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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (September 2013)

Senate

Record of Committee Proceedings

Committee on Environment

Senate Bill 661

Relating to: general permits for certain wetland restoration activities and providing a penalty.

By Senator Wirch; cosponsored by Representative Black.

April 02, 2010 Referred to Committee on Environment.

April 8, 2010 **PUBLIC HEARING HELD**

Present: (0) None.

Absent: (0) None.

Appearances For

- None.

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- None.

Registrations Against

- None.

Registrations for Information Only

- None.

April 14, 2010 **EXECUTIVE SESSION HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Absent: (0) None.

Moved by Senator Kedzie, seconded by Senator Wirch that **Senate Amendment 1** be recommended for adoption.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

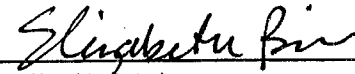
ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
Ayes 5, Noes 0

Moved by Senator Wirch, seconded by Senator Kedzie that **Senate Bill 661** be recommended for passage as amended.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
Committee Clerk

Vote Record Committee on Environment

Date: 4.14.10

Moved by: Kedzie

Seconded by: Wirch

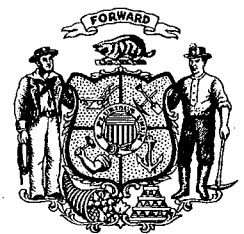
AB _____ SB 661 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



**Hearing Notes
April 8, 2010**

Call Public Hearing to Order and ask Clerk to call the roll

- ROLL CALL

SB 661, relating to general permits for certain wetland restoration activities and providing a penalty

- Sen. Wirch/Rep. Black

SB 664, relating to financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program

- Sen. Miller/Rep. Pocan

Public Hearing concludes, adjourn meeting

Executive Session Notes
April 14, 2010

Call Executive Session to Order and ask Clerk to call the roll

- ROLL CALL

SB 661, relating to general permits for certain wetland restoration activities and providing a penalty

Senate Amendment 1 to SB 661

- MOTION FOR ADOPTION
- SECOND
- DISCUSSION
- ROLL CALL

SB 661

- MOTION FOR PASSAGE AS AMENDED
- SECOND
- DISCUSSION
- ROLL CALL

SB 664, relating to financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program

SB 664

- MOTION FOR PASSAGE
- SECOND
- DISCUSSION
- ROLL CALL

AB 544, relating to prohibiting the installation, sale, and distribution of wheel weights and other wheel balancing products that contain lead

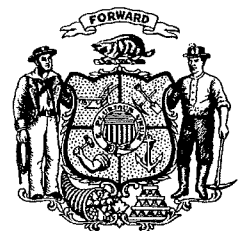
AB 544

- MOTION FOR CONCURRENCE
- SECOND
- DISCUSSION
- ROLL CALL

Adjourn Executive Session



WISCONSIN STATE LEGISLATURE



State Representative Spencer Black



April 8, 2010

Testimony of Rep. Spencer Black Regarding Senate Bill 661

SB 661 will streamline the permit review and approval process required to restore federally-sponsored wetlands. This legislation will encourage the restoration of wetlands and help Wisconsin secure more than \$20 million in federal funding annually for wetland restoration projects.

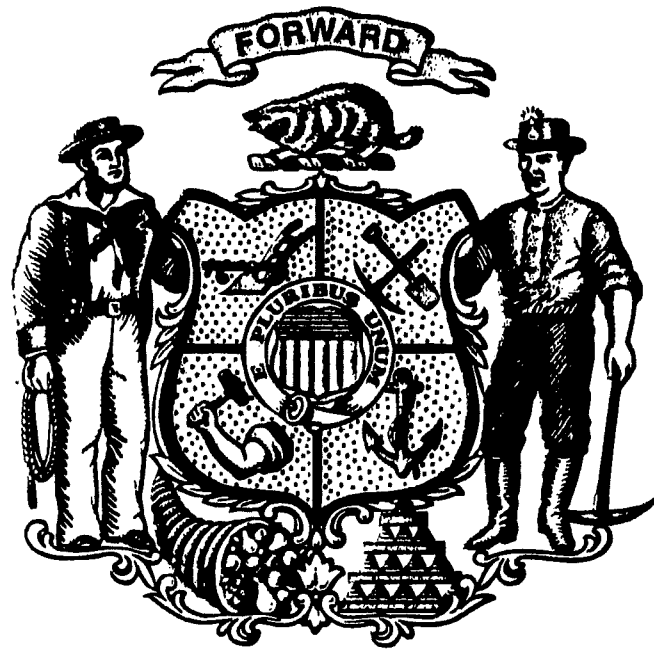
The bill will assist conservation groups in their efforts to restore wetlands by creating a new approval process specific to wetlands restoration. The process will reduce the time necessary for DNR to approve federally-funded wetland restoration projects.

We have already lost more than half our state wetlands. This bill will revamp the permit process so it is specific to wetland restoration, and help us restore thousands of acres of lost wetlands and regain their value for wildlife, water quality and flood control. Important wetland restoration projects have been delayed or even cancelled and substantial federal funding has been lost because our current laws are not geared to the purpose of wetland restoration. The current law results in an unnecessary and prolonged permitting process which has deterred property owners from participating in wetland restoration programs.

Wetlands are vital for storing runoff and reducing flood damage, purifying water, protecting lakes and streams from erosion and providing recreational opportunities for wildlife watchers, anglers, hunters, and boaters. They are also home to 75 percent of all Wisconsin wildlife.

The new regulatory process would apply to federal programs including the Wetlands Reserve Program, the Partners for Wildlife Program, North American Wetlands Conservation Act and the Great Lakes Restoration Initiative. Federal funding available includes \$19.7 million through the American Recovery & Reinvestment Act's Emergency Watershed Protection Program.

Current law requires a lengthy administrative rulemaking process to issue and revise general permits for wetland restoration. Because of the extensive time necessary to issue such permits, some private landowners have been deterred from partaking in wetland restoration projects and substantial funding has been lost for restoration projects by the state. The bill authorizes the DNR to use an administrative process to issue general permits for such federally-sponsored endeavors.





*"Dedicated to the Conservation of
Wisconsin's Waterfowl and Wetland Resources"*

WISCONSIN WATERFOWL ASSOCIATION, INC.
P.O. Box 427
Wales, WI 53183
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(800) 524-8460
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Sen. Mark Miller, Chair
Senate Committee on Environment
P.O. Box 7882
Madison, WI 53707

Dear Senator and Committee Members,

4/11/2010

Re: Please Support Senate Bill 661 General Permit for Wetland Restoration

I would like to thank you for taking up this issue so late in the session.

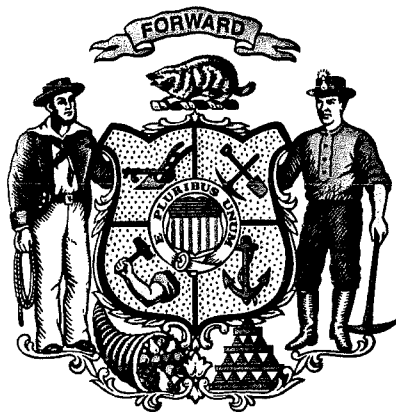
One of the primary functions of the Wisconsin Waterfowl Association (WWA) is the restoration of wetlands. Our field team works with over 14 other conservation organizations and a dozen government agencies, identifying, surveying, planning, permitting and constructing wetland projects. We have built projects from Racine to Superior. We as have all others involved in this process have been plagued by unnecessary bureaucratic delays. WWA has worked diligently as part of a group attempting to find a way to streamline the permit process regarding wetland restoration projects.

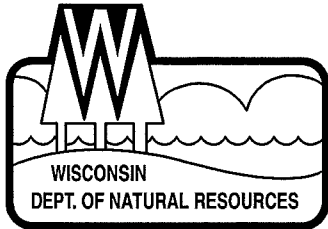
Wetlands are critical to our environmental health and we have lost about two thirds of our historic wetlands. Our only option is restore those altered wetland systems to as high a level of function as we can. The permit process has been so difficult and time consuming that the actual number of wetlands we could restore in Wisconsin has been drastically impacted. Field staff, (those charged with actually restoring these wetlands) were often faced with the reality, we have willing land owners, the money and the know how we just don't have the permit. The result has been the loss of millions of wetland restoration dollars that Wisconsin was eligible for but could not spend due to bureaucratic delays.

On behalf of all those people that have been so dedicated to the difficult work of restoring the landscape of Wisconsin we thank from the bottom of our collective heart.

Sincerely,

Jeff Nania
Special Projects Coordinator





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
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Testimony of the Department of Natural Resources regarding SB 661

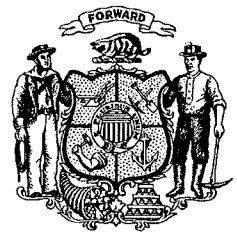
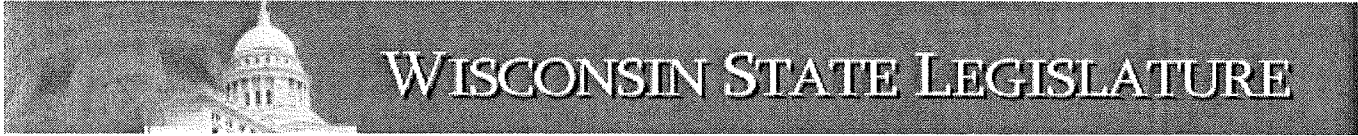
Senate Committee on Environment April 8, 2010

Thank you to Senator Wirsch for sponsoring this effort to create a streamlined general permit process for wetland restoration projects sponsored by our federal partners. We support Senate Bill 661 because it will facilitate voluntary wetland restoration, a key component to accomplishing Wisconsin's wetland plan, to reverse the loss of the 4.7 million acres of wetlands that once existed in our state, as well as restore wetland health and functions to remaining wetlands. Restoring wetlands back to the landscape not only provides critical habitat for fish and wildlife, but it also restores key wetland services needed by society such as flood storage and clean water.

The Natural Resources Conservation Service (NRCS) and the U.S. Fish and Wildlife Service (FWS) are two federal agencies that implement specific programs focused on restoring wetlands, such as the Wetland Reserve Program, Conservation Reserve Program and the Partners for Fish and Wildlife Program. These federal agencies have professional staff dedicated to specifically designing and conducting wetland restoration. This bill recognizes NRCS and FWS are professionals in the business of restoring wetlands and provides DNR with the ability to create a streamlined general permit to authorize these agencies to conduct a variety of regulated activities associated with wetland restoration. Each year, thousands of wetland acres are restored in Wisconsin by NRCS and FWS, as well as DNR. The administrative general permit process allowed for under this bill will assist in getting more wetland acres restored and more quickly. This will ultimately help Wisconsin leverage millions of dollars in federal funding to restore 50 to 75 thousand acres of wetlands in the next 5 years.

For more than 10 years, we have worked with our federal and conservation partners in Wisconsin to help streamline regulatory requirements and improve interagency coordination. A 1999 Memorandum of Agreement outlines how the agencies will work together and minimizes duplication of work. In 2003, Wisconsin Administrative Code NR 353 was adopted to create a one-stop permit process specifically for all wetland conservation projects. In 2008 and 2009 we conducted a joint evaluation with NRCS and FWS to determine if further permit streamlining could be achieved for federal projects. This evaluation led to several recommendations, one of which is general permit authorization for federally-sponsored wetland conservation projects.

In closing, this bill provides the authority to create a general permit for federally sponsored wetland restoration projects, which will further streamline the permit process and implement several recommendations identified in our joint evaluation. It also provides the flexibility to renew the general permit through an administrative process every 5 years, which will allow us to adapt permit requirements to address future changes in restoration techniques. Most importantly, this bill will support continued collaboration between Wisconsin and our federal partners to facilitate and expedite wetland restoration in Wisconsin, and ultimately to reverse wetland loss.





222 S. Hamilton St. #1 Madison, WI 53703

Phone: (608) 250-9971 Fax: (608) 287-1179

www.wisconsinwetlands.org

***Wisconsin Wetlands Association Testimony on SB 661
Submitted April 8, 2010 by Policy Director, Erin O'Brien***

Wisconsin Wetlands Association is dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy. WWA is a non-profit 501(c)(3) organization.

Wisconsin Wetlands Association is here to register our strong support for this bill and to ask the members of this committee to do everything they can to ensure it is passed through both arms of the legislature and enacted into law this session.

The purpose of this bill is very simple. It authorizes the Wisconsin Department of Natural Resources to create a streamlined permit review and approval process for wetland restoration projects sponsored and built by the U.S. Fish and Wildlife Service and the Natural Resources Conservation Service (NRCS). Today you will hear from several agencies and non-profit organizations that provide wetland restoration services to Wisconsin's private landowners, so I will leave it to them to describe the nature of the permitting problems that they have encountered and that this bill aims to address. Instead, I will talk about the opportunity it offers.

Nearly 50% of Wisconsin's wetlands (~5 million acres) have been lost to drainage or development. Most of this occurred before our nation understood the critical water quality improvement, flood abatement, wildlife habitat, and other services that wetlands provide. Today these public benefits are more widely recognized and, fortunately, some of these losses are reversible. Landowners interested in restoring wetlands can also receive technical assistance and cost-share dollars through programs run by federal and state agencies and non-profit organizations.

75% of the remaining wetlands in the state are privately owned and the percentage of restoreable wetlands in private ownership is likely greater. Many of these lands are owned by farmers facing decisions on what to do with their land when they retire.

Though my organization does not restore wetlands directly, a major emphasis of our policy work is to help remove barriers to wetland restoration. This includes working to ensure that restoring wetlands is an economically viable option for interested landowners and that the agencies and organizations that do this important work have the tools and resources they need to be successful. So, for example, when Wisconsin farmers could no longer receive a fair price to restore wetlands on their property through the Wetlands

Reserve Program (WRP) due to changes in the U.S. Department of Agriculture's land appraisal methodologies, we worked with partners in Washington D.C. to secure a fix. The remedy enabled Wisconsin WRP to go from restoring only 700 wetland acres in 2007, to 7,353 acres in 2009. I share this to demonstrate the dramatic difference wetland restoration policies can have on our landscape.

A conservative estimate of the federal dollars available annually for wetland restoration in Wisconsin is \$20 million, but it can be much more, or much less depending upon how well we compete for those dollars against other states. Occasionally we also have the opportunity to compete for new pots of restoration funds. For example, Wisconsin brought in \$19.7 million in stimulus money to restore floodplain wetlands on agricultural lands that suffered crop damages during the 2008 floods. I should add that there was so much landowner interest in this program that Wisconsin NRCS could have spent more than \$60 million had the funds been available.

The most promising current opportunity for supplemental federal funds is through the Great Lakes Restoration Initiative which will allocate \$300-\$475 million in federal funds annually for the next 5 years for ecosystem restoration projects, including wetlands. I believe the U.S. Department of Interior has already received supplemental funds for some of their programs that restore wetlands.

AB 852 acknowledges the role that the U.S. Fish and Wildlife Service and Natural Resources Conservation Service play as partners in Wisconsin's efforts to restore wetlands to our landscape. Their services are rendered by experienced biologists, including some of the best wetland restoration professionals in the state if not the nation. We should be doing everything we can to support and expedite their work.

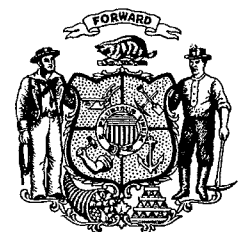
The permitting concerns we're discussing today are just one of the barriers that interfere with our ability to restore wetlands in Wisconsin. The fact that landowners are subject to a property tax penalty (sometimes substantial) when they restore wetlands in agricultural landscapes is another that is ripe for legislative action. We believe the Wisconsin legislature is committed to the protection and restoration of wetlands and we greatly appreciate all of the actions you have already taken in support of this cause.

We look forward to working with you to address these concerns and again encourage you to take swift action on SB 661.

Questions about these comments should be directed to Wisconsin Wetlands Association's Policy Director, Erin O'Brien at 608-250-9971 / erin.obrien@wisconsinwetlands.org.



WISCONSIN STATE LEGISLATURE





*Nels Swenson, State Chairman
1358 Pinion Tr., Oregon, WI
616.712.3347
Nelly_1950@hotmail.com*

Good morning and thank you for this opportunity to speak in support of SB 661 – Senator Wirch’s Wetland Restoration Permit Bill. My name is Nels Swenson and I am currently State Chairman for WI DU. Ducks Unlimited has been engaged in wetlands conservation for almost 75 years. Our 40,000 members in Wisconsin have donated time, money and political capital to ensure wetlands are protected, restored and enhanced for the benefit of waterfowl, people and other wildlife.

DU has been involved in conserving more than 96,000 acres in Wisconsin, and we have invested more than \$16.8 million dollars in the state. I can say that Ducks Unlimited strongly supports the passage of SB 661. We are currently at unprecedented times in Wisconsin, with lots of federal funding available through the Great Lakes Restoration Initiative, North American Wetlands Conservation Act, as well as Farm Bill programs such as the Wetlands Reserve Program. These dollars fund conservation efforts on private, state and federal lands, restoring valuable acres of wetlands and associated uplands that benefit fish, wildlife, water quality, hunting, fishing, trapping and wildlife watching. These activities inject millions of dollars into Wisconsin’s economy and support thousands of jobs in our state.

The availability of these federal funds demands that Wisconsin’s permit system is working with this restoration funding, and not against it. These federal conservation programs result in net gains of wetlands and our state permit system should be working in concert with our partners to ensure a smooth and timely permitting system. Provisions in SB 661 will reduce bureaucratic redundancies, eliminate delays, direct more program funds to landowners, and restore more wetland acres sooner.

Passing SB 661 will ensure that Wisconsin maximizes availability of federal funds, and will promote partnerships among wetland conservation organizations in the state that will result in more wetlands placed back on the landscape more quickly and efficiently. Government will work for the people in a productive and enhanced manner. DU, and our 40,000 members in the state, respectfully request your support and quick passage of SB 661, the Wetland Restoration Permit Bill. Thank you very much.