



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #679

Wisconsin Waters Initiative (DNR -- Water Quality)

[LFB 2001-03 Budget Summary: Page 488, #8]

CURRENT LAW

Article IX of the Wisconsin Constitution specifies that the state's navigable waters "shall be common highways and forever free" to Wisconsin and U.S. citizens "without any tax, impost or duty therefor." This provision has been interpreted to mean that these waters are held in trust by the state for public use for commercial and recreational purposes. The Department of Natural Resources is generally charged with the enforcement of state water laws. As part of this charge, the Department requires permits for many water and shoreland activities, such as dredging, grading, placing structures in navigable waters, diverting water or making changes to the channel of a navigable stream. Local floodplain and shoreland zoning ordinances and federal and local permitting programs also affect the use of water in the state.

GOVERNOR

Provide \$237,300 in 2001-02 and \$474,600 in 2002-03 from the water resources account of the conservation fund to continue development of a computer-based system to improve access to water-related site information electronically.

DISCUSSION POINTS

1. The source of revenue to the water resources account is an annual transfer of motorboat fuel tax revenue into the account. Under the bill, it is anticipated the water resources account would have a June 30, 2003 balance of \$310,000.
2. Funding would be used for contracting services, geographic information system

(GIS) development, software and other information technology items with a goal of improving flood plain mapping and enhancing Internet access to Department data on water levels, flood flows, wetlands, dams, waterway alteration permits and protection standards.

3. The 1999-01 budget act provided DNR with \$455,100 in 1999-00 and \$848,900 in 2000-01 and 7.0 positions annually for water regulation and zoning staff and technology. Of this, \$150,400 in 1999-00 and \$446,100 in 2000-01 was utilized to provide information technology for DNR staff to access and deliver water-related site information electronically. A portion of the funding was used to provide laptop computers, geographic information systems software, hydrologic modeling software and global positioning systems equipment and training to field staff to make information more readily available and allow staff to reallocate time to other program activities. With this funding, the Department was able to implement demonstration projects to produce improved floodplain mapping in two counties and to begin developing a web page to provide water-related data to the general public, engineers and developers.

4. DNR officials indicate additional funding would be used to provide the public with access to much of the Department's water-related information electronically, develop modeling and mapping tools, revise floodplain maps for four counties per year and to train staff to use the new technology. The majority of funding would be related to providing DNR with equipment to update county floodplain maps. In addition, 30% of the funding is for the actual updating of the maps.

5. As an example of the benefits that could be gained through improved information technology, DNR cites a pilot project in Winnebago County to develop floodplain maps that fit with the County's land information system. Original floodplain maps showed over 5,700 buildings in the floodplain. Through improved floodplain mapping, 2,400 of those structures were shown to actually be outside the floodplain, while another 1,300 buildings were at risk of flooding. As a result, 1,100 fewer buildings remained in the floodway and homeowners had more accurate information as to whether or not flood insurance was needed for their homes.

6. The Department indicates that if the additional funding is provided under the bill, base funding in future biennia would allow the Department to continue the initiative and to update at least four county flood plain maps annually. In addition, the Department is pursuing a grant from the Federal Emergency Management Agency (FEMA) for \$85,000 to update an additional county flood plain map.

DNR Staff

7. DNR has 48 staff in its Bureaus of Watershed Management and Fisheries Management and Habitat Protection assigned to permit review, local government support and dam safety activities. DNR estimates that these 48 staff assist 500 local governments and 10,000 landowners on water regulation, flood plain, shore land and wetland issues. The Department indicates that additional staff would reduce permitting time, as more staff would be available to assist landowners in the permit preparation process and to evaluate permit applications.

8. In its submittal to the Governor, DNR requested 12.0 positions for the 1999-01 budget under the Wisconsin Waters Initiative. Seven water regulation and zoning specialist and engineer positions were provided in 1999 Act 9 to process permits and provide assistance to local units of government (5.0 funded from the water resources account of the conservation fund and 2.0 from water regulation and zoning fee program revenues).

9. The following table illustrates waterway permit decision times (the amount of time before a permit is either approved, denied or withdrawn). In addition, DNR estimates there are currently 1,073 waterway permits pending approval.

Waterway Permit Decision Times

	Days							Total Completed
	1-30	31-60	61-90	91-180	181-360	361-540	> 540	
1995-96	1,099	427	239	303	195	72	53	2,388
1996-97	1,081	423	252	319	613	73	75	2,836
1997-98	1,018	505	357	484	279	67	65	2,775
1998-99	1,080	527	318	427	215	77	50	2,694
1999-00	1,408	493	403	478	312	55	6	3,155
2000-01*	<u>1,526</u>	<u>415</u>	<u>242</u>	<u>203</u>	<u>39</u>	<u>2</u>	<u>0</u>	<u>2,427</u>
Total	7,212	2,790	1,811	2,214	1,653	346	249	16,275

*Through May 1, 2001.

10. Some would argue that water regulation and zoning staffing needs are greater than the need for information technology items. Although seven positions were included in 1999 Act 9 for the Wisconsin Waters Initiative, a backlog in processing waterway permits remains. On the other hand, DNR received seven of 12 requested positions in 1999-01, and the Department did not submit a request for additional water regulation and zoning engineer positions in its 2001-03 budget request to the Governor.

11. The Committee could choose to fund an additional water regulation and zoning engineer position from a portion of the funding in the bill for information technology. A water regulation and zoning engineer would provide technical expertise to communities, state agencies and the public on dam safety, floodplain and water regulation issues. Position duties include: (a) performing and reviewing engineering studies related to water regulation permits; (b) conducting hydrologic and hydraulic analyses related to various projects; (c) conducting field inspections to determine dam safety; and (d) providing on-site expertise in emergency situations in cases of imminent dam failure or significant flooding. DNR estimates an additional 50 permits annually could be processed with another engineer position. Funding of \$35,000 in 2001-02 and \$66,900 in 2002-03 would be needed to support an engineer position. This amount could be provided for an

additional position in lieu of information technology expenditures. A reduction of IT funding of \$101,900 from the bill would still allow DNR to use state funding to update floodplain maps for seven counties over the biennium, rather than eight if all IT funding were provided.

12. DNR officials have indicated they would prefer to have a staff position rather than a portion of the information technology funding under the bill. The Committee could also provide a staff position from additional SEG funding.

ALTERNATIVES TO BASE

1. Approve the Governor’s recommendation to provide \$237,300 in 2001-02 and \$474,600 in 2002-03 from the water resources account of the conservation fund to continue development of a computer-based system to improve access to water-related site information electronically.

Alternative 1	SEG
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$711,900 \$0]

2. Provide 1.0 water regulation and zoning engineer position annually and \$237,300 in 2001-02 and \$474,600 in 2002-03 from the water resources account of the conservation fund to continue development of a computer-based system to improve access to water-related site information electronically. (Funding of \$35,000 in 2001-02 and \$66,900 in 2002-03 would be used for position-related costs rather than information technology funding.)

Alternative 2	SEG
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$711,900 \$0]
2002-03 POSITIONS (Change to Base) <i>[Change to Bill]</i>	1.00 1.00]

3. Provide 1.0 water regulation and zoning engineer position and \$35,000 in 2001-02 and \$66,900 in 2002-03 from the water resources account of the conservation fund.

Alternative 3	SEG
2001-03 FUNDING (Change to Base) <i>[Change to Bill]</i>	\$101,900 - \$610,000]
2002-03 POSITIONS (Change to Base) <i>[Change to Bill]</i>	1.00 1.00]

4. Maintain current law.

Alternative 4	SEG
2001-03 FUNDING (Change to Base)	\$0
[Change to Bill]	- \$711,900]

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