

## NATURAL RESOURCES

Budget Summary						FTE Position Summary				
Fund	2020-21 Adjusted Base	Governor		2021-23 Change Over Base Year Doubled		2020-21	Governor		2022-23 Over 2020-21	
		2021-22	2022-23	Amount	%		2021-22	2022-23	Number	%
GPR	\$105,966,200	\$113,842,900	\$105,545,600	\$7,456,100	3.5%	223.52	224.52	224.52	1.00	0.4%
FED	89,262,400	88,573,600	88,176,100	- 1,775,100	- 1.0	496.84	493.84	488.84	- 8.00	- 1.6
PR	34,343,900	31,827,700	31,901,000	- 4,959,100	- 7.2	245.89	227.14	227.14	- 18.75	- 7.6
SEG	<u>332,580,100</u>	<u>352,585,200</u>	<u>344,741,700</u>	<u>32,166,700</u>	4.8	<u>1,569.35</u>	<u>1,604.10</u>	<u>1,604.10</u>	<u>34.75</u>	2.2
TOTAL	\$562,152,600	\$586,829,400	\$570,364,400	\$32,888,600	2.9%	2,535.60	2,549.60	2,544.60	9.00	0.4%
BR		\$749,500,000								

### Budget Change Items

### Departmentwide

#### 1. STANDARD BUDGET ADJUSTMENTS

**Governor:** Provide adjustments to the base budget as follows: (a) -\$3,631,900 annually for turnover reduction (-\$403,900 GPR, -\$584,100 FED, -\$119,400 PR, and -\$2,524,500 SEG); (b) -\$323,100 and -4.0 positions (-\$210,500 FED with -3.0 positions, and -\$112,600 SEG with -1.0 position) in 2021-22 and -\$728,200 (-\$615,600 FED with -8.0 positions and -\$112,600 SEG with -1.0 position) in 2022-23 to remove noncontinuing items from the base; (c) \$1,793,900 annually for full funding of continuing salaries and fringe benefits (\$892,500 GPR, \$179,500 FED, \$208,600 PR, and \$513,300 SEG); (d) \$27,000 annually for reclassifications and semi-automatic pay increases (\$1,800 GPR, \$6,600 PR, and \$18,600 SEG); (e) \$3,184,000 annually for overtime (\$8,000 PR and \$3,176,000 SEG); and (f) -\$666,900 (-\$42,900 GPR, -\$73,700 FED, and -\$550,300 SEG) in 2021-22 and -\$633,400 (-\$42,600 GPR, -\$66,100 FED, and -\$524,700 SEG) in 2022-23 for full funding of leases and directed moves.

	Funding	Positions
GPR	\$895,300	0.00
FED	- 1,775,100	- 8.00
PR	207,600	0.00
SEG	<u>1,066,600</u>	<u>- 1.00</u>
Total	\$394,400	- 9.00

#### 2. LAW ENFORCEMENT EQUIPMENT

**Governor:** Provide \$457,400 (\$16,800 GPR, \$25,300 environmental fund SEG, and \$415,300 conservation fund SEG) each year to purchase and

GPR	\$95,900
SEG	<u>2,394,200</u>
Total	\$2,490,100

operate body-worn cameras and other safety equipment for DNR law enforcement wardens. The funding would acquire electroshock stun guns, opioid-blocking naloxone, and other supplies for 250 wardens and body-worn cameras for 290 wardens. Funding would also enable access to U.S. Department of Justice law enforcement systems and emergency dispatch system upgrades. Amounts would be provided under general law enforcement operations appropriations for each source.

Further, amend GPR, conservation SEG, and environmental SEG biennial appropriations to allow DNR to acquire law enforcement technology; current law authorizes DNR to use these appropriations to acquire radios. Provide one-time funding of \$1,500,000 (\$62,300 GPR, \$93,400 environmental SEG, and \$1,344,300 conservation SEG) in 2021-22 to create an integrated records management system for the Bureau of Law Enforcement (BLE).

Reallocate 2.0 conservation SEG positions to the Bureau of Law Enforcement to manage the system, and provide additional funding of \$13,900 in 2021-22 and \$61,400 in 2022-23 for the cost differential of the positions. (The 2.0 additional positions would be offset by 0.80 from wildlife management, 0.75 from parks, 0.25 from facility and property services, 0.18 from forestry, and 0.02 from fisheries management. The records system management positions would be funded at a total of \$142,500 conservation SEG in 2021-22 and \$190,000 in 2022-23.)

Currently, DNR law enforcement staff use several different systems to issue and track citations, develop criminal reports, track and inventory evidence, dispatch and locate wardens and other law enforcement, and report uniform crime data. DNR indicates that funding would enable the Department to procure and operate an integrated system that can perform all administrative functions for law enforcement, as is standard for other law enforcement agencies.

[Bill Sections: 341 thru 343]

### 3. NIGHT AND WEEKEND DIFFERENTIAL PAY

SEG	\$448,800
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**Governor:** Provide \$224,400 conservation SEG each year to fund and implement a night and weekend differential pay plan. DNR pays an additional 45¢ per hour for all hours worked between 6:00 PM and 6:00 AM. DNR pays an additional 60¢ per hour for all hours worked on Saturdays and Sundays. Employees who work between 6:00 PM and 6:00 AM on weekends receive both pay differentials, adding \$1.05 to their hourly wage. DOA reports that DNR has paid an average of \$194,200 in night and weekend salaries and \$30,200 in associated fringe costs over the last four years. The bill would increase expenditure authority by the sum of these amounts.

### 4. TRIBAL GAMING APPROPRIATIONS

**Governor:** Repeal three tribal gaming appropriations, totaling \$1,496,600 PR and 10.0 positions for DNR each year, that fund the following DNR programs: (a) elk management; (b) whooping crane reintroduction; and (c) snowmobile enforcement. Create new conservation SEG appropriations for elk management and whooping crane reintroduction and provide funding and

	Funding	Positions
PR	-\$2,993,200	- 10.00
SEG	<u>2,993,200</u>	<u>10.00</u>
Total	\$0	0.00

positions identical to the amounts deleted. Provide an identical amount of positions and funding for snowmobile enforcement under an existing conservation SEG appropriation. Funding and positions to be converted are summarized in the following table.

**Tribal Gaming PR Reallocations**

<u>Appropriation</u>	<u>Annual Funding</u>	<u>Positions</u>
Elk Management	\$128,700	0.50
Reintroduction of Whooping Cranes	83,000	0.50
Snowmobile Enforcement and Safety Training	<u>1,284,900</u>	<u>9.00</u>
Total	\$1,496,600	10.00

The provision is part of a reallocation of tribal gaming revenues to other programs intended to benefit tribal communities. [See "Administration -- Division of Gaming."]

[Bill Sections: 336 thru 340, 479 thru 481, and 2837 thru 2839]

**5. TRIBAL RELATIONS PILOT PROGRAM**

GPR	\$25,000
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**Governor:** Provide \$25,000 in 2021-22 as one-time funding for a tribal relations pilot program. The administration reports that the program would develop a DNR database for tribal officials to submit requests and file concerns with the Department.

**6. DEBT SERVICE REESTIMATE**

GPR	- \$16,184,400
SEG	<u>- 7,528,400</u>
Total	- \$23,712,800

**Governor:** Delete \$7,124,100 (\$3,977,900 GPR and \$3,146,200 SEG) in 2021-22 and \$16,588,700 (\$12,206,500 GPR and \$4,382,200 SEG) in 2022-23 to reestimate debt service payments on bonds issued for various DNR programs, as shown in the following table:

**DNR Debt Service Reestimates -- Governor**

		2021-22		2022-23	
	Base	Change to to Base	Reestimate	Change to Base	Reestimate
<b>GPR</b>					
Stewardship and predecessors	\$67,853,000	-\$3,820,100	\$64,032,900	-\$11,671,900	\$56,181,100
Combined sewer overflow	753,800	-119,700	634,100	-498,600	255,200
Municipal clean drinking water grants	6,400	-800	5,600	-4,300	2,100
Administrative facilities	<u>586,800</u>	<u>-37,300</u>	<u>549,500</u>	<u>- 31,700</u>	<u>555,100</u>
GPR Subtotal	<u>\$69,200,000</u>	<u>-\$3,977,900</u>	<u>\$65,222,100</u>	<u>-\$12,206,500</u>	<u>\$56,993,500</u>
<b>SEG</b>					
<i>Conservation Fund</i>					
Dam repair and removal	\$271,600	-\$55,600	\$216,000	-\$131,900	\$139,700
Administrative facilities	<u>6,491,900</u>	<u>-95,800</u>	<u>6,396,100</u>	<u>503,900</u>	<u>6,995,800</u>
Conservation Fund SEG Subtotal	<u>\$6,763,500</u>	<u>-\$151,400</u>	<u>\$6,612,100</u>	<u>\$372,000</u>	<u>\$7,135,500</u>
<i>Environmental Fund</i>					
Remedial action	\$2,094,400	-\$460,600	\$1,633,800	-\$848,000	\$1,246,400
Contaminated sediment cleanup	2,243,100	49,600	2,292,700	-100,500	2,142,600
Rural nonpoint source grants - priority watershed program	4,693,700	-778,100	3,915,600	-1,091,400	3,602,300
Rural nonpoint source grants - targeted runoff management	2,403,200	-67,000	2,336,200	433,800	2,837,000
Urban nonpoint source	3,618,000	-436,400	3,181,600	-187,000	3,431,000
Water pollution abatement	4,300,600	-1,256,200	3,044,400	-2,879,100	1,421,500
Administrative facilities	<u>1,126,900</u>	<u>-46,100</u>	<u>1,080,800</u>	<u>-82,000</u>	<u>1,044,900</u>
Environmental Fund SEG Subtotal	<u>\$20,479,900</u>	<u>-\$2,994,800</u>	<u>\$17,485,100</u>	<u>-\$4,754,200</u>	<u>\$15,725,700</u>
SEG Total	\$27,243,400	-\$3,146,200	\$24,097,200	-\$4,382,200	\$22,861,200
All Funds Total	\$96,443,400	-\$7,124,100	\$89,319,300	-\$16,588,700	\$79,854,700

**7. MACKENZIE CENTER APPROPRIATION**

**Governor:** Convert the biennial PR appropriation for the MacKenzie Center to a continuing appropriation. The MacKenzie Center in Poynette is an environmental education center. Participants and facilities renters pay fees that are deposited in a sum-certain biennial PR appropriation. The bill would deposit fees in a continuing appropriation and allow DNR to use all moneys received from environmental education fees.

[Bill Section: 335]

**8. AUTHORIZE FISCAL YEAR 2019-20 LAPSE**

GPR-Lapse	\$47,500
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**Governor:** Lapse \$47,500 to the general fund in 2021-22 from three continuing appropriations, as shown in the table. The lapse is intended to effect DNR's required 2019-20 general fund lapse. As continuing GPR appropriations, legislative action is required to lapse moneys to the general fund.

<u>Appropriation</u>	<u>Amount</u>
Water Resources - Remedial Action -- 20.370(4)(af)	\$2,500
Resource Maintenance and Development - State Funds -- 20.370(7)(fa)	37,800
Facilities Acquisition, Development, and Maintenance -- 20.370(7)(ha)	<u>7,200</u>
Total	\$47,500

[Bill Sections: 9232(1),(2)&(3)]

## 9. TRANSFERS WITHIN APPROPRIATIONS

**Governor:** Transfer positions and funding between budgetary subprograms or budgetary purposes within the same appropriation as described in the following paragraphs to reflect current allocations of program funding and responsibilities in the division indicated.

*Environmental Management.* Move 1.0 GPR business automation specialist position from division administration to water quality. Move 0.46 environmental SEG position from remediation and redevelopment to drinking and groundwater. This will combine with a 0.54 position in drinking and groundwater to create 1.0 position for work related to petroleum contamination.

*Internal Services.* Move 1.0 conservation SEG federal liaison position, budgeted as 0.98 from management and budget and 0.02 from facility and property services, to 1.0 position in central administration. Move 0.03 conservation SEG financial specialist position from facility and property services to finance.

*External Services.* Move 1.0 program and policy analyst, budgeted as 0.50 conservation SEG and 0.50 environmental improvement FED, from community financial assistance to environmental analysis and sustainability. Move 1.0 vacant environmental improvement FED position from watershed management to community financial assistance. Reallocate \$175,300 (\$2,600 environmental SEG, \$123,000 environmental improvement SEG, and \$49,700 environmental improvement FED) from unallotted reserves to supplies and services. Reallocate \$39,600 GPR from permanent property to supplies and services.

## 10. TRANSFERS BETWEEN APPROPRIATIONS

**Governor:** Transfer positions and funding between appropriations in DNR, as described in the following paragraphs, to align position funding with assigned duties or organizational and reporting structure. While transfers in certain cases would result in reallocations among segregated funds, the provisions would make no net changes to funding by source. All amounts are on an annual basis unless otherwise noted.

*Fish, Wildlife and Parks.* Transfer 1.0 operations associate position and \$62,000 PR from technology services to wildlife management. Reallocate 1.0 conservation SEG position with \$81,400 in 2021-22 and \$83,600 in 2022-23 from wildlife management to natural heritage conservation to better align position funding with assigned duties.

*Forestry.* Transfer 0.5 vacant position and \$37,400 conservation SEG from facilities and property management to forestry. The transfer would enable the Department to hire a 1.0 executive staff assistant to provide administrative services to the Chief Forester in Rhineland.

*Law Enforcement.* Transfer 0.5 program and policy analyst position and \$49,600 environmental improvement SEG annually from community financial assistance to law enforcement to reflect reporting structure and budget a full 1.0 position under law enforcement. Convert funding to conservation SEG.

*Environmental Management.* Transfer \$36,600 for supplies and services, including \$15,200 PR and \$21,400 environmental SEG, from environmental analysis and sustainability in the Division of External Services to Division of Environmental Management administration to support the DNR actions under the federal Toxics Release Inventory program. Transfer 1.0 position and \$109,400 environmental SEG from recycling administration to waste management general operations to better align position funding with assigned duties.

*Internal Services.* Combine 0.16 position and \$12,100 GPR currently budgeted under customer services with 0.84 position in the Division of Internal Services to budget 1.0 GPR executive staff secretary position in that division.

*External Services.* Transfer 1.0 position and \$121,400 conservation SEG from law enforcement to customer services to reflect position reporting. Within the community financial assistance program, transfer 1.0 position and \$110,300 dry cleaner emergency response SEG to conservation SEG to address greater grant administration workload for all-terrain vehicle (ATV) and utility terrain vehicle (UTV) grant and aid programs.

## Stewardship

### 1. STEWARDSHIP REAUTHORIZATION

BR	\$700,000,000
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**Governor:** Reauthorize the Warren Knowles-Gaylord Nelson Stewardship Program for 10 years, from July 1, 2022, through June 30, 2032, with an annual allocation of \$70 million. Provide an additional \$700,000,000 bonding authority to fund the program. Current law provides DNR annual bonding authority of \$33.25 million through June 30, 2022.

Under the stewardship program, DNR is authorized to incur debt for the purposes of: (a) acquiring land to expand recreational opportunities and protect environmentally sensitive areas; (b) developing outdoor recreational facilities on state conservation lands; (c) providing grants to local governments and nonprofit conservation organizations (NCOs), typically for up to 50% of the cost of acquiring or developing land for outdoor recreational activities; (d) providing grants to counties for up to 50% of the cost of acquiring forestry land; and (e) providing grants to local governments for developing all-terrain and utility terrain vehicle trails and facilities. The following table shows recommended program funding levels under the bill as well as allotments under current law.

## Annual Stewardship Program Allocations

	<u>Current Law</u>	<u>Governor</u>	
		2023-2026	2027-2032
<b>Land Acquisition</b>			
DNR Acquisition*	\$9,000,000	\$10,000,000	\$10,000,000
BCPL Acquisitions	-	1,000,000	-
NCO Acquisitions	7,000,000	10,000,000	10,000,000
County Forest Grants	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Subtotal	\$21,000,000	\$26,000,000	\$25,000,000
<b>Recreational Boating Aids</b>	\$2,500,000	\$3,000,000	\$3,000,000
<b>Property Development and Local Assistance</b>			
Property Development	\$3,000,000	\$22,000,000	\$23,000,000
Friends Groups	250,000	1,000,000	1,000,000
Motorized Stewardship	500,000	0	0
Local Assistance Grants	<u>6,000,000</u>	<u>18,000,000</u>	<u>18,000,000</u>
Subtotal	\$9,750,000	\$41,000,000	\$42,000,000
<b>Total</b>	\$33,250,000	\$70,000,000	\$70,000,000

\* The bill would continue, through June 30, 2032, requirements under current law that DNR set aside from these amounts: (a) not less than \$2 million each year for matching funding on federal forest legacy grants; and (b) \$1 million for activities related to the Ice Age Trail.

In addition to increasing annual allotments for selected programs, the bill would make program changes as described in the following paragraphs.

### Land Acquisition Subprogram

*Department Acquisitions.* Under current law, DNR may spend no more than one-third (\$3 million) of its annual allotment for land acquisition on fee simple acquisitions. The remaining two-thirds (\$6 million) may be used only to acquire conservation easements. The bill eliminates this requirement.

*Ice Age Trail.* The bill continues a requirement that DNR set aside \$1 million annually to acquire land and easements for the Ice Age Trail, a partially developed 1,200-mile trail throughout the state. In addition to funding for land acquisition, the bill would authorize stewardship funding for matching (50%) grants to NCOs for maintenance and development of the trail under the land acquisition program.

*BCPL Natural Areas.* The bill would authorize DNR to expend up to \$1 million each year from 2022-23 through 2025-26 to acquire land from the Board of Commissioners of Public Lands (BCPL). BCPL manages approximately 76,200 acres in trust for public education beneficiaries. The Board has established a goal of consolidating its land holdings in northeastern Wisconsin.

*County Land Acquisition.* The bill would allow grants awarded to counties under the land acquisition program, including the county forest program, to support property development and

maintenance, in addition to purchases of land and easements, as under current law. Further, the bill would create a matching grant for counties to acquire land from BCPL.

### **Property Development Subprogram**

*Motorized Stewardship.* The bill would eliminate motorized recreation grants as a category of aids under the property development subprogram effective July 1, 2022. Current law establishes that property development subprogram funds may be used for aids to the state, counties, villages or towns for snowmobile, all-terrain vehicle (ATV), and utility terrain vehicle (UTV) trail aid projects. No annual funding level is established in statute or administrative code. DNR has allotted \$500,000 annually for these aids. While the bill would eliminate motorized recreation as a category of aids that may be awarded under stewardship, it would provide an annual increase of \$867,500 for ATV and UTV projects and increases snowmobile trail aids by \$200,000 annually. [See "Natural Resources -- Motorized Recreation."]

*Friends Grants.* The bill would increase the amount set aside under the property development subprogram for grants to NCOs for development on DNR properties by \$750,000, from \$250,000 annually under current law to \$1,000,000 annually. DNR currently may award matching grants to friends groups for property development activities in Department-owned properties including state parks and forests. The amount that may be awarded to any single project would increase from \$20,000 annually under current law to \$80,000 annually under the bill.

### **Unobligated Bonding Authority**

Under current law, DNR may obligate up to \$33.25 million each fiscal year. In most cases, if DNR does not obligate this full amount, the Department is unable to carry forward unobligated bonding authority into subsequent fiscal years, unless directed by the Legislature.

*General Carryover.* The bill sets an annual funding level for each subprogram and authorizes DNR to carry over unobligated bonding authority on a biennial basis. If the Department does not obligate the full amount allocated under a stewardship subprogram in an odd-numbered year (e.g. 2022-23), DNR may raise the annual bonding authority for the subprogram by an amount equal to the unobligated amount in the subsequent year. If, in the subsequent even-numbered year, DNR does not obligate the full allotment for a given subprogram, including any carried-over amount, DNR may use all unobligated allotments from the biennium for property development on DNR properties or easements adjacent to DNR lands through 2031-32.

For example, under the bill, DNR may award up to \$18 million in local assistance grants in each fiscal year. If, in 2022-23, DNR were to award \$16 million in local assistance grants, but all other property development and local assistance funding were obligated, the Department may carry forward \$2 million in the subsequent fiscal year, 2023-24, for local assistance grants. In 2023-24, DNR would be able to award up to \$20 million, including the \$18 million annual allotment plus \$2 million carried forward from 2022-23. If in 2023-24, DNR were to obligate \$16 million in property development funds and local assistance grants, the Department may carry forward \$4 million for property development in any fiscal year through 2031-32.

*NCO Carryover.* Under current law, if at the end of a given fiscal year, any of the allocation



for NCOs remains unobligated (currently \$7 million), DNR may carry forward the unobligated bonding authority into the following fiscal year to be used only to provide grants in that fiscal year to counties to acquire land to be included in a county forest.

The bill would raise the annual allotment for NCO acquisitions by \$3 million, to \$10 million annually. Additionally, under the bill, DNR could carry forward any amounts that remain unobligated at the end of odd-numbered fiscal years from the NCO subprogram to be used in the subsequent even-numbered year for local assistance grants (rather than for grants to county forests, as under current law). If DNR does not obligate the carry-forward amount in the second year, the Department may use the unobligated amount for DNR property development in any fiscal year through 2031-32 as described above for other subprograms.

The bill would also sunset the use of any remaining stewardship bonding authority from the program's first authorization in 1989. Under current law, DNR may use the remaining bonding authority available from the 1989-2000 stewardship program for property development through June 30, 2022. The bill would extend this to June 30, 2032. As of February 28, 2021, \$31,500 bonding authorization remains available.

[Bill Sections: 505, 531, 539 thru 566, 570 thru 579, 586, 2841, and 9432(2)]

## **2. STEWARDSHIP REVIEWS BY JOINT COMMITTEE ON FINANCE**

**Governor:** Increase the threshold for Joint Committee on Finance review of stewardship grants and acquisitions from \$250,000 to \$500,000. In addition, repeal the requirement that all projects north of Highway 64 be subject to review.

Under current law, all stewardship projects of over \$250,000 and any fee-simple acquisition north of state Highway 64 are subject to a 14-day passive review by the Joint Committee on Finance. After DNR has submitted a project request, the Committee has 14 working days to review the request. If, within that time period, the Co-Chairs do not notify DNR that a meeting has been scheduled, DNR may proceed with the project. If the Co-Chairs schedule a meeting, a majority vote is required to approve or amend the proposal.

[Bill Sections: 567 thru 569]

## **3. STEWARDSHIP PUBLIC ACCESS REQUIREMENTS**

**Governor:** Authorize the Natural Resources Board to consider usership patterns in determining whether to close a property to nature-based outdoor activities (NBOAs) if the property is not owned by DNR but acquired with a stewardship grant. As of July 1, 2011, properties acquired or developed using stewardship funding must generally be open to the public for such activities as fishing, hunting, trapping, hiking, and cross-country skiing. A property may be closed to one or more of these NBOAs if the Natural Resources Board determines that a closure is necessary to protect public safety or protect a unique plant or animal community. However, as of that date, the Board is not authorized to close stewardship-funded properties to NBOAs due to accommodations of usership patterns. The bill would not affect similar provisions pertaining to most DNR-owned

non-trail properties.

Additionally, under current law, DNR is required to produce a written directory of all publicly accessible stewardship lands at least every two years. The bill would delete this requirement. While DNR would not be required to produce a written directory, a statutory requirement that DNR provide an online searchable map of public-access stewardship lands would not be affected by the bill.

[Bill Sections: 532 thru 538 and 9332(1)]

## Forestry and Parks

### 1. COUNTY FOREST ACREAGE SHARE PAYMENTS

SEG	\$1,567,800
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**Governor:** Provide \$783,900 from the forestry account of the conservation fund annually to increase county forest acreage share payments. Lands in the county forest program are not taxable. Under s. 28.11(8)(a) of the statutes, DNR pays towns 30¢ per acre for county forest land located in the town. The Executive Budget Book indicates the Governor intends to raise the payment to 63¢ per acre to adjust for inflation, but the bill would need to be amended to modify the statutory basis for the payment.

### 2. URBAN FORESTRY GRANTS

SEG	\$1,640,000
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**Governor:** Provide an increase of \$495,000 from the forestry account in 2021-22 and \$845,000 in 2022-23 for urban forestry grants. Funding would include: (a) \$345,000 annually for grants to address emerging risks to urban forests; and (b) \$150,000 in 2021-22 and \$500,000 beginning in 2022-23 for additional urban forestation and tree planting. Authorize DNR to use emergency rules, without a finding of emergency, to create a new categories and priorities of urban forestry grants that would fund tree planting, and to increase the minimum grant amount that may be awarded. Further, annually increase base level funding by \$150,000 forestry SEG for implementation and administration of the new grant program.

The urban forestry grant program provides matching grants to local governments for forestry-related projects, including tree inventories and management plans, disease evaluations, public education and storm damage response. DNR may award up to \$524,600 for urban forestry grants in each year of the 2021-23 biennium. Under administrative code Chapter NR 47, grants for urban forest management must be at least \$1,000 and not more than \$25,000. Additionally, DNR may award up to 20% of the amount appropriated for urban forestry grants for removing, repairing, and replacing trees that have been damaged by heavy winds, tornadoes, ice, hail, or snow. Communities are eligible in areas where the Governor has declared a state of emergency. Grant awards for storm damage may be as little as \$4,000 and as large as \$50,000.

[Bill Section: 577]

**3. WISCONSIN PRIVATE FOREST LANDOWNER GRANTS**

SEG	\$650,000
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**Governor:** Provide \$325,000 forestry SEG annually to increase funding for private forest landowner grants. The program provides grants for the costs of developing and implementing forest stewardship management plans by owners of 500 acres or less of nonindustrial private forest land in the state. Management plans are required to contain practices that protect and enhance: (a) soil and water quality; (b) endangered, threatened or rare forest communities; (c) sustainable forestry; (d) habitat for fish and wildlife; and (e) the recreational, aesthetic and environmental benefits that the forest land provides. DNR administers the program with grants up to 50% of project costs; by administrative rule, the state share of costs may be up to 75% and not to exceed \$10,000. The program has base funding of \$1,147,900 in each year of the 2021-23 biennium. The bill would increase this to \$1,472,900 each year.

**4. GOOD NEIGHBOR AUTHORITY STAFFING**

	Funding	Positions
SEG	\$261,500	2.00

**Governor:** Provide \$112,100 forestry SEG in 2021-22 and \$149,400 in 2022-23 with 2.0 positions to administer the Good Neighbor Authority (GNA) program. Under GNA, the U.S. Forest Service enters into cooperative agreements or contracts with states to allow the states to perform watershed restoration and forest management services on national forest and certain other federal lands, in exchange for a portion of the revenues from timber harvests on lands under management. Currently, DNR Division of Forestry staff perform duties required by the GNA cooperative agreement. DNR reports that many of these tasks are time-intensive and divert staff from certain state forest management operations.

**5. FORESTRY INFORMATION TECHNOLOGY**

SEG	\$760,200
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**Governor:** Provide \$235,100 forestry SEG in each year of the biennium as one-time funding for maintenance and updates for Division of Forestry web applications. Further, provide \$145,000 annually for replacing outdated mobile hardware and software. Funds will support contracts for software improvements to DNR's forestry and timber sale management systems and web development for DNR's fire and emergency response system. Funding will also support the ongoing replacement of outdated mobile phones and tablets and field collection software.

**6. FORESTRY MILL RATE REESTIMATE**

**Governor:** Reestimate the transfer from the general fund to the forestry account of the conservation fund by \$7,101,200 in 2021-22 and by \$11,462,600 in 2022-23. 2017 Act 59 replaced the state forestry mill tax with a sum-sufficient appropriation from the general fund equal to the value of the tax, or 0.1697 mills for each dollar of the assessed valuation of taxable property in the state (16.97¢ per \$1,000). Funds are transferred to the forestry account for the purposes of acquiring, preserving and developing the forests of the state. The bill budgets the transfers at \$109,691,500 in 2021-23 and at \$114,052,900 in 2023-23. [See "Shared Revenue and Tax Relief-Forestry Mill Rate."]

**7. SALE OF COUNTY FOREST LAND TO TRIBES**

**Governor:** Remove the requirement that lands withdrawn from county forests and offered for sale be sold for a price greater than a minimum established by DNR, provided the land is being sold to a federally-recognized tribe. Under current law, a county may not sell land withdrawn from the county forest for less than a minimum price established by DNR, although under current law and the bill, the requirement does not apply to sales to the state or to local units of government.

[Bill Section: 623]

**8. FREE FOURTH-GRADE ADMISSION TO STATE PARKS**

GPR	\$487,200
SEG	- 487,200
Total	\$0

**Governor:** Authorize the issuance of a waiver for the annual state resident park and forest vehicle admission fee to the parent or guardian of a Wisconsin fourth-grade student, beginning January 1, 2022. Create a sum-sufficient GPR appropriation equal to the value of the waivers issued in a given fiscal year to be used for parks operations. Estimate GPR parks operations at \$243,600 each year, equal to 8,700 waivers of the normal \$28 annual resident vehicle admission fee. Delete \$175,400 annually for parks operations from the parks account of the conservation fund and \$68,200 annually from the forestry account for forestry operations.

Under the bill, a parent or guardian of a fourth-grade student in a Wisconsin public, private, or home school could apply for a waiver of the annual resident parks vehicle admission fee for a single vehicle, except a motor bus. The bill would require that an application include: (a) the child's name and date of birth; (b) the name of the school the child is or will be attending, or a certification that the child is in a home-based private education program; (c) a certification that the child is, was, or will be a fourth-grade pupil on the January 1 of the calendar year for which the fee waiver is issued. Evidence of fourth-grade enrollment could include report cards, verified enrollment forms, a dated letter from the school on official letterhead, or other proof DNR may accept. The bill would authorize one fourth-grade fee waiver per household, regardless of how many children are in the family.

[Bill Sections: 334, 617, and 9432(3)]

**9. PARKS UTILITY FUNDING**

SEG	\$190,000
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**Governor:** Provide \$95,000 from the parks account annually for parks general program operations to reflect increased utility costs. DNR reports that rising electricity costs and an increase in the number of electrified campsites have raised utility costs at state parks. The provision is intended to account for increased costs that could otherwise require reallocating funding from other parks program areas.

**10. DEPARTMENT OF CORRECTIONS PARKS STAFFING AGREEMENT**

SEG	\$312,000
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**Governor:** Provide \$156,000 from the parks account annually, including \$112,200 for limited-term employee salaries, \$25,200 for fringe benefits and \$18,600 for supplies and services to allow DNR to hire persons under the Department of Corrections' supervision as LTEs in state parks. The administration reports that the provision would support 1,039 hours of labor performed by two crews, each with three inmates and one crew leader.

**11. ICE AGE AND NORTH COUNTRY TRAIL MAINTENANCE**

SEG	\$270,000
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**Governor:** Provide \$135,000 from the parks account annually for supplies and services to maintain the Ice Age and North Country Trails. The Ice Age Trail, which runs 1,200 miles throughout the state and North Country Trail, which runs 200 miles through northwest Wisconsin, are national scenic trails. Funds would be used to contract with nonprofit organizations to manage the trails.

**12. SAUK PRAIRIE STATE RECREATION AREA**

SEG	\$50,000
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**Governor:** Provide \$25,000 each year from the segregated heritage state parks and forests fund for the Sauk Prairie State Recreation Area. DOA reports that the funding would support the Sauk Prairie Conservation Alliance in developing several infrastructure projects, including signage, internal roads, and hiking and picnic areas.

The heritage state parks and forests fund is a segregated trust fund that receives payments for utility easements that cross state conservation lands, as well as designated gifts, grants or bequests. The fund supports grants to nonprofit friends groups for development projects in state parks, southern forests, and recreational areas. The fund had a balance of \$1.25 million as of June 30, 2020. The bill would budget funding under the only appropriation from the fund, which is a sum-sufficient appropriation.

**13. EMINENT DOMAIN FOR STATE TRAILS**

**Governor:** Allow DNR to use condemnation to acquire land for state trails. Current law prohibits state entities from using eminent domain to establish or extend a recreational trail, bicycle lane, or other bicycle way. Under current law and the bill, any use of condemnation would require approval by appropriate standing committees of the Legislature, as determined by the presiding officer in each house. [See "Transportation -- Local Transportation Assistance."]

[Bill Sections: 530, 615, and 618 thru 622]

**14. PARKS AND FORESTS ACTIVITY GUIDE**

**Governor:** Require DNR to develop an internet-based visitor activity guide for state parks,

forests, recreation areas and trails.

[Bill Section: 616]

## Fish and Wildlife

### 1. DEER CARCASS DISPOSAL GRANTS

SEG	\$1,100,000
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**Governor:** Provide one-time funding of \$1,000,000 fish and wildlife SEG in 2021-22 in a continuing appropriation to provide grants to local governments, businesses, or nonprofit conservation organizations for the acquisition of receptacles for the disposal of deer carcasses. Additionally, provide \$50,000 annually in ongoing funding for educational programming related to chronic wasting disease (CWD).

CWD is a fatal neurological disease in cervids such as deer and elk. The disease is communicable through deformed prions that can pass to other cervids through saliva, urine, or blood. Prions shed by infected animals also are thought to persist in soils, although infectivity and the length of prion viability is still being researched. The provision is intended to provide additional secured options for disposing of a deer carcass and entrails, rather than leaving the carcass at the site of field dressing and risking the spread of prions from infected carcasses or tissues.

[Bill Sections: 349 and 625]

### 2. WATERFOWL STAMP INCREASE

SEG-REV	\$519,000
SEG	\$519,000

**Governor:** Increase the price of the waterfowl stamp by five dollars, from \$7.00 to \$12.00. (The stamp cost under current law and the bill includes a 25¢ issuing fee.) Reestimate expenditures from stamp revenues by \$259,500 each year. Authorize DNR to use waterfowl stamp proceeds to provide grants to NCOs and local units of government for developing and restoring wetlands.

The waterfowl stamp is required of any person at least 16 years old who must purchase a state license to hunt waterfowl. Two-thirds of stamp revenues are to be used for managing, preserving, or restoring wetland habitat and for producing waterfowl and related species. These funds may be awarded to DNR or to other cooperating entities. Priority is given to projects including nesting habitat restoration, wetland hydrology enhancements, or major wetland management and maintenance. DNR may expend all monies received from the specified portion of stamp revenues. The appropriation would be reestimated by \$173,000 each year to \$530,000 under the provision.

The remaining one-third of stamp revenue is to be used to develop propagation areas in Canada to support bird populations through the state and the Mississippi River Flyway. Funds for

propagation areas are provided only to nonprofit conservation organizations through a separate aids appropriation. The aids appropriation would be reestimated to \$254,000 each year, an increase of \$86,500.

[Bill Sections: 626 and 632]

**3. PIERCE COUNTY ISLANDS WILDLIFE AREA RESTORATION**

SEG	\$3,000,000
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**Governor:** Provide \$3,000,000 conservation SEG in 2022-23 as one-time funding in a continuing appropriation for a project to restore the Pierce Islands Wildlife Area on the Mississippi River in Pierce County. Funds would support wetland and habitat restoration intended to improve water quality.

[Bill Section: 355]

**4. SHEBOYGAN MARSH DAM**

SEG	\$1,000,000
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**Governor:** Create a continuing appropriation and provide \$1,000,000 in 2021-22 from the fish and wildlife account of the conservation fund for a grant to Sheboygan County for removal and reconstruction of the dam on the Sheboygan River at Sheboygan Marsh. In November, 2020, Sheboygan County's five-year capital plan noted the dam is nearing 100 years old, and replacement of the dam and its components would improve management of water levels and aquatic plants in Sheboygan Marsh. Sheboygan County estimated total project costs of \$2.7 million. DNR reports Sheboygan Marsh is the largest restored wetland area in Wisconsin's Great Lakes basin.

[Bill Sections: 350 and 641]

**5. TERRESTRIAL INVASIVE SPECIES GRANT PROGRAM**

SEG	\$1,061,400
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**Governor:** Create a program to provide grants to cooperative invasive species management areas (CISMAs) for surveying, monitoring, and controlling invasive species. Provide \$540,000 annually to fund the grants in a new conservation SEG annual appropriation. Additionally, reallocate 1.0 position from wildlife management to natural heritage conservation to coordinate terrestrial invasive species management. Delete \$18,600 in 2021-22 to reflect the timing of filling the position mid-year.

Terrestrial invasive species include such plants as giant hogweed, garlic mustard, giant knotweed, and poison hemlock. CISMAs are organizations of landowners and land managers that work to develop a management plan to control invasive species within a defined geographical region. CISMAs receive limited operational support from DNR. DNR reports that the grants would provide stable funding and coordination for CISMAs.

[Bill Section: 351]

**6. WILDLIFE MANAGEMENT AND NATURAL HERITAGE CONSERVATION TRANSFERS**

	<b>Funding</b>	<b>Positions</b>
GPR	\$137,100	1.00
PR	- 338,400	- 2.00
SEG	<u>209,400</u>	<u>1.00</u>
Total	\$8,100	0.00

**Governor:** Make the following transfers within or among appropriations in the wildlife management and natural heritage conservation programs:

Convert 1.0 position and \$94,500 annually from program revenue to conservation SEG to reflect reduced revenues from an interagency agreement with the Department of Transportation (DOT), and to better align position funding with work conducted in the Natural Heritage Conservation Bureau.

Provide \$900 SEG in 2021-22 and \$19,500 SEG in 2022-23 from the fish and wildlife account of the conservation fund to reallocate 1.0 existing wildlife management position to a wildlife veterinarian. Additional funding would be intended to provide funding sufficient to fill the position at an annual salary of \$85,000.

Convert 1.0 PR vacant position for ferrous metallic mining regulation to GPR to develop a statewide resource adaptation plan. The provision would delete \$74,700 PR annually and fund the GPR position at \$59,400 in 2021-22 and \$77,700 in 2022-23.

**7. RESIDENT HUNTING AND FISHING IDENTIFICATION**

**Governor:** Allow Wisconsin residents purchasing hunting and fishing licenses, authorizations, and stamps to prove state residency using a identification card issued by DOT. Under current law, Wisconsin residents pay a lower price for hunting and fishing authorizations than nonresidents. To establish residency, purchasers must show they have maintained a permanent residence in Wisconsin for at least 30 days. Purchasers can demonstrate Wisconsin residency using a Wisconsin driver's license, utility bill, voting records, or income tax records. The bill would expand the categories of proof of residency to a non-driver identification card issued by DOT.

[Bill Section: 624]

**Motorized Recreation**

**1. BOATING SAFETY AND ENFORCEMENT AIDS**

SEG	\$1,800,000
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**Governor:** Provide an increase of \$900,000 annually for boating safety and enforcement aids. Increase the reimbursement rate for enforcement aids from 75% under current law, to 80%. Under current law, DNR reimburses municipalities for up to 75% of the cost of enforcement of state and local boating laws. Aids are prorated if funding is insufficient to reimburse all eligible



claims. Enforcement aids have a base budget of \$1,386,000. The bill would increase this amount to \$2,286,000 annually.

[Bill Section: 645]

## 2. LOCAL ATV AND UTV FUNDING

SEG	\$1,235,000
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**Governor:** Increase annual funding for local all-terrain vehicle (ATV) and utility terrain vehicle (UTV) trail aids by \$617,500. Trail aids are available to local governments for non-state ATV and UTV trail projects, including mapping and installation of signs, and under 2019 Wisconsin Act 183, ATV trail aids are available to nonprofit organizations for maps, digital information or applications, communications equipment, or signage. Trail aids are funded from the ATV account, which is supported primarily by ATV and UTV registration fees.

Under current law, DNR may expend up to \$1,670,000 each year from ATV registration revenues and \$95,600 each year from UTV registration revenues. DNR reports the provision is intended to meet continuing demand for trail maintenance and improvements as motorized recreation has increased in popularity. The bill would increase the amount available for ATV trail aids by \$375,000, from \$1,670,000 to \$2,045,000. The amount available for UTV trail aids would increase by \$242,500, from \$95,600 to \$338,100.

## 3. STATE ATV AND UTV TRAIL MAINTENANCE

SEG	\$500,000
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**Governor:** Provide a \$250,000 increase in annual funding for state ATV and UTV trail maintenance and development. Under current law, DNR may spend up to \$310,500 annually on ATV trail maintenance and development, and \$16,900 annually on UTV trail maintenance and development. DNR reports the provision would accommodate additional maintenance of state trails in response to an increase in the number of motorized recreational trails and trail users. The bill would increase the amount available for ATV trails by \$187,500, to \$498,000 annually, and for UTV trails by \$62,500, to \$79,400 annually.

## 4. SNOWMOBILE TRAIL MAPPING

SEG	\$400,000
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**Governor:** Increase county snowmobile trail aids by \$200,000 in each year of the biennium. Expand eligible uses of snowmobile aids to include real-time online tracking of snowmobile trail conditions and geographic information system (GIS) mapping of snowmobile trails. Authorize direct aids payments to a qualified vendor to provide real-time tracking of trail grooming through an existing online system and to maintain an accurate statewide GIS map of snowmobile trails.

Under current law, DNR distributes aids to participating counties for the maintenance, development, and acquisition of land for snowmobile trails. Generally, these aids are provided to counties at 100% of eligible costs. The counties either develop and maintain local trails, or, more typically, redistribute aid to local snowmobile clubs that do the maintenance and development projects. The bill would increase these aids from \$5,475,400 each year to \$5,675,400 and authorize direct payments to a vendor for maintenance of online information on trails and conditions through

the Snowmobile Automated Reporting System, or SNARS.

[Bill Sections: 2840 and 2842]

## 5. OFF-HIGHWAY MOTORCYCLE NONRESIDENT TRAIL PASS REVENUES

**Governor:** Deposit all revenues from the nonresident off-highway motorcycle (OHM) trail pass into the continuing appropriation for OHM program administration. OHM program administration is funded by a GPR transfer to the SEG conservation fund equal to the registration fees paid by OHM owners. Revenues from the \$35 annual nonresident trail pass and the \$20 five-day nonresident trail pass are deposited into the conservation fund but are not available for OHM program operations.

[Bill Section: 358]

6. RECREATIONAL VEHICLE DEALER ONLINE REGISTRATION	SEG	\$340,000
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**Governor:** Provide one-time conservation SEG funding of \$250,000 in 2021-22 and \$90,000 in 2022-23 to develop a system within the GoWild online portal for applications for registration certificates by dealers and purchasers of ATVs, UTVs, off-highway motorcycles, and snowmobiles. GoWild is DNR's online system for purchasing fishing and hunting licenses and authorizations as well as recreational vehicle registrations and trail passes. Under current law, recreational vehicle dealers register and title recreational vehicles on behalf of the purchaser through the mail. The bill would create an internet-based system. DNR indicates that this would better secure customer data and would eliminate delays that may arise from a mail-based system. DNR intends to use the one-time funding to enter a contract with a developer to create the system.

[Bill Sections: 581, 582, 587 thru 591, 593, 594, and 2830 thru 2834]

## 7. RECREATIONAL VEHICLE REGISTRATION FEE RETENTION

**Governor:** Authorize DNR to deposit issuance fees collected on recreational vehicle registrations, renewals, and transfers purchased through the GoWild online system into an existing dedicated appropriation for handling fees. Recreational vehicle users may purchase registrations, renewals, and transfers through the GoWild system, through mail, or from authorized private sector agents. Under current law, private sector agents may retain a portion of the registration fee to cover issuance and handling costs. When registrations are sold through the GoWild system, registration fees are deposited into the conservation fund and DNR must pay issuance and handling fees through general program operations appropriations. The bill would authorize DNR to deposit a portion of the license fee into a dedicated appropriation to pay issuance and handling fees. Although the provision would affect how certain fees are deposited in DNR accounts, the provision would not affect current registration fee levels for vehicle registrants, fees retained by issuing agents, or overall DNR revenues or expenditures.

[Bill Sections: 357, 583 thru 585, 591, 592, 595, 642 thru 644, 2833, 2835, and 2836]

## 8. RECREATIONAL VEHICLE FUEL TAX TRANSFER

**Governor:** Increase annual transfers by \$842,800 in 2021-22 and \$1,404,600 in 2022-23 from the transportation fund to the all-terrain vehicle (ATVs and utility terrain vehicles), snowmobile, and water resources (motorboats) accounts of the segregated conservation fund under the recreational vehicle fuel tax formulas, as shown in the table. By statute, transfers are based on the fuel tax rate and the count of registered recreational vehicles as of certain dates in the preceding fiscal year.

### Recreational Vehicle Gas Tax Transfers

	Base	2021-22		2022-23	
		Change	Total	Change	Total
Motorboats	\$12,591,300	\$262,700	\$13,214,000	\$548,100	\$13,499,400
Snowmobile	4,909,200	318,200	5,227,400	422,700	5,331,900
ATVs	1,874,200	19,100	1,893,300	35,500	1,909,700
UTVs	<u>534,400</u>	<u>242,800</u>	<u>777,200</u>	<u>398,300</u>	<u>932,700</u>
Total	\$20,269,100	\$842,800	\$21,111,900	\$1,404,600	\$21,673,700

[See "Miscellaneous Appropriations" for corresponding transportation fund SEG transfer entries.]

## Waste, Remediation, and Air

### 1. PFAS ACTION PLAN IMPLEMENTATION AND STAFFING

	Funding	Positions
SEG	\$3,028,000	11.00

**Governor:** Provide funding of \$731,300 SEG in 2021-22 and \$936,700 SEG in 2022-23 with 11.0 positions to implement portions of the Wisconsin PFAS Action Plan released in December, 2020. Per- and polyfluoroalkyl substances, known as PFAS, are synthetic chemicals commonly found in nonstick surfaces and cookware, paint, and firefighting foam. Research and studies indicate PFAS are toxic to humans. PFAS do not easily degrade and tend to accumulate in humans and the environment. Since 2013, more than 30 contaminated sites with PFAS groundwater, drinking water, surface water, sediment, or soil contamination have been reported to DNR at locations around the state as a result of various private and governmental uses of the chemicals.

The following table summarizes positions recommended by the Governor by DNR program area. All positions shown would be funded from the environmental management account of the environmental fund, except those for wildlife management, which would be supported by the fish and wildlife account of the conservation fund.

## PFAS Action Plan Positions and Funding

<u>DNR Program / Positions</u>	<u>2021-22</u>	<u>2022-23</u>	<u>Positions</u>
Drinking and Groundwater			
Water Supply Specialists	\$197,100	\$253,100	3.00
Water Quality			
Wastewater Specialists	121,100	158,400	2.00
Air Management			
Air Management Engineer / Air Management Specialist	171,000	208,400	2.00*
Remediation and Redevelopment			
Hydrogeologist Program Coordinator / Hydrogeologist	121,100	158,400	2.00
Waste and Materials Management			
Hydrogeologist	60,500	79,200	1.00
Wildlife Management			
Toxicologist	<u>60,500</u>	<u>79,200</u>	<u>1.00</u>
Total	\$731,300	\$936,700	11.00

\* Includes 1.0 four-year project position.

(The state budget system would erroneously allocate the 2.0 water quality positions and funding to waste and materials management. A modification would accomplish the intent of the provision.)

Additionally, provide \$600,000 environmental management SEG each year in the DNR continuing appropriation for state responses to hazardous substance spills and discharges. Further, provide \$80,000 environmental management SEG each year in ongoing operations funding for testing of PFAS contamination in water supplies, including: (a) \$55,000 for waterway testing and sampling; and (b) \$25,000 each year for PFAS testing at wastewater treatment facilities.

### 2. PFAS MUNICIPAL GRANT PROGRAM

GPR	\$20,000,000
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**Governor:** Provide ongoing funding of \$10,000,000 each year in a continuing appropriation for the creation of a grant program for municipalities to investigate and respond to PFAS contamination statewide.

*Municipality Eligibility.* Specify that eligible municipalities include any city, village, town, county, utility district, lake protection district, sewerage district, or municipal airport, and require one of the following to have occurred: (a) the municipality or a third party tested or trained with a class B firefighting foam that contained intentionally added PFAS in accordance with applicable state and federal law, and within the boundaries of the municipality; (b) the municipality applied bio-solids to land under a DNR-issued wastewater permit; or (c) PFAS are impacting the municipality's drinking water supply, surface water, or groundwater within the municipality, and the responsible party is unknown, unwilling, or unable to take the necessary response actions. Require applicants to contribute matching funds equal to at least 20% of the amount of the grant, including either cash or in-kind contributions.

*Eligible Activities.* Authorize DNR to award grants for any of the following activities: (a)

investigating potential PFAS impacts to the air, land, or water at a site or facility; (b) treating or disposing of PFAS-containing firefighting foam containers from a municipal site or facility; (c) sampling a private water supply within three miles of a site or facility known to contain PFAS or to have caused a PFAS discharge; (d) providing a temporary emergency water supply, a water treatment system, or bulk water to replace water contaminated with PFAS; (e) conducting emergency, interim, or remedial actions to mitigate, treat, dispose of, or remove PFAS contamination in the air, land, or waters of the state; (f) removing or treating PFAS in a public water system using the most cost-effective method to provide safe drinking water in areas where PFAS levels exceed either the maximum contaminant level or an enforcement standard for PFAS, or where the state has issued a health advisory for PFAS.

*Evaluation Criteria.* Applicant municipalities would be required to demonstrate the following: (a) financial and administrative commitment to performing and completing eligible activities; (b) the degree to which the project would have a positive impact on public health and the environment; and (c) other criteria on which DNR prioritizes available grant funds. Authorize DNR to request any applicant provide information necessary to determine the eligibility of the project, identify the funding requested, determine the priority of the project, and calculate the amount of a grant.

*Emergency Rules.* Authorize DNR to issue emergency rules for the PFAS municipal grant program, without the finding of emergency or providing evidence that an emergency rule is necessary to preserve public health, peace, safety or welfare. Waive the requirements that DNR prepare a scope statement and submit proposed emergency rules to the Governor.

[Bill Sections: 354, 2672, and 9132(3)]

**3. PFAS-CONTAINING FIREFIGHTING FOAM DISPOSAL**

SEG	\$1,000,000
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**Governor:** Provide \$1,000,000 in 2021-22 in a new continuing appropriation from environmental management SEG for collecting and disposing of PFAS-containing firefighting foam. Authorize DNR to issue emergency rules for the collection program, without the finding of emergency or providing evidence that an emergency rule is necessary to preserve public health, peace, safety or welfare. Waive the requirements that DNR prepare a scope statement and submit proposed emergency rules to the Governor.

In 2020, DNR and the PFAS Action Committee estimated that there were perhaps 50,000 gallons of PFAS-containing firefighting foam being stored by fire departments throughout the state. DNR estimates that it costs \$20 per gallon to collect and dispose of PFAS-containing foam, and the provision is intended to provide one-time funding to dispose of the PFAS-containing foams currently possessed by fire departments.

[Bill Sections: 348 and 9132(9)]

**4. PFAS PUBLIC WATER SUPPLY SAMPLING**

SEG	\$750,000
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**Governor:** Provide \$750,000 environmental management SEG in 2021-22 in a new

continuing appropriation for sampling and testing public water supplies for PFAS. DNR reports funding would be expected to support certain internal operational expenses as well as payments to the Wisconsin State Laboratory of Hygiene for testing samples. Funding would be provided on a one-time basis and available under the continuing appropriation until fully expended.

[Bill Section: 347]

## 5. PFAS STANDARDS

**Governor:** Require DNR to promulgate emergency rules to establish acceptable levels, performance standards, monitoring requirements, and required response actions for PFAS. Require rules to apply to any per- or polyfluoroalkyl substance, or group or class of substances, that DNR determines are harmful to human health and the environment in the following media: (a) drinking water; (b) surface water from both point sources and nonpoint sources; (c) groundwater; (d) air, if necessary to provide adequate protection for public health and welfare; (e) solid waste and solid waste facilities; (f) beds of navigable waters; and (g) soil and other sediment.

In addition, require DNR to promulgate emergency rules to do the following: (a) add individual substances or classes of PFAS to the list of toxic pollutants in water for setting state effluent standards under the Wisconsin pollutant discharge elimination system for wastewater, provided DNR determines the substance or class to be harmful to human health; (b) identify and list PFAS as a hazardous waste constituent, provided DNR determines the listing necessary to protect human health, safety, or welfare; and (c) administer and enforce requirements under Chapter 292 of the statutes, related to remedial cleanup of hazardous substance discharges, for PFAS discharges to the environment.

Require rules described above to include sampling, monitoring, testing, enforcement, and response provisions for at least the following substances: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluorobutane sulfonic acid (PFBS). Specify DNR may promulgate emergency rules without finding of emergency or providing evidence the rule is necessary to preserve public health and welfare. Specify emergency rules remain in effect until July 1, 2022, or the date on which permanent rules take effect, whichever is sooner.

*Groundwater Contaminants List.* Require DNR to add to the state list of groundwater contaminants any individual PFAS or class of PFAS shown to involve public health concerns and that has a reasonable probability of entering the groundwater. By statute, any substance added to the state list of groundwater contaminants is assessed for risks to public health or welfare. The Department of Health Services (DHS) and DNR then must establish an enforcement standard and preventive action limit for each substance. Enforcement standards generally represent the maximum level of contamination to which the public can be exposed; remedial responses are required if groundwater exceeds an enforcement standard. Preventive action limits by statute are between 10% and 50% of the enforcement standard, and are levels at which contamination could be investigated and mitigated to prevent an enforcement level exceedance.

Additionally, the bill would authorize DHS to recommend enforcement standards for each individual PFAS, PFAS as a class of substances, or different groups of PFAS. If DHS were to

recommend an enforcement standard for PFAS, DNR would be required to apply the standard as an interim enforcement standard, unless emergency or permanent rules implemented an enforcement standard for the same substances. Further, if an interim enforcement standard were applied, DNR would be required to establish an interim preventive action limit of 20% of the concentration of the interim enforcement standard.

Further, the bill would require DNR to establish a DHS-recommended enforcement standard for an individual PFAS or class of PFAS as an interim maximum contaminant level (MCL) for public water systems, water suppliers, and certified laboratories analyzing drinking water, unless emergency or permanent rules had taken effect. This would take effect on the first day of the seventh month beginning after the bill's publication. Under current law, no water source exceeding any primary MCL may be connected to a public water system.

*Water Quality Standards.* Require DNR to promulgate water quality standards for PFOA, PFOS, PFHxS, PFNA, and PFBS, in addition to any other individual PFAS or class of PFAS that DNR determines is harmful to human health, and from which it is necessary to protect a water's designated use. Water quality standards are established by DNR to describe conditions under which state waters can fulfill designated uses such, including those supporting fish, wildlife and human domestic, commercial or recreational activities.

*Air Standards and Emissions Reporting.* Create a finding that PFAS emissions standards are required to provide adequate protection of public health and welfare. (The finding would be inconsistent with nonstatutory language under the provision giving DNR discretion to determine whether air standards were necessary to protect public health. A modification to the bill would clarify the provision's intent.) Require DNR to promulgate emissions standards for any known PFAS to adequately protect public health, but specify DNR is to account for energy, economic, and environmental impacts or other costs affecting emissions sources.

Further, require DNR to consider all PFAS as air contaminants for purposes of required reporting of certain hazardous substance or air contaminant discharges in Wisconsin. Establish the reporting level of zero pounds per year, meaning any emissions would be subject to reporting.

[Bill Sections: 2294 thru 2296, 2606, 2646, 2674, 9132(4), 9132(5), 9132(6), and 9432(1)]

## **6. FINANCIAL RESPONSIBILITY FOR PFAS**

**Governor:** Authorize DNR to require proof of financial responsibility from individuals or businesses that possess or control PFAS. Financial responsibility would be intended to ensure means of addressing potential discharges or contamination, including emergency responses, remedial action, and long-term care of contaminated sites. Require DNR to establish rules for procedures to determine when proof of financial responsibility is necessary. Specify that rules may establish types of financial responsibility, procedures for calculating necessary amounts, and other conditions determined by DNR. Specify proof of financial responsibility for PFAS is in addition to any other requirements provided under Chapter 292 of the statutes (environmental remedial action).

[Bill Section: 2673]

## 7. CERTIFIED PFAS TESTING LABORATORIES

**Governor:** Require DNR to issue emergency rules for certifying laboratories that test for PFAS, including standards and methods for testing. Rules would remain in effect until July 1, 2022, or the date on which permanent rules take effect, whichever is sooner. Specify that DNR is not required to make a finding of an emergency, and is not required to provide evidence that emergency rules are necessary for the protection of public health, safety, or welfare. Specify that DNR may require testing for PFAS using nationally recognized procedures prior to emergency rules being issued.

[Bill Section: 9132(7)]

## 8. HAZARDOUS SUBSTANCE DISCHARGE INVESTIGATIONS

**Governor:** Authorize DNR to request, from an individual or business that generated a solid or hazardous waste at a site under DNR investigation, any records or documents related to waste that was transported to, treated at, stored at, or disposed of at another site, facility or location. Records or documents may include information on: (a) the type and quantity of waste generated; (b) the site or facility to which it was transported, treated, or stored; and (c) the dates and locations of the aforementioned activities.

Currently, the state environmental repair law under s. 292.31 of the statutes authorizes DNR to request, and requires persons to provide, information regarding wastes or discharges at sites under investigation for environmental contamination. Such investigations are intended to determine the nature and extent of contamination and the identity of potentially responsible parties. The bill would amend current authority to include investigations of solid or hazardous wastes that were moved to other sites.

[Bill Sections: 2670 and 2671]

## 9. BONDING FOR GREAT LAKES CONTAMINATED SEDIMENT REMOVAL

BR	\$25,000,000
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**Governor:** Increase bonding authority by \$25,000,000 for removing contaminated sediments in Lake Michigan, Lake Superior, and their tributaries. Since 2007, DNR has been authorized \$36 million in contaminated sediment bonding authority, including \$4 million provided by 2019 Act 9. Of these amounts, DNR has expended \$27.2 million as of September 30, 2020, on nine projects in which the state was responsible for cleanup, or a viable responsible party could not be identified. Funding under the provision would support a portion of approximately \$37.25 million in additional state funding obligations identified for remediation in the Milwaukee Estuary and St. Louis River (Douglas County) Areas of Concern (AOC). DNR reports most of the \$8.8 million remaining in existing bonding authority is also being designated for these areas.

Debt service for contaminated sediment bonding is supported by environmental



management SEG. The bill estimates this debt service at \$2.3 million in 2021-22 and \$2.1 million in 2022-23.

[Bill Section: 508]

#### 10. MILWAUKEE METROPOLITAN SEWERAGE DISTRICT DREDGED MATERIAL MANAGEMENT FACILITY

**Governor:** Allow a commission for a metropolitan sewerage district serving a first-class city (the Milwaukee Metropolitan Sewerage District) to finance and construct a dredged material management facility. Specify that the authority to construct a dredged material management facility expires January 1, 2032. Provide that MMSD, notwithstanding requirements to the contrary, shall cover costs of the facility through its capital budget and is to finance the cost over a period of 35 years. Allow the MMSD Commission to reserve space in the dredged material management facility for disposal of sediment from flood management projects.

The provision is primarily intended to grant authority to MMSD to construct a facility to process and store contaminated sediment from the Milwaukee Estuary Area of Concern and upstream sources. The facility would abut Jones Island and be designed to store approximately 1.7 million to 1.9 million cubic yards of sediment. An August, 2020, update of the Milwaukee Estuary AOC Remedial Action Plan estimated the cost of the dredged material management facility at \$65 million to \$90 million. The project is estimated to take two to four years.

[Bill Sections: 2437 thru 2442]

#### 11. TIPPING FEE EXEMPTION FOR WASTE-TO-ENERGY FACILITIES

SEG-REV	- \$544,200
PR-REV	- 400

**Governor:** Create an exemption from solid waste disposal fees (tipping fees) for facilities that incinerate solid waste for the purpose of energy recovery, often known as "waste-to-energy facilities." Specify that the exemption applies to facilities that: (a) are licensed as a municipal solid waste combustor; (b) under their approved plan of operation, must report the weight of material entering facility, the weight of material rejected by facility and where it was sent, and the weight of residue and where it was sent; and (c) are in compliance with their approved plan of operation. Facilities meeting the requirements would have an exemption from tipping fees for residual waste sent to landfills in the state, but not more than 30% of the total weight of material accepted by the facility. The exemption would not apply to ash generated by the facility.

Under current law, "qualified materials recovery facilities" that process postconsumer waste or construction and demolition waste for recycling are exempt from all state statutory tipping fees for certain residual non-recyclable waste, subject to certain limits. The fee exemption totals \$12.847 per ton, including tipping fees for recycling (\$7 per ton), environmental repair (\$5.70 per ton), groundwater (\$0.10 per ton), well compensation (\$0.04 per ton), and the state Solid Waste Facility Siting Board (\$0.007 per ton). The bill would exempt residual waste from waste-to-energy

facilities from the tipping fees listed. The bill would also change the name of qualified materials recovery facilities to "qualified facilities."

It is expected that two facilities, one each in La Crosse and Barron Counties, would qualify for the exemption. DNR estimates a reduction in tipping fees of \$272,100 annually for the environmental fund. An additional \$200 annually in reduced program revenues would be estimated for the Solid Waste Facility Siting Board.

[Bill Sections: 2650 thru 2669]

## 12. RURAL ELECTRONICS RECYCLING GRANTS

**Governor:** Require DNR to create a program to provide grants for the expansion of electronics recycling collection in rural counties of Wisconsin. Authorize grants to local government, businesses, and nonprofit organizations for the hosting of collection sites using available balances and revenues allocated from the E-Cycle program. DNR estimates that it would utilize \$25,000 to \$50,000 annually for perhaps five to 10 grants to areas of Wisconsin that lack access to recycling programs.

DNR administers the electronics recycling program established under 2009 Wisconsin Act 50. The program includes requirements for sales and recycling of covered electronic devices used by households, K-12 schools, and private school choice program schools (covered schools). It also includes requirements for manufacturers, retailers, collectors, and recyclers of covered electronic devices. Covered electronic devices include televisions and computer monitors with a tube or screen at least seven inches at its longest diagonal measurement, computers, and printers. Revenues to the program are from registration fees assessed to manufacturers and fees assessed for manufacturers recycling fewer devices than sold in a year. The E-Cycle program had a June 30, 2020, balance of \$532,000.

[Bill Section: 2648]

## 13. AIR MANAGEMENT POSITIONS TRANSFER

**Governor:** Transfer 9.75 positions and \$1,088,300 PR funded by operation permit fees for federally-regulated (Title V) stationary air pollution sources to environmental fund SEG. The

	Funding	Positions
PR	-\$2,176,600	- 9.75
SEG	<u>2,176,600</u>	<u>9.75</u>
Total	\$0	0.00

positions to be transferred are those budgeted for Division of Environmental Management administration, enforcement and other all-agency programs, on the basis of staffing associated with the federal operation permit program. The administration indicates permit fee revenues from federally-regulated sources are insufficient to fund all currently authorized positions. The positions and funding to be moved from PR to SEG are summarized in the following table.

### Air Program Positions Transfers

<u>DNR Program</u>	<u>Annual Funding</u>	<u>Positions</u>
Environmental Management Administration	\$493,500	3.00
Enforcement	104,000	1.00
External Services		
Customer Services	216,300	3.25
Environmental Analysis and Sustainability	272,000	2.50
Communications	<u>2,500</u>	<u>0.00</u>
<b>Total</b>	<b>\$1,088,300</b>	<b>9.75</b>

Additionally, reallocate 0.5 position and \$43,700 between PR appropriations, from operation permit fees for federally-regulated sources to an appropriation for certification of operators of water systems. The transfer would add to an existing 0.5 position in the environmental analysis and sustainability program to create 1.0 position.

#### 14. BAN ON COAL TAR-BASED SEALANTS

**Governor:** Beginning January 1, 2022, prohibit the sale of coal tar-based sealant products and sealant products containing more than 0.1% polycyclic aromatic hydrocarbons (PAHs) by weight. Additionally, prohibit the use of these products beginning July 1, 2022. Authorize DNR to grant exemptions for research on the effects of a coal tar sealant or high-PAH sealant, or for a person developing an alternative technology if prohibited compounds are required for research or development.

[Bill Section: 2675]

#### 15. LOCAL REGULATION OF AUXILIARY CONTAINERS

**Governor:** Allow DNR to grant municipal exemptions from the ban on local regulation of auxiliary containers. Require municipalities to submit an application to DNR describing the type of container to be exempt, and demonstrate that the municipality could not sell the type of container at a price that would exceed the recycling processing costs of that container. Provide that an exemption may be approved for up to two years.

Under current law, cities, towns, and villages do not have the authority to prohibit, restrict, impose fees on, or otherwise regulate the use of auxiliary containers. Auxiliary containers are typically single-use items made of plastic, aluminum, glass, or cardboard, that are meant to transport and protect merchandise and food items.

[Bill Sections: 1137 and 2647]

## Water Quality

### 1. WELL COMPENSATION GRANT PROGRAM

GPR	\$2,000,000
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**Governor:** Provide \$1,000,000 each year in a new annual appropriation for well compensation and well abandonment grants. DNR's well compensation grant program provides funding to eligible landowners or renters to replace, reconstruct, or treat contaminated private water supplies that serve a residence or provide water to livestock. The bill would also make changes to program eligibility and awards provisions as described in the following paragraphs.

*Eligibility.* Change eligibility criteria for the well compensation grant program as follows: (a) increase the annual family income limit to \$100,000 from \$65,000; and (b) specify a well or private water supply that produces water with a concentration of at least 10 parts per billion of arsenic or 10 parts per million of nitrate nitrogen is an eligible contaminated well or contaminated private water supply.

Additionally, repeal the requirement that if a claim is based on contamination by nitrates and not by any other substance, DNR may make a well compensation award only if the well: (a) is used as a source of drinking water for livestock or for both livestock and a residence; (b) is used at least three months of each year and while in use provides an estimated average of more than 100 gallons per day for consumption by livestock; and (c) produces water containing nitrates exceeding 40 parts per million (ppm) nitrate-nitrogen. This would make residential wells with nitrate contamination eligible for the program.

*Grant Awards.* Further, make the following program changes regarding well compensation grant awards: (a) allow a claimant whose family income is below the state's median income (estimated currently at \$57,500 for a family of four) to receive a grant of up to 100% of eligible project costs, rather than 75% under current law, but not to exceed \$16,000 as under current law; and (b) eliminate the requirement to reduce an award by 30% of the amount by which the claimant's income exceeds \$45,000 if the claimant's family income exceeds \$45,000.

Further, create an exception to the current requirement that DNR must allocate money for the payment of claims according to the order in which completed claims are received. The exception would specify that if the well compensation grant program has insufficient funds to pay claims, DNR would have discretion to prioritize claims based on nitrate contamination in the following order of priority: (1) claims based on water containing more than 40 ppm nitrate nitrogen; (2) claims based on water containing more than 30 but not more than 40 ppm nitrate nitrogen; (3) claims based on water containing more than 25 but not more than 30 ppm nitrate nitrogen; (4) claims based on water containing more than 20 but not more than 25 ppm nitrate nitrogen; and (5) claims based on water containing more than 10 but not more than 20 ppm nitrate nitrogen. The bill would apply this prioritization to funding if the existing well compensation grant appropriation of \$200,000 environmental management SEG each year were insufficient to pay claims.

Under current law and the bill, DNR is appropriated \$200,000 environmental management SEG each year in a continuing appropriation for well compensation grants. As a result, well compensation grants would be appropriated a total of \$1,200,000 each year under this provision.

[Bill Sections: 352 and 2636 thru 2644]

**2. WELL CONSTRUCTION NOTIFICATION FEE**

PR-REV	\$332,000
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**Governor:** Increase the well construction notification fee to \$70. Currently, the fee is set at \$50, and the statutes also require a processing fee of \$0.50. The statutes require that a property owner provides advance notice to DNR before construction of any new private well that is not a high-capacity well. The administration estimates that the well notification fee would generate approximately \$166,000 annually. Revenues from well notification and other groundwater withdrawal fees are deposited to program revenue appropriations for groundwater administration, research and management.

[Bill Section: 2607]

**3. WELL CONSTRUCTION VARIANCES APPLICATION FEE**

PR-REV	\$50,000
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**Governor:** Require DNR to collect a \$100 fee from a person who is requesting a well construction variance. Under Chapter NR 812 of the administrative code, DNR regulates the location and operation of wells for groundwater withdrawal. NR 812 allows variances to these requirements if individuals are not feasibly able to comply. This bill would require DNR to collect a \$100 fee from any individual requiring a variance. The administration estimates that the variance application fee would generate approximately \$25,000 annually.

[Bill Section: 2608]

**4. WELL INSPECTOR POSITION**

PR	- \$89,800
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**Governor:** Reallocate 1.0 vacant position in the DNR air management program for a well inspector in the DNR drinking water and groundwater program. The provision would add 1.0 position to the DNR appropriation for groundwater quantity administration and delete 1.0 position from the appropriation for permit fees from federally regulated (Title V) stationary air pollution sources. The bill would provide \$56,100 in 2021-22 and \$74,700 in 2022-23 from the groundwater management appropriation for salary and fringe benefits for position. Funding of \$74,700 annually would be deleted from the air management program, as would an additional \$35,600 annually for supplies and LTEs for groundwater management.

**5. GREAT LAKES EROSION CONTROL LOAN PROGRAM**

SEG	\$5,000,000
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**Governor:** Create a continuing appropriation and provide one-time funding of \$5,000,000 in 2021-22 from the environmental management account of the environmental fund to support a

revolving loan fund for municipalities and homeowners to ensure structural integrity of buildings threatened by erosion of the shoreline of Lake Superior and Lake Michigan. Require DNR to promulgate rules to administer this provision, including establishing eligibility criteria and income limits for loans. Further, allow the Department to promulgate an emergency rule while a final rule is being drafted, and allow the emergency rule to be promulgated without the finding of an emergency. Emergency rules would remain in effect for up to two years, unless repealed or otherwise superseded by permanent rules.

[Bill Sections: 360, 580, and 9132(1)]

**6. URBAN NONPOINT SOURCE BONDING**

BR	\$12,000,000
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**Governor:** Provide \$12,000,000 in SEG-supported general obligation bonding for the urban nonpoint source and storm water management (UNPS) and municipal flood control and riparian restoration (MFC) programs. Specify that of this amount, \$8 million is to be allocated for MFC grants. Typically, DNR determines allocations of all new bonding authority to each program, but would retain that flexibility for the remaining \$4 million of the new authorization.

The UNPS program supports projects that manage storm water runoff in urban settings. The MFC program supports flood-control and flood-proofing projects in urban settings, including property acquisition and structure removal. Grants generally support cost-sharing of up to 50%. Principal and interest payments on these bonds are supported by the nonpoint account of the environmental fund and are budgeted at \$3.2 million in 2021-22 and \$3.4 million in 2022-23.

[Bill Section: 507]

**7. FLOOD MAPPING AND FLOOD INSURANCE STUDIES**

SEG	\$2,000,000
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**Governor:** Provide \$1,000,000 nonpoint SEG each year of the 2021-23 biennium in one-time funding for preparation of flood insurance studies and other flood mapping projects.

[Bill Sections: 353 and 9132(8)]

**8. DAM SAFETY BONDING**

BR	\$6,000,000
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**Governor:** Provide \$6,000,000 in GPR-supported general obligation bonding authority for dam safety grants. No specific estimate of debt service payments is made for the program during the biennium. However, principal and interest on \$6 million in general obligation bonds could be expected to total approximately \$420,000 annually, assuming all bonds were issued for 20 years.

DNR administers the municipal dam safety grant program under s. 31.385 of the statutes. The program provides matching grants to counties, cities, villages, towns, public inland lake protection and rehabilitation districts, and other dam owners for the repair, reconstruction, or removal of dams. To qualify for a grant, a dam must be inspected and be under a DNR directive to repair or remove the dam. A total of \$36.1 million in bonding revenues for dam safety grants

has been authorized by the Legislature for this program through 2019-21, including \$4 million in each biennium since 2009-11.

[Bill Section: 509]

**9. RURAL NONPOINT SOURCE BONDING**

BR	\$6,500,000
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**Governor:** Provide \$6,500,000 in SEG-supported general obligation bonding for rural nonpoint source water pollution abatement grants. Bond proceeds support the targeted runoff management (TRM) program and provide the required 70% state cost share for the installation of structures in rural settings to improve water quality by preventing soil erosion and animal waste runoff. Bonding authority also may be disbursed as grants under a separate program to address runoff only from animal feeding operations that have been issued a notice of discharge or notice of intent to issue a notice of discharge for impermissible runoff to state waters. Principal and interest payments on these bonds are supported by nonpoint SEG and budgeted at \$2.3 million SEG in 2021-22 and \$2.8 million SEG in 2022-23.

[Bill Section: 506]

**10. NONPOINT SOURCE GRANTS**

SEG	\$200,000
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**Governor:** Provide \$100,000 nonpoint SEG each year on an ongoing basis for nonpoint source grants. These funds are allocated by DNR to support nonstructural practices required of TRM projects. Additionally, some funds are allocated under a companion program to cost-share the installation of pollution abatement practices at animal feeding operations that have been issued a notice of discharge for impermissible manure runoff. Funding of \$100,000 nonpoint SEG for these purposes was provided on a one-time basis each year of the 2017-19 and 2019-21 biennia.

**11. NONPOINT CONTRACTS**

SEG	\$1,230,000
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**Governor:** Provide an additional \$615,000 nonpoint SEG each year on an ongoing basis for nonpoint source contracts. Contracts support informational, educational, training, or research projects that assist implementation of state nonpoint source water pollution abatement programs. Most contracts have historically funded projects of UW-Extension and other UW System institutions. Recent contracts have supported the Natural Resources Education program at UW-Extension, the Center for Land Use Education (CLUE) at UW-Stevens Point, nutrient management planning software development and maintenance, best management practices tracking system development and maintenance, and nonpoint runoff research. Combined with base funding of \$267,600, total budgeted funding for nonpoint contracts would total \$882,600 each year of the biennium. 2019 Act 9 provided funding of \$767,600 each year for nonpoint contracts, including \$500,000 each year in one-time funding.

**12. BEST MANAGEMENT PRACTICES TRACKING SYSTEM DEVELOPMENT**

SEG	\$300,000
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**Governor:** Provide \$150,000 nonpoint SEG each year on a one-time basis for development of adaptive management and water quality trading modules as part of the Department's best management practices implementation tracking system. Currently, development and maintenance of the system is supported by nonpoint contracts discussed in the previous item, with an allocation totaling \$155,000 during the 2019-21 biennium. The system will receive data demonstrating use and effectiveness of grants provided by the Department as part of its urban and rural nonpoint programs, and tracking of compliance with requirements of state and federal water quality standards.

**13. WATERWAY AND WETLAND PERMITTING DATABASE**

SEG	\$440,000
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**Governor:** Provide \$220,000 each year in one-time funding from environmental management SEG to support development of a new waterway and wetland permit database.

**14. WETLAND MITIGATION PROGRAM STAFF**

	Funding	Positions
PR	\$431,300	3.00

**Governor:** Provide \$188,300 in 2021-22 and \$243,000 in 2022-23 with 2.0 permanent positions and 1.0 two-year project position to support administration of the Department's wetland mitigation program. The program collects fees of \$60,000 to \$85,000 per acre to support creation, restoration, and conservation of wetlands. Fees are intended to offset negative impacts of development approved under wetland permits, and are held in trust to compensate individuals conducting mitigation projects near a permitted site. As of December 1, 2020, the program has allocated \$18 million in wetland mitigation credits. The program is currently administered with 1.0 position and funding from general program operations GPR.

**15. CONCENTRATED ANIMAL FEEDING OPERATION FEES**

PR-REV	\$190,000
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**Governor:** Increase the fee paid by Wisconsin pollutant discharge elimination system (WPDES) permit holders that operate concentrated animal feeding operations (CAFOs) from \$345 annually to \$545 annually, and establish an application fee of \$3,270 for those applying for a new permit. The administration indicates that the application fee is intended to apply only to new CAFOs, and not operations seeking to renew an existing permit. It is estimated the proposal would increase CAFO fee revenue by \$95,000 annually, for a total of \$420,000 in fees over the biennium.

DNR is responsible for regulating CAFOs as point sources of discharges with WPDES permits issued under s. 283.31 of the statutes. Permits are issued with five-year terms, and DNR reports 319 permitted CAFOs in Wisconsin as of January, 2021. Fees are deposited into a program revenue appropriation supporting staff and operation costs associated with CAFO regulation.

[Bill Section: 2645]



**16. FLOODPLAIN TECHNICAL SUPPORT PROJECT POSITION**

	<b>Funding</b>	<b>Positions</b>
SEG	\$148,800	1.00

**Governor:** Provide \$65,100 in 2021-22 and \$83,700 in 2022-23 with 1.0 four-year project position from the water resources account of the conservation fund. The position is intended to support identification and mapping of structures located in floodplains.

**17. UPPER MISSISSIPPI MANAGEMENT PROJECT POSITION**

	<b>Funding</b>	<b>Positions</b>
SEG	\$139,800	1.00

**Governor:** Provide \$60,600 in 2021-22 and \$79,200 in 2022-23 with 1.0 four-year project position from the water resources account of the conservation fund. The position is intended to support the Upper Mississippi River Basin Association (UMRBA) and U.S. Army Corps of Engineers flood control and dredging efforts along the Mississippi River. UMRBA was created as a joint endeavor of Illinois, Iowa, Minnesota, Missouri, and Wisconsin to facilitate regional coordination on the study, management, and protection of the Upper Mississippi River. The group consists of members from each state's environmental protection department, as well as federal agencies involved in management of the Mississippi River.

**18. STORM WATER MANAGEMENT APPROPRIATION**

**Governor:** Convert the program revenue appropriation for administration and enforcement of storm water discharge permits from an annual sum-certain appropriation to an all-moneys-received continuing appropriation. The appropriation receives fees from storm water discharge permits issued under s. 283.33 of the statutes to commercial and industrial users, large urbanized municipalities, and for transportation facilities and construction sites.

[Bill Section: 356]

**19. AQUATIC PLANT MANAGEMENT APPROPRIATION**

**Governor:** Create a program revenue continuing appropriation for the Division of Environmental Management to receive aquatic plant management permit fees, and authorize the Department to expend all monies received for administration of its aquatic plant management program. Under current law, aquatic plant management permit fees are deposited into a general operations appropriation comingled with other program revenues. The bill would not affect fees assessed by DNR, and would not budget expenditure authority for the appropriation during the biennium. Revenues in recent years have typically averaged \$150,000.

Section 23.24 of the statutes requires DNR to conduct efforts to preserve diverse and stable communities of native aquatic plants. DNR is also required to establish, by administrative rule, procedures to issue permits under which a holder may remove aquatic plants through biological,

chemical or manual means.

[Bill Section: 344]

## 20. CLEAN WATER FUND PROGRAM OPERATIONS

**Governor:** Convert clean water fund program operations from a continuing appropriation to an all-moneys-received appropriation funded through the deposit of a portion of federal clean water capitalization grants. The clean water fund administers financial assistance through a revolving loan fund. The state receives federal capitalization grants and is required to match 20% through state sources. While the state is required to hold federal revolving funds in perpetuity, the state may use a portion of federal grants and program funds to pay for administrative activities. Federal law establishes the maximum annual allowance for state administrative activities. Under current law, administrative activities are funded through a sum-certain continuing appropriation.

[Bill Section: 346]

## 21. HYDROLOGIC RESTORATION COUNCIL AND GENERAL PERMIT

PR-REV	- \$4,000
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**Governor:** Modify provisions for certain wetland restoration permits as follows:

*General Permit Issuance.* Require DNR to create a general permit for wetland, stream, and floodplain restoration and management. Specify that activities authorized under the permit be designed to return wetland, stream, and floodplain hydrology to a natural, self-regulating condition, to limit flooding, improve water quality, and increase groundwater filtration. Specify that activities under the general permit be allowable only if a permittee can demonstrate net improvements in hydrologic conditions without causing damage to the rights and interests of the public or riparian owners. Allow DNR to impose conditions as necessary to ensure protection of riparian rights.

Under the general permit: (a) allow hydrologic restoration activities that would reconnect streams and floodplains, reestablish channel form and condition, reduce wetland drainage, improve flow of water and sediment, and restore vegetation and site stability; (b) allow hydrologic restoration activities that affect areas of special natural resource interest if those activities restore water flow within the area or to the area; (c) prohibit construction of wetlands, storm water retention ponds, large dams, or practices that harden or accelerate stream channels; and (d) prohibit fish and wildlife habitat restoration not associated with a larger hydrologic plan.

Specify the Department shall consider and may allow activities under the permit that result in net improvements in hydrologic conditions, even if they result in temporary impacts to navigable waterways or water quality, or result in permanent, net-positive changes to plant and wildlife communities or physiochemical conditions due to restoring natural hydrology. In implementing the general permit, allow the Department discretion to waive fees, modify reporting requirements, waive requirements for wetland delineation and functional assessments, simplify applications for voluntary projects, and waive requirements for wetland mitigation for incidental damage from a

project improving wetland hydrology.

Require DNR to explain in writing its determination for denying an applicant a general permit and requiring an individual permit. Require DNR to provide a preapplication meeting, in conjunction with local zoning authorities, for any interested applicants for this permit. Specify that the general permit under this provision may not be used in lieu of an individual permit required by the Department for wetland mitigation required as a result of discharges into wetlands. Limit the term of the general permit to five years unless the Department determines otherwise.

The Department estimates perhaps eight projects would be eligible over the biennium under this provision and pay general permit fees of \$303 per project. Under current law, such permittees would be subject to wetland individual permit fees of \$803 per project. Thus, it is estimated the provision would reduce Department permit revenues by \$4,000 over the biennium.

*Creation of Council.* Create a Hydrologic Restoration and Management Advisory Council, consisting of seven to 15 members appointed by the DNR Secretary. Specify that members include representatives from local, state, and federal government, tribal partners, academic and nongovernmental institutions, and the private sector with expertise related to wetland, stream, and watershed restoration, floodplain management, and surface and groundwater hydrology. Require the Council to: (a) provide guidance on implementation of policies and projects related to hydrologic restoration, including development of the general permit for wetland, stream, and floodplain restoration; (b) improve interagency coordination on review of proposals to restore connections of streams and floodplains; (c) make recommendations to local governments to implement hydrologic restoration projects; (d) make recommendations for program and policy changes to increase use of hydrologic restoration strategies in state programs related to flood mitigation, water quality, and fish and wildlife management; and (e) support the Department in planning and implementation of training on hydrologic restoration for Department staff and other relevant audiences.

[Bill Sections: 81 and 635 thru 640]

## **22. CREATE WETLANDS AND WATERWAYS SUBPROGRAM**

**Governor:** Create a wetlands and waterways budgetary subprogram to reflect DNR's creation of the Bureau of Wetlands and Waterways in September, 2019, and transfer the amounts in the following table from the watershed management subprogram to the new subprogram. The transfer would delineate waterway, wetland, and shoreland permitting, policy development, and statewide coordination and implementation from other watershed management subprogram activities. The watershed management subprogram is housed within the Division of External Services, and is responsible for: (a) runoff management, including watershed analysis and planning, statewide coordination and implementation of watershed policy, regulation of concentrated animal feeding operations (CAFOs), and nonpoint source water pollution abatement coordination and grant making; (b) dam safety and floodplain management, including mapping and zoning, statewide coordination, dam inspections and engineering plan reviews, and emergency response activities; and (c) waterway and wetland activities described previously. The watershed management subprogram has an annual adjusted base budget of \$17.5 million with 148.31

positions. The transfer results in no net change in funding or positions and no shift in funding or positions between appropriations.

**Wetlands and Waterways Subprogram Summary**

	<u>Amount</u>	<u>Fund</u>	<u>Positions</u>
General Program Operations			
State Funds	\$3,670,800	GPR	34.78
Federal Funds	1,063,400	FED	7.22
Service Funds	458,800	PR-S	5.00
Water Regulation and Zoning - Fees	1,538,200	PR	13.00
Water Resources Management - Lakes, Rivers, and Invasive Species (Conservation Fund)	875,900	SEG	7.50
Water Regulation and Zoning - Dam Safety and Wetland Mapping (Conservation Fund)	<u>727,100</u>	SEG	<u>6.00</u>
Total Transferred	\$8,334,200		73.50