
10-2



****NOTE: I am not certain that this provision captures the intent of this part of the drafting request. I have assumed that the intent was for DNR to provide grants to cities, villages, towns, or counties. Is my assumption correct? Also, I could not determine exactly which permits under ch. 30, would fall within the scope of this provision. Consequently, without more information, I think that, as drafted, this provision is too vague. Finally, is it the intent of the request to allow DNR to delegate some of its permitting responsibilities to local governments? If so, this should be made more specific given that there may be some question as to whether DNR has the authority to delegate its functions to a local governmental unit, especially where the delegation touches on the public trust doctrine.

3 SECTION 4. 23.322[↓] of the statutes is amended to read:

4 23.322 ~~Fees for computer~~ Computer accessible water resource
5 management information. The department shall ~~may charge a fee for providing~~
6 ~~any provide~~ information that that it maintains in a format that may be accessed by
7 computer concerning the waters of this state, including maps and other water
8 resource management information, in a manner that may be accessed by computer
9 by any person interested in obtaining the information. The department may charge
10 a fee for providing this information.

Insert
10-10

History: 1999 a. 9.

11 SECTION 5. 23.43[↓] of the statutes is created to read:

12 23.43 **Watershed management center.** From the appropriation under s.
13 20.370 (4) (aq),[↓] the department shall provide funding to the board of regents of the
14 University of Wisconsin System to establish and operate the watershed management
15 center under s. 36.25 (29g).[↓]

Insert
3-15a
and
3-15b
17

SECTION 6. 36.25 (29g) of the statutes is created to read:

^(CS) **WATERSHED MANAGEMENT CENTER.**
36.25 (29g) The board shall establish in the college of natural resources at the
18 University of Wisconsin-Stevens Point a center to conduct studies and research
relating to watershed management.

Insert
3-19a
3-19b
20

SECTION 7. 281.69 (3) (b) 2m.[↓] of the statutes is created to read:

1 281.69 (3) (b) 2m. The restoration of habitat in a littoral area of a lake or along
2 its shoreline if the restoration will protect or improve the lake's water quality or its
3 natural ecosystem.

4 **SECTION 8. Appropriation changes.**

5 (1) DAM SAFETY. In the schedule under section 20.005 (3) of the statutes for the
6 appropriation to the department of natural resources under section 20.370 (4) (br)[✓]
7 of the statutes, as affected by the acts of 2001, the dollar amount is increased by
8 \$244,500 for fiscal year 2001-02 and the dollar amount is increased by \$256,800 for
9 fiscal year 2002-03 to ^{to} increase the authorized FTE ⁴ positions for the department
10 of natural resources by 3.0 SEG engineer positions to perform water regulation and
11 zoning functions.

12 (2) RIVER COORDINATOR POSITION. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of natural resources under section
14 20.370 (4) (aq)[✓] of the statutes, as affected by the acts of 2001, the dollar amount is
15 increased by \$50,200 for fiscal year 2001-02 and the dollar amount is increased by
16 \$57,000 for fiscal year 2002-03 to increase the authorized FTE positions for the
17 department of natural resources by 1.0 SEG river coordinator position to coordinate
18 river related functions and to provide technical support for the river protection grant
19 program *under section 281.70[✓] of the statutes*

20 (3) WETLANDS MITIGATION. In the schedule under section 20.005 (3) of the
21 statutes for the appropriation to the department of natural resources under section
22 20.370 (4) (aq)[✓] of the statutes, as affected by the acts of 2001, the dollar amount is
23 increased by \$498,000 for fiscal year 2001-02 and the dollar amount is increased by
24 \$730,000 for fiscal year 2002-03 ^{for} wetlands regulation activities relating to
25 wetlands mitigation under section 23.231[✓] of the statutes.

1 (4) LOWER ST. CROIX NATIONAL SCENIC RIVERWAY MANAGEMENT. In the schedule
 2 under section 20.005 (3) of the statutes for the appropriation to the department of
 3 natural resources under section 20.370 (4) (aq) of the statutes, as affected by the acts
 4 of 2001, the dollar amount is increased by \$101,900 for fiscal year 2001-02 and the
 5 dollar amount is increased by \$109,200 for fiscal year 2002-03 to conduct resource
 6 management activities along the Lower St. Croix national scenic riverway.

7 (5) DUES PAYMENTS. In the schedule under section 20.005 (3) of the statutes for
 8 the appropriation to the department of natural resources under section 20.370 (4)
 9 (aq) of the statutes, as affected by the acts of 2001, the dollar amount is increased by
 10 \$13,000 for fiscal year 2001-02 and the dollar amount is increased by \$13,000 for
 11 fiscal year 2002-03 to provide funding for annual dues to the Upper Mississippi
 12 River Basin Association.

13 (6) AQUATIC PLANT MANAGEMENT. In the schedule under section 20.005 (3) of the
 14 statutes for the appropriation to the department of natural resources under section
 15 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar amount is
 16 increased by \$300,000 for fiscal year 2001-02 and the dollar amount is increased by
 17 \$500,000 for fiscal year 2002-03 for the purpose of funding the aquatic plant
 18 management program under ^{section} (s) 23.24 and the prevention of the introduction of
 19 certain aquatic plants into navigable waters under ^{section} (s) 30.715 of the statutes

20 (7) COST SHARING FOR AQUATIC RESTORATION PROJECTS. In the schedule under
 21 section 20.005 (3) of the statutes for the appropriation to the department of natural
 22 resources under section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001,
 23 the dollar amount is increased by \$200,000 for fiscal year 2001-02 and the dollar
 24 amount is increased by \$200,000 for fiscal year 2002-03 to provide funding for the
 25 department of natural resources share of the cost of performing feasibility studies

1 with the U.S. Army Corps of Engineers related to aquatic ecosystem restoration
2 projects.

3 (8) WATER RESOURCES PROGRAMS. In the schedule under section 20.005 (3) of the
4 statutes for the appropriation to the the department of natural resources under
5 section 20.370 (4) (aq) of the statutes, as affected by the acts of 2001, the dollar
6 amount is increased by \$969,400 for fiscal year 2001-02 and the dollar amount is
7 increased by \$1,413,100 for fiscal year 2002-03 to provide computer accessible water
8 resource management information under section 23.322[✓] of the statutes, to provide
9 funding to local governments to implement cooperative agreements related to
10 permitting projects under section 23.09 (20r)[✓] of the statutes, and to provide funding
11 for the training of boards of adjustment and appeals under section 23.09 (15).

****NOTE: This appropriation increase relates to three separate programs, but the *
amount of the increase is not allocated between these programs. Is this consistent with
your intent?

12 (9) LAKE MANAGEMENT GRANTS. In the schedule under section 20.005 (3) of the
13 statutes for the appropriation to the department of natural resources under section
14 20.370 (6) (ar)[✓] of the statutes, as affected by the acts of 2001, the dollar amount is
15 increased by \$1,400,000 for fiscal year 2001-02 and the dollar amount is increased
16 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is
17 made.

18 (10) RIVER PROTECTION GRANTS. In the schedule under section 20.005 (3) of the
19 statutes for the appropriation to the department of natural resources under section
20 20.370 (6) (av)[✓] of the statutes, as affected by the acts of 2001, the dollar amount is
21 increased by \$1,400,000 for fiscal year 2001-02 and the dollar amount is increased
22 by \$1,400,000 for fiscal year 2002-03 for the purpose for which the appropriation is
23 made.

Insert ↓
6-23

↓

Inserts 10-10²; 3-15b; 3-19b; 6-23

2001 - 2002 LEGISLATURE

LRB-0313/3

MGG&RNK:wlj:rs

DOA:.....Grinde - Aquatic plants

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

OTHER NATURAL RESOURCES

Aquatic plant management

The bill authorizes DNR to establish a program that protects aquatic plants that are native to this state and that regulates the introduction, cultivation, and control (management) of aquatic plants. The bill defines controlling aquatic plants to mean cutting, removing, destroying, or suppressing aquatic plants.

Under current law, the only specific authority DNR has regarding aquatic plant management is the authority to develop a statewide program to control purple loosestrife. Under the new program, the types of aquatic plants that will be regulated include Eurasian water milfoil, curly leaf pondweed, and purple loosestrife. Under this program, DNR is required to issue aquatic plant management permits and to promulgate rules to regulate the conditions under which aquatic plants may be managed. These conditions include restrictions on the quantity and species of aquatic plants that are subject to the permit and the areas in which the aquatic plants may be managed. The bill prohibits any person from cultivating or introducing aquatic plants that are not native to this state, from manually removing any type of aquatic plant from navigable waters, and from controlling any type of aquatic plants by the use of chemicals, without such a permit. DNR may establish

a fee for this permit. The bill exempts from the permitting requirements any person who manually removes aquatic plants from privately owned stream beds with the permission of the landowner and any person harvesting wild rice or operating a fish farm, as authorized by law. The bill repeals the current law that makes the cutting of weeds in navigable water a nuisance if such weeds are not removed. District attorneys, DNR, and private individuals may file suit to have a nuisance removed from navigable bodies of water.

Placement of boats and boating equipment in navigable waters

Under current law, a person may not have a boat, a boat trailer, or boating equipment in the lower St. Croix River if the person has reason to believe that the boat, equipment, or trailer has zebra mussels attached. This bill creates a similar law under which a person may not place these items in any navigable water if the person has reason to believe that there is any type of aquatic plant other than wild rice attached to the boat, trailer, or equipment. The bill also authorizes a law enforcement officer, including a conservation warden, to require a person to remove aquatic plants from a boat, a boat trailer, or boating equipment before placing the boat, trailer, or equipment in the water or to require a person to remove a boat, a trailer, or equipment from the water if the law enforcement officer has reason to believe that there are aquatic plants attached.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert 10-102

1 SECTION 1. 23.235 (2) of the statutes is amended to read:

2 23.235 (2) Except as provided in sub. (3), no person may sell, offer for sale,
3 distribute, plant, or cultivate any ~~nuisance weed~~ multiflora rose or seeds thereof.

4 SECTION 2. 23.235 (4) of the statutes is repealed.

5 SECTION 3. 23.24 of the statutes is created to read:

6 **23.24 Aquatic plants.** (1) DEFINITIONS. In this section:

7 (a) "Aquaculture" has the meaning given in s. 93.01 (1d).

8 (b) "Aquatic plant" means a planktonic, submergent, emergent, or floating-leaf
9 plant or any part thereof.

10 (c) "Control" means to cut, remove, destroy, or suppress.

1 (d) "Cultivate" means to intentionally maintain the growth or existence of.

2 (e) "Distribute" means to sell, offer to sell, distribute for no consideration, or
3 offer to distribute for no consideration.

4 (f) "Introduce" means to plant, cultivate, stock, or release.

5 (g) "Invasive aquatic plant" means an aquatic plant that is designated under
6 sub. (2) (b) 1.

7 (h) "Manage" means to introduce or control.

8 (i) "Native" means indigenous to the waters of this state.

9 (j) "Nonnative" means not indigenous to the waters of this state.

10 (k) "Waters of this state" means any surface waters within the territorial limits
11 of this state.

12 (2) PROGRAM ESTABLISHED. (a) The department shall establish a program for
13 the waters of this state to do all of the following:

- 14 1. Protect and develop diverse and stable communities of native aquatic plants.
- 15 2. Regulate how aquatic plants are managed.
- 16 3. Provide education and conduct research concerning invasive aquatic plants.

17 (b) Under the program implemented under par. (a), the department shall do all
18 of the following:

- 19 1. Designate by rule which aquatic plants are invasive aquatic plants for
20 purposes of this section. The department shall designate Eurasian water milfoil,
21 curly leaf pondweed, and purple loosestrife as invasive aquatic plants and may
22 designate any other aquatic plant as an invasive aquatic plant if it has the ability to
23 cause significant adverse change to desirable aquatic habitat, to significantly
24 displace desirable aquatic vegetation, or to reduce the yield of products produced by
25 aquaculture.

1 2. Administer and establish by rule procedures and requirements for the
2 issuing of aquatic plants management permits required under sub. (3).

3 (c) The requirements promulgated under par. (b) 2. may specify any of the
4 following:

5 1. The quantity of aquatic plants that may be managed under an aquatic plant
6 management permit.

7 2. The species of aquatic plants that may be managed under an aquatic plant
8 management permit.

9 3. The areas in which aquatic plants may be managed under an aquatic plant
10 management permit.

11 4. The methods that may be used to manage aquatic plants under an aquatic
12 plant management permit.

13 5. The times during which aquatic plants may be managed under an aquatic
14 plant management permit.

15 6. The allowable methods for disposing or using aquatic plants that are
16 removed or controlled under an aquatic plant management permit.

17 7. The requirements for plans that the department may require under sub. (3)
18 (b).

19 (3) PERMITS. (a) Unless a person has a valid aquatic plant management permit
20 issued under the program established under sub. (2), no person may do any of the
21 following:

22 1. Introduce nonnative aquatic plants into waters of this state.

23 2. Manually remove aquatic plants from navigable waters.

24 3. Control aquatic plants in waters of this state by the use of chemicals.

1 4. Control aquatic plants in navigable waters by introducing biological agents,
2 by using a process that involves dewatering, desiccation, burning, or freezing, or by
3 using mechanical means.

4 (b) The department may require that an application for an aquatic plant
5 management permit contain a plan for the department's approval as to how the
6 aquatic plants will be introduced, removed, or controlled.

7 (c) The department may establish fees for aquatic plant management permits.
8 The department may establish a different fee for an aquatic plant management
9 permit to manage aquatic plants that are located in a body of water that is entirely
10 confined on the property of one property owner.

11 (4) EXEMPTIONS FROM PERMITS. (a) In this subsection:

12 1. "Local governmental unit" means a political subdivision of this state, a
13 special purpose district in this state, an instrumentality or corporation of the
14 political subdivision or special purpose district, or a combination or subunit of any
15 of the foregoing.

16 2. "State agency" means any office, department, independent agency, or
17 attached board or commission within the executive branch of state government, or
18 any special purpose authority created by statute.

19 (b) The permit requirement under sub. (3) does not apply to any of the following:

20 1. A person who manually removes aquatic plants from privately owned stream
21 beds with the permission of the landowner.

22 2. A person who engages in an activity listed under sub. (3) (a) in the course of
23 harvesting wild rice as authorized under s. 29.607.

24 3. A person who engages in an activity listed under sub. (3) (a) in the course of
25 operating a fish farm as authorized under s. 95.60.

1 (c) The department may promulgate a rule to waive the permit requirement
2 under sub. (3) (a) 2. for any of the following:

3 1. A person who owns property on which there is a body of water that is entirely
4 confined on the property of that person.

5 2. A riparian owner who manually removes aquatic plants from a body of water
6 that abuts the owner's property provided that the removal does not interfere with the
7 rights of other riparian owners.

8 3. A person who is controlling purple loosestrife.

9 4. A person who uses chemicals in a body of water for the purpose of controlling
10 bacteria on bathing beaches.

11 5. A person who uses chemicals on plants to prevent the plants from interfering
12 with the use of water for drinking purposes.

13 6. A state agency or a local governmental unit that uses a chemical treatment
14 in a body of water for the purpose of protecting the public health.

15 (5) DISTRIBUTION PROHIBITED. No person may distribute an invasive aquatic
16 plant.

17 (6) PENALTIES. (a) Except as provided in par. (b), any person who violates sub.
18 (3) shall forfeit not more than \$200.

19 (b) A person who violates sub. (3) and who, within 5 years before the arrest of
20 the current conviction, was previously convicted of a violation of sub. (3) shall forfeit
21 not less than \$700 nor more than \$2,000 or shall be imprisoned for not less than 6
22 months nor more than 9 months or both.

23 (c) The court may order a person who is convicted under par. (b) to abate any
24 nuisance caused by the violation, restore any natural resource damaged by the

1 violation, or take other appropriate action to eliminate or minimize any
2 environmental damage caused by the violation.

3 ~~(d) A person who violates sub. (5) shall forfeit not more than \$100.~~

End of 2
insert 10-100

4 ~~Insert 3-15b~~
SECTION 4. 29.741 (2) of the statutes is amended to read:

5 29.741 (2) No person shall take, remove, sell, or transport from the public
6 waters of this state ~~to any place beyond the borders of the state,~~ any duck potato, wild
7 celery, or any other plant or plant product except wild rice native in said waters and
8 commonly known to furnish food for game birds.

9 SECTION 5. 30.124 (1) (intro.) of the statutes is amended to read:

10 30.124 (1) (intro.) Notwithstanding ss. 30.12, ~~30.125,~~ 30.20, 30.44, and 30.45,
11 and if the department finds that the activity will not adversely affect public or private
12 rights or interests in fish and wildlife populations, navigation, or waterway flood
13 flow capacity and will not result in environmental pollution, as defined in s. 299.01
14 (4), the department may do all of the following on public lands or waters:

15 SECTION 6. 30.124 (1) (a) of the statutes is amended to read:

16 30.124 (1) (a) ~~Cut aquatic vegetation plants, as defined in s. 30.715 (1) (a),~~
17 ~~without removing the vegetation them from the water, for the purpose of improving~~
18 ~~waterfowl nesting, brood, and migration habitat.~~

19 SECTION 7. 30.125 of the statutes is repealed.

20 SECTION 8. 30.715 (1) of the statutes is created to read:

21 30.715 (1) In this section:

22 (a) "Aquatic plant" means a submergent, emergent, or floating-leaf plant or
23 any part thereof. "Aquatic plant" does not mean wild rice.

1 (b) "Public boat access site" means a site that provides access to a navigable
2 water for boats and that is open to the general public for free or for a charge or that
3 is open only to certain groups of persons for a charge.

4 **SECTION 9.** 30.715 (2) of the statutes is created to read:

5 30.715 (2) No person may place or use a boat or boating equipment or place a
6 boat trailer in a navigable water if the person has reason to believe that the boat, boat
7 trailer, or boating equipment has any aquatic plants attached.

8 **SECTION 10.** 30.715 (4) (a) of the statutes is created to read:

9 30.715 (4) (a) Remove aquatic plants from a boat, boat trailer, or boating
10 equipment before placing it in a navigable water

11 **SECTION 11.** 30.715 (4) (b) of the statutes is created to read:

12 30.715 (4) (b) Remove or not place a boat, boat trailer, or boating equipment
13 in a navigable water if the law enforcement officer has reason to believe that the boat,
14 boat trailer, or boating equipment has aquatic plants attached.

15 **SECTION 12.** 30.715 (5) of the statutes is created to read:

16 30.715 (5) (a) The department shall prepare a notice that contains a summary
17 of the provisions under this section and shall make copies of the notice available to
18 owners required to post the notice under par. (b).

19 (b) Each owner of a public boat access site shall post and maintain the notice
20 described in par. (a).

21 **SECTION 13.** 30.725 (title) of the statutes is renumbered 30.715 (title) and
22 amended to read:

23 **30.715 (title) Placement of boats, trailers, and equipment; Lower St.**
24 **Croix River in navigable waters.**

25 **SECTION 14.** 30.725 (1) of the statutes is renumbered 30.715 (3).

1 SECTION 15. 30.725 (2) (intro.) of the statutes is renumbered 30.715 (4) (intro.).

2 SECTION 16. 30.725 (2) (a) of the statutes is renumbered 30.715 (4) (c).

3 SECTION 17. 30.725 (2) (b) of the statutes is renumbered 30.715 (4) (d).

4 SECTION 18. 30.725 (3) of the statutes is renumbered 30.715 (6) and amended
5 to read:

6 30.715 (6) No person may refuse to obey the order of a law enforcement officer
7 who is acting under sub. ~~(2)~~ (4).

8 SECTION 19. 30.92 (4) (b) 8. b. of the statutes is amended to read:

9 30.92 (4) (b) 8. b. Acquisition of capital equipment that is necessary to cut and
10 remove aquatic plants ~~that are aquatic nuisances or that are detrimental to fish~~
11 ~~habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that~~
12 ~~is approved by the department.~~

13 SECTION 20. 30.92 (4) (b) 8. bp. of the statutes is created to read:

14 30.92 (4) (b) 8. bp. Acquisition of capital equipment that is necessary to control
15 and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment
16 will be used to control and remove them as authorized by an aquatic plant
17 management permit issued under s. 23.24 (3). *End of Insert 3-15(b)*

18 *Insert 3-19(b)*
SECTION 21. 281.17 (2) of the statutes is amended to read:

19 281.17 (2) The department shall supervise chemical treatment of waters for the
20 suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing
21 plants and organisms that are not regulated by the program established under s.
22 23.24 (2). It may purchase equipment and may make a charge for the use of the same
23 and for materials furnished, together with a per diem charge for any services
24 performed in such work. The charge shall be sufficient to reimburse the department

1 for the use of the equipment, the actual cost of materials furnished, and the actual
2 cost of the services rendered.

End of insert 3-19b

3

SECTION ~~30.92~~ [#] *Insert 6-23* Initial applicability ~~natural resources~~.

4 (4) AQUATIC PLANT REMOVAL EQUIPMENT. The treatment of section 30.92 (4) (b)

5 8. b. [✓] and bp. [✓] of the statutes first applies to the acquisition of capital equipment for

6 which an application for financial assistance for the acquisition is submitted to the

7 department of natural resources on the effective date of this subsection. [✓]

8 (END)

Insert 3-15a

2001 - 2002 LEGISLATURE

LRB-2904/1

RNK:wlj:km

2001 BILL

1 AN ACT to amend 25.29 (1) (c) of the statutes; relating to: the formula used for
2 calculating the estimated motorboat gas tax payment.

Analysis by the Legislative Reference Bureau

Current law requires that an amount equal to 1.4 times the estimated motorboat gas tax payment be transferred each fiscal year from the transportation fund to the conservation fund. The estimated motorboat gas tax payment for each fiscal year is calculated by multiplying the number of registered motorboats on January 1 of the previous fiscal year by 50 gallons and then multiplying this product by the excise tax imposed on gasoline and diesel fuel on April 1 of the previous fiscal year.

This bill increases the number of gallons used in calculating the estimated motorboat gas tax payment from 50 to 80 gallons.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 25.29 (1) (c) of the statutes is amended to read:

4 25.29 (1) (c) For fiscal year ~~1992-93~~ 2001-2002, and for each fiscal year
5 thereafter, an amount equal to the estimated motorboat gas tax payment multiplied

BILL

1 by 1.4. The estimated motorboat gas tax payment is calculated by multiplying the
2 number of motorboats registered under s. 30.52 on January 1 of the previous fiscal
3 year by ~~50~~ 80 gallons and multiplying that product by the excise tax imposed under
4 s. 78.01 (1) on April 1 of the previous fiscal year.

5

(END)

Insert 3-19a

DOA:.....Grinde – Training of local boards of adjustment concerning zoning decisions

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

Under current law, the board of a county or town may appoint members to a board of adjustment, and a city council or village board may appoint members to a board of appeals, to review zoning decisions and to authorize variances from zoning ordinances. This bill provides that no member of any of these boards may participate in any hearing, decision, or other authorized activity that concerns a floodplain, shoreland, or wetland unless the member has first received training in floodplain, shoreland, and wetland zoning, as specified by DNR. The training must be provided to the member at no cost by a party with whom DNR contracts.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 59.694 (3m) of the statutes is created to read:

3 59.694 (3m) TRAINING. No member or alternate member of the board of
4 adjustment may participate in any hearing, decision, or other activity under this

1 section that concerns a floodplain, shoreland, or wetland unless the member or
 2 alternate member has completed a program of training concerning floodplain,
 3 shoreland, and wetland zoning. ~~The~~ department of natural resources ~~shall contract~~
 4 with a 3rd party to provide the training required under this subsection at no cost to
 5 the person receiving the training. The department of natural resources shall
 6 promulgate rules establishing minimum training requirements under this
 7 subsection.

8 SECTION 2. 60.65 (2m) of the statutes is created to read:

9 60.65 (2m) TRAINING. No member or alternate member of the board of
 10 adjustment may participate in any hearing, decision, or other activity under this
 11 section that concerns a floodplain, shoreland, or wetland unless the member or
 12 alternate member has completed a program of training concerning floodplain,
 13 shoreland, and wetland zoning. ~~The~~ department of natural resources ~~shall contract~~
 14 with a 3rd party to provide the training required under this subsection at no cost to
 15 the person receiving the training. The department of natural resources shall
 16 promulgate rules establishing minimum training requirements under this
 17 subsection.

18 SECTION 3. 62.23 (7) (e) 2m. of the statutes is created to read:

19 62.23 (7) (e) 2m. No member or alternate member of the board of appeals may
 20 participate in any hearing, decision, or other activity under this paragraph that
 21 concerns a floodplain, shoreland, or wetland unless the member or alternate member
 22 has completed a program of training concerning floodplain, shoreland, and wetland
 23 zoning. ~~The~~ department of natural resources ~~shall contract with a 3rd party to~~
 24 provide the training required under this subdivision at no cost to the person

conducted by the department of natural resources

1 receiving the training. The department of natural resources shall promulgate rules
2 establishing minimum training requirements under this subdivision.

3

(END)