



CHUCK WICHGERS

STATE REPRESENTATIVE • 83rd ASSEMBLY DISTRICT

February 6, 2018

Chairman-Mursau, Vice-Chairman-Krug, and fellow committee members,

Thank you for holding a public hearing on Assembly Bill 911, and for allowing me the opportunity to testify on its behalf.

In 1997, the Wisconsin legislature created SEWFRC, the Southeastern Wisconsin Fox River Commission. SEWFRC carries out a number of projects to improve the water quality, scenery, economy, and ecology of the Fox River System. Projects enhance or protect the recreational use of the navigable waters of the Fox River System. SEWFRC acts as a liaison for Federal, State, local agencies, and other organizations.

Originally, state statutes defined SEWFRC jurisdiction to cover 36.5 miles north of the city limits of Waukesha down to Waterford Dam and the watershed to include 156 square miles. In 2016, state statutes defining of SEWFRC increased jurisdictional coverage to a 63.5 mile stretch north of the city limits of Waukesha to Wisconsin-Illinois border and watershed that includes 267 square miles—a 71% increase in size. There are 14 of cities, towns, villages, and within this area which are directly impacted by the Fox River System, and have members who serve on the commission.

Since its inception, SEWFRC has received and transferred \$1,675,000 grant and funds, \$30,000 County funds and \$6,554.32 non-grant funds into beneficial completed projects. The Commission is presently working on funding \$185,160 on eight active projects. A major portion of these funds are allocated to shoreline restoration projects.

Although it is a state commission run solely by volunteers, SEWFRC has received zero funding in the last budget. It has relied on a biennial earmark from segregated conservation funds from a fuel tax transfer of approximately \$200,000 to help complete ongoing projects and assist of funding of new projects.

SEWFRC's work sits at the confluence of local economies and responsible ecology.

Economically, the Fox River's impact is immeasurable. Thousands, if not tens of thousands of people visit its shores every year to enjoy its beauty. It flows through the Vernon Wildlife Area, 4,655 acres of pristine wilderness where people come for recreation. Cities, towns and villages have placed parks at its edge. Homes located near the river are in demand, adding to the property tax base and—most importantly—value to homeowners.

This particular legislation would provide funding of \$100,000 each fiscal year from the conservation fund for the SEWFRC. This minimal investment allows the commission to continue its fine work in making grants and supporting its mission.

Thank you for your consideration.



Visit us at www.SEWFRC.org

The Southeastern Wisconsin Fox River Commission (SEWFRC) was established in 1997 by Wisconsin Act 27 and redefined and revised in the State Statutes in 2016.

State Statute 33.57 (1) a & b states that the SEWFRC should "Develop and implement plans, projects or programs to:

- Improve the water quality and the scenic, economic and environmental value of the surface waters and ground waters of the Illinois Fox River basin.
- Protect and enhance the recreational use of the navigable waters of the Illinois Fox River basin.

The SEWFRC channeled \$1,681,554.32 into ~ 50 beneficial projects involving erosion control, storm water abatement, public access, boat launches, dam removal, education and feasibility studies.

Project Requirements:

The following requirements apply if you are planning on proposing a project to the Commission:

A formal presentation to the commission including:

An Identified Project Manager

Project Narrative

Project Budget

Time Line for Completion

An Electronic copy of the presentation should be submitted to the commission at least one week in advance of the Formal Presentation.

A commitment to completing the project in a timely manner and the maintenance of all documents and the securing of all appropriate permits.

Signing and submitting the "Cost Share Agreement".

After the presentation, the SEWFRC further determines project eligibility by grading the project acceptance criteria. Although exceptions do apply, this typically takes place at the following monthly meeting.

Public bidding requirements apply to units of government conducting projects in cooperation with the SEWFRC.

If you are interested in the Commission or presenting a project proposal, please contact Dean Falkner, SEWFRC Chairman, at: falknerd@aol.com.

Project Acceptance Criteria

	Award Category	Award Points
	Does the proposed project meet the objectives of the FRC Implementation Plan	
1	Does the proposed project meet the need for actions in a plan other than our Implementation Plan	10
2	Does the proposed project assist in local decision-making or formation of a strategy to protect the quality of the Fox River ecosystem.	5
3	Does the proposed project protect critical riverine ecosystems or special concern, threatened or endangered species and/or habitat	5
4	Does the proposed project enhance the knowledge and understanding of the Fox River ecosystem	8
5	Does the proposed project make use of all the available funding sources, including the acquisition of non-FRC funds	4
6	Does the proposed project have a level of support from other affected management units or organizations	4
7	Does the proposed project have a good likelihood of successfully meeting the project objectives	4
8	The completeness and degree of detail of the Project Application	8
9	The first time applications of a project by the applicant	4
10	Total	3
		55

Proposed project must meet Categories 1 & 8

Proposed project must qualify by a minimum of 28 points



Cost- Share Agreement

Visit us at WWW.SEWFRC.ORG

Form 08-2016

Grant Number				
Project Name				
Name of Landowner/Operator/Project Manager (Sponsor)				
Project Description (i.e., channel clearing, dredging, filter strip, erosion control, dam improvement, public access, water safety, shoreline restoration, grassed waterway, etc.)				
Project Location (1/4 section, section, township, range, county & municipality)				
Project Address (if available)				
Estimated Project Cost	Sponsor % Share	SEWFRC % Share	Sponsor \$ Share	SEWFRC \$ Share

This agreement, entered into this _____ day of _____, by and between the Southeastern Wisconsin Fox River Commission (SEWFRC) and the project sponsor binds each party to pay their share of the project costs as indicated above.

In addition the project sponsor agrees to provide the following information/documentation:

1. A site map showing the project location, property lines and property description by public land survey system (1/4 section, section, township, range & county)
2. Provide a copy of the WDNR permit and all other permits required
3. Provide a copy of the Construction Contract and Construction Plans (design)
4. Provide copies of all invoices
5. Provide payment verification (canceled checks (both sides) or bank statement)
6. Provide proof of lien waivers from all contractors
7. Project sponsors who are units of government, must follow public bidding requirements
8. Filled out and provide copies of WDNR forms 8700-001 and 8700-002
9. Provide regular project status reports at SEWFRC meetings or provide written project status reports including documented site visits.
10. Provide project status photos (preferably in electronic format) especially before and after photos, to be used on the SEWFRC website.
11. Provide a copy of a Construction and Planting Certification form(s)

This agreement shall become effective upon the signature of both parties.

For the Sponsor:

For the SEWFRC:

By: _____ Date _____

By: _____ Date _____

Print Name: _____

Print Name: _____



Construction and Planting Certification

(For SEWFRC purposes this document acknowledges satisfactory and total completion of the project)

DATE: _____

TO: Southeastern Wisconsin Fox River Commission

FROM: _____

RE: Construction and Planting Certification for the following project:

Project Name: _____

Section _____, Town of _____,

_____ County

Practices being certified: _____

For the above-referenced project, this correspondence shall serve as certification that all practices or practice components listed for the project have been installed in accordance with the plans, specifications, permits and technical standards of _____ County, the Wisconsin Department of Natural Resources and/or the USDA—Natural Resources Conservation Service.

Name & Title

Signature

7/31/17



Visit us at www.SEWFRC.org

The purpose of reviewing the Operating Procedures the SEWFRC has put in place is to demonstrate how carefully and diligently the commission assigns grant funds to worthy projects and regularly monitors the projects through their design and construction phases. The SEWFRC is very mindful of the responsibility it has to wisely and economically manage the grant funds it channels into the Fox River Watershed to improve the water quality and the scenic, recreational, economic and environmental value of the Illinois Fox River Basin.

We are aware of \$486,733 of potential grant projects in Racine County, \$366,333 of potential grant projects in Waukesha County and \$572,333 of potential grant projects in Kenosha County.

All SEWFRC work is done by volunteers, no salaries are paid, 100% of grant funds are spent on grant projects.

SEWFRC is a clearing house for small grant projects.

Volunteers are doing the work and the member municipalities and counties are participating without adding to the local tax burden.

The recreational use of the Fox River is an economic stimulus which generates income for the state and local businesses as well as increasing property values providing a return on investment for the state for the \$200,000 investment every biennium.

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State Statute 33.57 (1) a & b states that the SEWFRC should "Develop and implement plans, projects or programs to:

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The state of Wisconsin owns the Fox River Waterway and created the SEWFRC to care for the waterway and the WDNR sets standards with which the waterway must comply.

The Fox River is listed by the WDNR as an impaired waterway due to water quality issues. The phosphorus levels in the Fox River exceed the state standards. Most of the work that has been accomplished by the SEWFRC has been done to eliminate the flow of phosphorus and silt into the Fox River.

A survey of the Fox River from the north end of Waukesha to the dam in Waterford identified 19 locations of need for shoreline restoration and erosion control. A similar survey was conducted in 2017 from the Waterford dam to the Illinois border which is expected to identify at least as many areas of need.

The City of Burlington (a new SEWFRC member) is facing new requirements to monitor and control their output of storm water as well as the discharge from their waste water treatment plant putting a strain on their budget. So they are looking to the SEWFRC for help with small projects along the Fox River which they no longer can afford to do.

The SEWFRC is working on development of a 9 Key Elements Plan as a Best Management Tool for fixing and maintaining the Fox River Watershed. It also might make the SEWFRC eligible for Federal Funding. At this moment this initiative is at a standstill requiring funds to move ahead.

The SEWFRC has a clear vision of what needs to be done, some of which is listed above, but without funding it cannot be accomplished.

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SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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DATE: February 6, 2018

SUBJECT: ^{AB-911} TESTIMONY IN SUPPORT OF BILL ~~LRB-5071~~ TO PROVIDE FUNDING FOR THE
SOUTHEASTERN WISCONSIN FOX RIVER COMMISSION (SEWFRC)

The Southeastern Wisconsin Regional Planning Commission is the state designated water quality management agency for the seven county Southeastern Wisconsin region, including the Fox River watershed. In that role, we (the Regional Planning Commission) serves as an *ex officio* non-voting Board of Commissioner member of the SEWFRC pursuant to Section 33.55 of the *Wisconsin Statutes*. We have regularly participated in Board meetings since SEWFRC's formation. We have also completed two implementation plans (one in 1998 and another in 2011) to help the SEWFRC meet the powers and duties set forth in the enabling legislation and to develop and implement plans, projects, and programs.¹ Implementation of projects by the SEWFRC is an important component of implementation of the Regional Planning Commission's regional water quality management plan.

The SEWFRC has been largely supported through direct Legislative appropriations since its inception, with some additional support from grantees and related grant programs administered by the State of Wisconsin. Projects undertaken by the SEWFRC require an in-kind contribution from the applicant (e.g. local government, riparian land owner). This funding allowed the SEWFRC to undertake and complete a number of significant projects to address serious concerns related to erosion, water quality, and navigability/recreational use of the Fox River that fall into eight broad action classes:

- Install practices to reduce pollutant loads in agricultural and urban areas;
- Provide adequate and safe public access;
- Protect streambanks from erosion, clear debris, and improve fish passage;
- Implement water safety regulations;
- Maintain shorelines and navigable waters;
- Develop a water use plan;
- Formulate and support an operating plan for the Waterford dam; and,
- Identify areas for selective dredging.

¹SEWRPC Memorandum Report No. 199, Southeastern Wisconsin Fox River Commission Implementation Plan: 2011-2020, September 2011, <http://www.sewrpc.org/SEWRPCFiles/Publications/mr/mr-199-fox-river-implementation-plan-2011-to-2020.pdf>; SEWRPC, Southeastern Wisconsin Fox River Commission Water Resources Implementation Plan, March 1998.

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The SEWFRC has become a leader in Southeastern Wisconsin in terms of sharing ideas and information related environmental resources and protection and best management practices implementation, project monitoring and management, networking, and programming. Support from the SEWFRC has been essential to implementation of project programs. The funding provided via direct Legislative appropriations has been a critical component of this dynamic, and would not be sustained should funding be discontinued.

In addition to public outreach and education, the SEWFRC has been extremely effective and efficient at actually getting projects done that address known problems. This is promoted by the diverse technical and governmental background of the SEWFRC Board members. This Board has the experience and ability to symbiotically share technical knowledge in engineering, hydrology, modelling, fisheries biology, stream ecology, limnology, water quality, agricultural and urban planning, and regulatory standards. The monthly Board meetings and discussions related to ongoing and future projects provide a forum to share ideas and information, and generate novel concepts and solutions. Without the SEWFRC, this would not exist, and the benefits to project development, construction, and monitoring would be lost.

To capitalize on its unique location and Board composition, the SEWFRC has focused considerable energy on outreach programing support. A few examples of outreach programing support include the following:

- Funded the recent *2017 Smart Salting Workshop - Winter Maintenance for Parking Lots and Sidewalks* co-sponsored by the Kenosha, Racine, Walworth, and Waukesha Counties
- Provided supplemental funding to support an *Aquatic Invasive Species Coordinator position* for Waukesha County.
- Provided supplemental funding to complete a *Water Quality Monitoring Project on the Mukwonago River* hosted by the Eagle Spring Lake Management District.
- Provided support for each of the annual *Fox River Summits from 2012-2018* along with the Southeast Fox River Partnership, University of Wisconsin-Extension, and the Fox River Ecosystem Partnership groups. This Summit is dedicated to addressing shared challenges concerning recreation, economics, sustainable flows, surface water/groundwater interactions, sediment and ecosystem services among communities in Wisconsin and Illinois, which share these resources. This has helped to build trust among stakeholders and identify commonalities and establish new partners both governmental and private, as well as share project successes and future challenges within the watershed. This is also an opportunity to learn new tools and cutting edge practices being developed and implemented to protect the Fox River among communities throughout the watershed.

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As recommended in the latest implementation plan,² the SEWFRC has worked extremely hard to expand its boundaries over the last several years through establishment of cooperative agreements amongst communities and as assisted by the Legislature to revise the statutory language. The recent boundary expansion has improved relationships and information sharing among newer communities along the River and will ultimately improve the capabilities to protect and improve these resources and to leverage more cost-share dollars for future implementation projects.

While the SEWFRC has made considerable progress toward alleviating some of the concerns expressed by the riparian communities and citizens since its formation, further work—both capital projects and nonstructural activities such as informational programming and community outreach awareness—remain ongoing or to be completed. Therefore, we wholeheartedly recommend that this Committee approve this proposed bill enabling the SEWFRC to provide a reliable framework to accomplish their goals and activities mandated by the Legislature.

Sincerely,

Thomas M. Slawski, PhD

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SEWRPC COMMITTEE TESTIMONY.DOC

²SEWRPC Memorandum Report No. 199, op. cit.