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TO: Senate Committee on Natural Resources & Energy
FROM: Senator Rob Stafsholt
DATE: January 31, 2022
SUBJECT: Testimony in Favor of Senate Bill 839.

Thank you Chairman Cowles and members of the Senate Committee on Natural Resources and Energy for allowing me to submit testimony in favor of Senate Bill 839.

Currently, the Department of Natural Resources administers grant programs relating to repairing and removing dams throughout Wisconsin. Dam owners/operators are eligible for these grant funds for the removal or repair of their dams. Matching funds have always been required for grants to repair a dam, but have not traditionally been required for dam removal projects.

In the latest biennial state budget, there were some changes made to improve both grant programs, however, there was an unintended change made by a drafting error that requires matching funds for dam removals. This legislation would revert back to prior law and remove the requirement that matching funds are necessary to receive a grant for a dam removal.

Thank you, members. I ask for your support and would be happy to meet with you to address any concerns or answer any questions about these bills.



SHANNON ZIMMERMAN

STATE REPRESENTATIVE • 30th ASSEMBLY DISTRICT

Senate Bill 839

Senate Committee on Natural Resources and Energy

January 31, 2022

Thank you Chairman Cowles and committee members for hearing testimony on Senate Bill 839 today. This is a very simple and straightforward bill that will correct an error that occurred during the drafting of our recently passed biennial budget (Act 58).

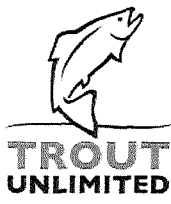
While developing Act 58, the Joint Committee on Finance made changes to the Municipal Dam Grant Program housed at the Department of Natural Resources. This program provides financial assistance for the maintenance, repair, modification, or removal of municipally-owned dams. Increases in bonding authority and project monetary caps were both included in the budget when approved.

Before the passage of Act 58, local matching funds were required for maintenance, repair, or modification, but not for the removal of a municipal dam. While drafting Act 58 the Legislative Reference Bureau inadvertently drafted language that applies the matching funds to dam removal projects.

With the passage of SB 839, the statutory language would revert to what it was prior to the passage of Act 58. This means that matching funds would not be required for any dam removal project.

The Department of Natural Resources has reached out to my office with some concerns that the \$1,000,000 cap per project would be removed through SB 839. We are working with the Department and the drafter to ensure that our proposal only changes the portion of statutes requiring matching funds. If necessary, we are prepared to offer an amendment clarifying our intent to not change the individual project cap.

Thank you again for your time and attention to this proposal and I hope I can count on your support of this measure as we move forward.



January 31, 2022
<http://wicouncil.tu.org>

Contact: Council Chair Mike Kuhr
(414) 588-4281

RE: Wisconsin TU support for SB839 / AB905 – Municipal Dam Safety Grant Language

Members of the Senate Committee on Natural Resources and Energy:

My name is Mike Kuhr, I'm a small business owner, and volunteer leader for Wisconsin Trout Unlimited ("WITU"). Trout Unlimited is our Nation's leading cold water conservation organization. Here in Wisconsin, we're home to over 6,500 members and 21 local chapters working to ensure future generations' access to cold, clean, fishable water. I'm here to express our organizations support for SB839, which would clarify language regarding municipal dam safety grants.

Our members value the recreational opportunities provided by Wisconsin's woods and waters. We would like to thank Senator Stafsholt, Senator Felzkowski, Senator Marklein, Representative Zimmerman, and the other co-sponsors of SB839 for their efforts to provide certainty for the municipalities who use the dam safety grant program.

Wisconsin Trout Unlimited was supportive of efforts in the recent state budget to provide additional funding for the Municipal Dam Safety program and for raising the cap on grants awarded through the program to one million dollars. It has since come to our attention that some of the language in the last budget has created a grey area regarding dam removal project grants, which historically have not been required to provide matching funds as part of the grant.

SB839 and its counterpart AB905, clarify this point and provide certainty to municipalities and their partners who utilize the program for dam removal projects.

We would like to point out that the bill before us appears to eliminate all financial limitations for dam removal project grants. We believe that in the past, dam removal projects were still subject to the total grant cap limit, formerly set at \$400,000 and now capped at \$1 million. Wisconsin Trout Unlimited would support amendments to the current bills that would retain the overall cap on individual grants.

We look forward to working with the legislature to continue creating policies that will be beneficial to Wisconsin anglers and our communities.

Thank you for your time and for your commitment to public service.

Mike Kuhr
Wisconsin Trout Unlimited, State Council Chair
mikek.trout@yahoo.com (414) 588-4281

The Wisconsin Council of Trout Unlimited ("WITU") is a 501(c) 3 non-profit organization which consists of approximately 6,500 volunteer members in 21 chapters in Wisconsin working to ensure that future generations have access to cold, clean, fishable water. In a typical year, WITU and its Chapters report over 50,000 volunteer hours, working on conservation projects, youth education and outreach events, and operating Service Partnership Programs for the military veterans and first responders in our communities.



Senate Committee on Natural Resources and Energy

2021 Senate Bill 839 *Financial Assistance Limits for Dam Removal* *January 31, 2022*

Good afternoon Chair Cowles and members of the Committee. My name is Wendy Peich, and I am the Grant Manager for the Municipal Dam Grant Program for the Wisconsin Department of Natural Resources. With me today is Uriah Monday, the State Dam Safety Engineer for the Dam Safety program. Thank you for the opportunity to provide testimony, for informational purposes, on Senate Bill 839 (SB 839), related to financial assistance limits for dam removal.

The department is charged with protecting life, health, and property from unsafe dams. Beginning in the 1989-91 biennium, the department has administered a competitive grant program to help counties, cities, villages, towns, tribes, and public inland lake protection and rehabilitation districts repair, reconstruct, or remove municipally owned dams. The program has provided over \$30 million in funding since 1990 and has been a vital component of department efforts to improve the safety of dams.

Prior to the passage of 2021 Act 58 (Act 58), the grant program had project cap limits, a cost-share requirement for dam repair projects, and no cost-share requirement for dam removal projects. Act 58 increased the total amount allocated to the grant program from \$4 million to \$10 million and made changes to the cost-share and project cap limit provisions. Act 58 included a cost-share requirement and a project cap limits for dam removal projects. This bill would eliminate both the cost-share requirement and the project cap limit for dam removal projects but retain the cost-share requirement and project cap limit for dam repair projects. The bill also includes important clarifying language about grant requirements that would eliminate potential confusion for dam owners that are considering applying for grants to assist with dam removal projects.

Removal of a dam is typically the greatest possible safety measure that an owner can undertake. The department has not historically required a cost-share for dam removal as an incentive for implementing this great safety measure. While eliminating the cost-share requirement is favorable, eliminating the project cap limit for dam removals could create challenges for the department. Without a project cap on dam removals, there is the potential for a single large removal project using up a large portion of the funds, thereby limiting the number of projects that the department is able to assist with. Eliminating the project cap could also create administrative challenges in developing the priority ranking list of projects. Without a cap on dam removals, it would be difficult to determine how many projects could be funded in each biennium. It could also lead to fewer municipalities receiving grant funding for required dam improvement projects.

In summary, the grant program is a crucial tool to improve resiliency of dams in Wisconsin. To ensure the effectiveness of the program, the department would recommend including a project cap for dam removal projects, like that required for dam repair projects.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. We would be happy to answer any questions you may have.