

NATURAL RESOURCES -- DEPARTMENTWIDE

Motion:

Move to do the following:

1. *Position Reductions* [LFB Paper #450]. Adopt Alternatives A1, B1, and C2 (Governor's recommendation).

Stewardship Program [LFB Paper #451]

2. *Bonding Levels*. Delete the Governor's recommendation that beginning with fiscal year 2015-16, DNR may not obligate moneys from the land acquisition subprogram of the reauthorized stewardship program if the annual general fund debt service on amounts obligated under the reauthorized stewardship program exceeds \$54,305,700. Instead, specify that DNR may not obligate more than \$33,250,000 in each year from fiscal year 2015-16 through 2019-20 under the reauthorized stewardship program as shown in the following table. Reduce the amount of total bonding authority for the stewardship program by \$88,250,000 from the currently authorized \$1,365,500,000 (\$1,277,250,000 would be authorized for the program) and provide \$50,000 GPR in 2015-16 and \$980,000 GPR in 2016-17 for estimated debt service payments.

Posted By:
Wheeler Reports, Inc.

Stewardship Program Allocations

	<u>2015-16</u>	<u>2016-17 thru 2019-20</u>	
<i>Land Acquisition Subprogram</i>			
DNR Acquisition	\$9,000,000	\$9,000,000	
County Forests	5,000,000	5,000,000	
Nonprofit Conservation Organizations (NCOs)	<u>7,000,000</u>	<u>7,000,000</u>	
Land Acquisition Subtotal	\$21,000,000	\$21,000,000	
<i>Property Development and Local Assistance Subprogram</i>			
DNR Property Development	\$3,750,000	\$3,750,000	
Kettle Moraine Springs*	0	0	
Local Assistance	<u>6,000,000</u>	<u>6,000,000</u>	
Subtotal	\$9,750,000	\$9,750,000	
<i>Recreational Boating Aids</i>	2,500,000	2,500,000	
Total Bonding Allocation	\$33,250,000	\$33,250,000	
Current Law BR	<u>54,500,000</u>	<u>50,000,000</u>	
Change to Bill	-\$21,250,000	-\$16,750,000	
Debt Service	<u>2015-16</u>	<u>2016-17</u>	<u>Biennium</u>
Governor (reestimated)	-\$200,000	-\$3,400,000	-\$3,600,000
Motion (Change to Bill)	<u>50,000</u>	<u>980,000</u>	<u>1,030,000</u>
Difference	-\$150,000	-\$2,420,000	-\$2,570,000

*Under the motion, \$28 million would be enumerated for the Kettle Moraine Springs Fish Hatchery project and DNR may obligate up to \$28 million for the project. However, the motion would specify that DNR may use up to \$21 million in authorized but unobligated funds through fiscal year 2013-14 (\$27,855,000 available) for the project along with \$7 million set aside in fiscal year 2014-15 under current law.

3. *Fee Simple Acquisition North of State Trunk Highway 64.* Specify that all fee simple land acquisitions north of State Trunk Highway 64 acquired using stewardship funds are subject to review by the Joint Committee on Finance under the 14-day passive review process under section 23.0917(6m) of the statutes. [Under current law, stewardship projects of \$250,000 or more are subject to review by the Joint Committee on Finance under a 14-day passive review procedure. The motion would require all fee simple land acquisitions north of Highway 64 utilizing stewardship funds to be reviewed by the Joint Finance Committee, regardless of cost, under this 14-day passive review procedure. State Trunk Highway 64 runs east-west across Wisconsin from U.S. Highway 41 in the City of Marinette to the Minnesota state line on the Stillwater Bridge in Stillwater, Minnesota.]

4. *Land Acquisition Subprogram Allocations.* Specify that \$5 million annually be set aside from the land acquisition subprogram to provide grants to counties to acquire land to be included in a county forest. In addition, specify that the annual amount required be set aside from the land acquisition subprogram for Department purchases and grants for the Ice Age Trail be \$1 million (rather than \$3 million under current law). Also, eliminate the requirement that the Department set aside \$1 million each year beginning in 2016-17 from land acquisition for purchases

from the Board of Commissioners of Public Lands (BCPL). In addition, the Department would be required to set aside \$7 million each year for grants to NCOs, with any remaining NCO allocation available for grants to county forests in the subsequent year.

5. *DNR Property Development.* Specify that stewardship funding may be utilized for DNR property development including motorized stewardship grants (\$3,750,000 each year) and amend the 2015-17 building program to reflect this level of property development funding. In addition, provide \$3 million in fiscal year 2015-16 and \$3 million in fiscal year 2016-17 in one-time funding from the forestry account for property development of Department lands. [The Building Commission's 2015-17 building program recommendations would not provide for any DNR property development projects (including motorized stewardship) utilizing stewardship funds. The motion would provide \$3.75 million annually in stewardship bonding authority for DNR property development from fiscal year 2015-16 through 2019-20 and amend the 2015-17 building program to reflect this level of funding.]

6. *Kettle Moraine Springs and Use of Unobligated Bonding Authority* [LFB Paper #452]. Specify that, notwithstanding section 23.0917(5g) of the statutes, DNR shall obligate funds from existing stewardship bonding authority that was not obligated in fiscal years 2011-12, 2012-13, and 2013-14, in the following amounts for the following purposes: (a) Up to \$19.6 million for infrastructure improvements to the Kettle Moraine Springs (KMS) fish hatchery (this would be in addition to the \$7 million in authorized bonding authority from fiscal year 2015-16 that was set aside for the KMS hatchery project, enumerating a total of \$26.6 million stewardship BR for the project); (b) the amount necessary, not to exceed \$5.0 million to repair or replace the Little Falls Dam project at Willow River State Park in St. Croix County (including the Building Commission recommendation the project would be enumerated at \$8,041,700); and (c) any remaining unobligated funds for county dam safety grants under section 32.385(7) of the statutes, until the total amount obligated from the stewardship program for these grants reaches \$6 million (unobligated stewardship funds from fiscal years 2011-12 through 2013-14 totaled \$27,855,000). [Under current law, stewardship county dam safety grants may only be awarded for a county-owned dam that is under an order by DNR for maintenance, repair, modification, abandonment or removal as of July 1, 2011. Grants are provided for up to 25% of eligible project costs, with a maximum grant award of \$2.5 million (\$10 million project). DNR currently expects to obligate approximately \$2,762,600 of this \$6 million by the end of fiscal year 2014-15. Under the motion, the Department could utilize unobligated stewardship funds for these grants until the total awarded from the stewardship program reaches \$6 million.]

7. *Aids in Lieu of Property Taxes.* Specify that, in fiscal year 2015-16, 45% of payments of aids in lieu of taxes under sections 70.113 and 70.114 of the statutes be made from the forestry account of the conservation fund, and the remainder from GPR. In addition, specify that, beginning in fiscal year 2016-17, 50% of payments of aids in lieu of taxes be made from the forestry account with 50% from GPR. Provide \$987,500 forestry SEG in fiscal year 2015-16 and \$1,930,000 forestry SEG in fiscal year 2016-17 and delete the same amount of GPR in each year to reestimate the appropriations for payments of aids in lieu of taxes.

8. *Neenah/Menasha Twin Trestles Project.* Move to direct DNR to provide stewardship funds in the amount necessary, but not to exceed \$1.6 million, from the local assistance grant

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program to the cities of Neenah and Menasha for up to 50% of the costs of a project to construct two pedestrian bridges across the Fox River (one bridge across the south branch of the Fox River in Neenah and one bridge across the north branch of the Fox River in Menasha) and for completion of the associated trail loop, referred to as the Twin Trestles project. [The cities of Neenah and Menasha plan to construct two pedestrian trestle bridges (a bridge composed of a number of short spans supported by rigid frames used as supports-- trestles) over the Fox River and trail connections to two existing trails. The project, referred to as the Twin Trestles project, would create a 3.2 mile loop around Little Lake Butte des Morts and connect with existing trails. Total project costs are estimated at \$3.2 million (including \$1,664,000 for the Neenah bridge and trail connection and \$1,536,000 for the Menasha bridge and trail connection)].

9. *Stewardship Land Sales.* Specify that the net proceeds (after repayment of any outstanding debt on that parcel, applicable federal tax law compliance, or other restrictions governing use of the proceeds, such as if the property was acquired by gift or grant) of DNR land sales from land required to be offered for sale under s. 23.145 of the statutes be used as follows: (a) fifty percent to pay principal on outstanding public debt issued under the stewardship program; and (b) fifty percent to be deposited in a new continuing conservation fund SEG appropriation to be used for DNR to acquire land in the manner specified under s. 23.09(2)(d) of the statutes with priority given to the following purposes [the same requirements which currently apply to land acquired by DNR under the stewardship program]: (a) acquisition of land that preserves or enhances the state's water resources, including land along the Lower Wisconsin State Riverway and land abutting wild rivers, wild lakes, and land along the shores of the Great Lakes; (b) acquisition of land for the stream bank protection program; (c) acquisition of land for habitat areas and fisheries; (d) acquisition of land for natural areas; (e) acquisition of land in the middle Kettle Moraine; and (f) acquisition of land in the Niagara Escarpment corridor. Compared to current law, the motion would increase the amounts available for DNR land acquisition and decrease the amount of stewardship debt service that would be paid from land sale proceeds. This would increase the amount of GPR debt service by the same amount. However, it is difficult to estimate how much land will be sold, and for how much, during the 2015-17 biennium.]

10. *Transfers Between Appropriations* [LFB Paper #453]. Accept Modification. [The modification would correct the bill to transfer positions to an appropriation that receives revenues from the same air emissions-related funding source as currently funds them.]

11. *Eliminate Grants to Nonprofit Conservation Organizations* [LFB Paper #454]. Adopt Alternative B1 to restore \$297,000 all-terrain vehicle account SEG annually for the National Off-Highway Vehicle Insurance & Services Group grant. In addition, adopt Alternative D1 to restore \$50,000 forestry SEG annually to be used for up to 50% of the costs of dues to a county forest organization (Wisconsin County Forests Association) and restore the county administrator grant program language. Further, adopt Alternative E2 to provide \$22,800 conservation fund SEG annually in a customer service and licensing appropriation for the Wild Rivers Interpretive Center. In addition, adopt Alternative F5, as modified, to restore \$75,000 forestry SEG annually for the Great Lakes Timber Professionals - Master Logger program. In addition, adopt Alternatives F2 (forestry report), F4, F6, F7, F8, F9, and F10, as modified to restore approximately 90% of funding for the following grants to non-profit conservation organizations: (a) Wisconsin Lakes (\$180,000 water resources SEG annually); (b) Gathering Waters (\$93,400 water resources account and

\$31,100 forestry account annually) ; (c) Natural Resources Foundation (\$75,700 annually split-funded evenly from the water resources and forestry account); (d) Urban Forest Protection (\$66,800 forestry SEG annually); (e) Ice Age Trail Alliance (\$66,800 forestry SEG annually); and (f) River Alliance of Wisconsin (\$62,300 water resources SEG annually).

12. *Forestry Account Audit.* Request that the Joint Legislative Audit Committee require the Legislative Audit Bureau to conduct an audit of the forestry account of the conservation fund.

13. *Good Neighbor Authority.* Modify motion #242 to specify that on June 30 of each fiscal year, 10 percent of the revenue received by DNR in that fiscal year from the sale of timber from federal land under a cooperative agreement lapse to the balance of the forestry account, until the amount lapsed reaches \$750,000 [rather than \$1.5 million as initially specified]. This would be consistent with the amount of funding provided for the Good Neighbor Authority program under motion #242.

14. *MFL Timber Cutting Notices.* Clarify motion #240 to specify that an FCL or MFL cutting notice provided by a forester who is accredited by the Wisconsin Consulting Foresters, or the Association of Consulting Foresters (rather than by the Wisconsin Cooperating Foresters or Association of Cooperating Foresters) does not require DNR approval prior to cutting certain MFL or FCL lands. The organizations were incorrectly identified in motion #240. Further, delete the references to the Sustainable Forestry Initiative (SFI) from motion #240, as the SFI does not accredit foresters.

15. *Delete Class B Bear License.* Modify motion #147 to specify that no Class B license is required for a person to shoot, for the purpose of killing, a bear that was shot, but not killed, by a Class A bear license holder if the person was hunting in the same hunting party as the Class A bear license holder at the point of kill, if the Class A bear license holder possesses a current unused bear carcass tag that is authorized for use on the bear killed, and if killing the bear is necessary to protect the safety of the members of the hunting party or others. Motion #147 deletes the Class B bear license. This would clarify that no license is required for a person to engage in any of the activities which the holder of a Class B license is currently allowed to engage in.

16. *Urban Bowhunting.* Specify that if a local governmental unit has in effect on or after the effective date of the bill, a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit, the restriction does not apply and may not be enforced. [The motion adopts the provisions of LRB 0494/1. Current law provides, with certain exceptions, that a local governmental unit may not enact or adopt a restriction that prohibits a person from hunting with a bow and arrow or crossbow within the jurisdiction of that local governmental unit. The motion would specify that, if a local governmental unit has such a restriction in effect, on or after the effective date of the bill, the restriction does not apply and may not be enforced. 2013 Act 71 prohibits local governments from prohibiting bow or crossbow hunting in the municipality. However, certain hunting restrictions may be imposed. This motion would invalidate ordinances adopted prior to 2014 that prohibit bow hunting.]

17. *Horicon Marsh Education and Visitor Center.* Create a biennial program revenue appropriation for the deposit of fees collected by DNR for Department educational activities at the Horicon Marsh Education and Visitor Center. [Throughout summer 2015, new educational displays

and hands-on exhibits will be constructed at the Center as part of the new "Explorium," which is expected to open on August 22, 2015. The Department indicates that fees will be charged for admission to the Explorium, but the amount generated by these fees is undetermined. Other educational programming at the Center will remain available free of charge.]

18. *Dam Water Level Orders.* Specify that the Department may not issue, amend or revise an order under section 31.02(1) or s. 182.71(7)(b) of the statutes, unless or until the appropriate standing committee in each house of the Legislature, as determined by each presiding officer, approves the proposed order, amendment or revision if the order involves a dam to which the following apply: (a) the dam regulates water levels of one or more lakes in Vilas County; (b) an existing lake level order has been in effect for the dam for at least 40 years; (c) the dam is located in whole or in part, in a city, village, or town, with an equalized value in excess of \$500,000,000; and (d) the dam's area of impoundment at normal pool elevation exceeds 4,000 acres. [Under s. 31.02(1) of the statutes, DNR may regulate and control the level and flow of water in navigable waters. Section 182.71(7)(b) of the statutes affects PSC and DNR regulation of reservoirs of the Chippewa and Flambeau Improvement Company.]

19. *Dam Water Flow Regulation.* Provide an exception from the general requirement in section 31.34 of the statutes for a dam that meets all of the following requirements: (a) a dam exists in a location where a dam was originally constructed prior to 1845 and regulates water discharge from a lake with a depth of over 125 feet to a stream; (b) the precise level of the natural low flow of water at the location of the dam prior to its construction is not known; (c) historically there have been extended periods during which water passed through the dam only as groundwater seepage and as the result of leakage through the dam structure. For a dam that meets these requirements, the owner of the dam shall not be required to pass, and DNR may not order the dam owner to pass, a greater amount of water downstream than the lesser of: (a) the low flow of the stream over the preceding ten-year period using the seven-day, ten-year low-streamflow method; or (b) the amount passed by groundwater seepage and leakage through the dam structure. [Section 31.34 of the statutes specifies that each person, firm, or corporation maintaining a dam on any navigable stream shall pass at all times at least 25% of the natural low flow of water of such stream, subject to certain exceptions (such as for a plant or dam where the water is discharged directly into a lake, mill pond, storage pond, or cranberry marsh, or where it is not necessary for the protection of fish life).]

20. *Utility Terrain Vehicle Definition.* Repeal section 23.33(1)(ng)(c) of the statutes which specifies that the definition of a utility terrain vehicle includes a cargo box installed by the manufacturer.

21. *Air Emissions of Odorous Substances from Facilities.* Include the provisions of 2015 LRB 623/P3, relating to regulating the emission of odorous substances from facilities, allowing facilities that emit air contaminants to seek approval of an odor control plan from the Department of Natural Resources (DNR), and prohibiting persons from pursuing an action for nuisance on the basis of the emission of an odorous substance from certain facilities that are covered by an approved odor control plan. Include the following provisions:

a. Specify that if DNR determines that it may require conditions relating to odor control in an air permit for the construction or operation of a stationary source that emits air pollutants, the

Department shall allow the applicant for the permit to apply for approval of an odor control plan as part of the procedure under which the applicant applies for the construction or operation permit. Those permit procedures would supersede the procedural requirements created under this motion for approval of an odor control plan.

b. Authorize a stationary source that emits odorous substances to submit an odor control plan to DNR for approval.

c. Specify that DNR could only approve the plan if the plan includes all of the following: (1) the name, address, and description of the stationary source for which the odor control plan is submitted; (2) a delineation of the area proposed to be covered by the odor control plan; (3) the action proposed to be taken, including the equipment proposed to be used, if any, to abate or control the emission of odorous substances in the area covered by the odor control plan; and (4) the action proposed to be taken to maintain equipment proposed to be used, if any, to abate or control the emission of odorous substances.

d. Require DNR to review the submitted odor control plan, and make a preliminary determination of whether it may approve the plan, within 60 days of submission of the plan. If DNR requests, the person submitting the plan may agree (but is not required) to allow the Department to extend the deadline.

e. Require DNR to distribute a notice of its preliminary determination of whether it may approve the plan to all of the following: (1) the applicant; (2) appropriate federal, local, and state agencies, including agencies in other states that may be affected; (3) regional and county planning agencies located in the area that may be affected; (4) public libraries located in or near the area that may be affected; and (5) any person or group that requests the notice.

f. Require DNR to prepare an announcement sheet containing a brief description of the proposed odor control plan, a brief description of the administrative procedures to be followed, the date by which comments are to be submitted to DNR, and the location where the Department's analysis and preliminary determination are available for review. Require DNR to circulate the announcement sheet to: (1) local and regional governments that have jurisdiction over the area that may be affected; and (2) persons and groups that have demonstrated an interest and have requested the information. Require DNR to publish a class 1 notice under Chapter 985 of the statutes, publish the notice on the DNR Internet site, and provide notice, upon request, to interested persons, announcing the opportunity for public comment. Allow DNR to provide notice to interested persons through an electronic notification system established by the Department. Specify that the date on which DNR first publishes the notice on its Internet site would be considered the date of notice.

g. Require DNR to receive public comments on the proposed odor control plan for a 30-day period beginning on the day the Department publishes the notice on its Internet site. Specify that DNR may not consider any comments that it receives during the public comment period that do not address the issue of whether the proposed odor control plan will satisfactorily abate or control the emission of odorous substances from the facility within the area covered by the plan.

h. Require that, within 30 days after the closing of the public comment period, the Department must complete its review of all public comments on the plan, and must make a final determination to approve the plan, approve the plan with modifications, or deny the plan.

i. Require DNR to base its final determination on whether the proposed odor control plan satisfactorily abates or controls the emissions of odors from the facility within the area covered by the plan.

j. Require that, if DNR approves an odor control plan, the plan would remain in effect for five years. Authorize the applicant to submit an application for renewal of the plan at least 90 days before the term of the plan expires. Specify that if a person files an application to renew an operating permit that includes an odor control plan, DNR would be required to make its decision on renewal of the odor control plan as part of the renewal process for the operating permit. Require DNR to follow current law procedures related to renewing operating permits when it renews any odor control plan incorporated into an operating permit.

k. Require that if DNR issued an air construction or operation permit before the date on which the Department approves an odor control plan for a stationary source that is covered by the construction or operation permit, DNR would be required to modify the construction or operation permit to incorporate the odor control plan. If the construction or operation permit prescribed conditions for odor control that are not prescribed in the subsequently approved odor control plan, the odor control plan would apply in lieu of the odor control conditions prescribed in the construction or operation permit.

l. Require DNR to maintain, and make publicly available, a database listing the properties covered by an approved odor control plan.

m. Require DNR to make every odor control plan approved by the Department available for viewing by the public on the DNR Internet site.

n. Exempt a stationary source from the odor control plan provisions if the source is primarily operated for an agricultural use, as defined in s. 91.01 (2) of the statutes. "Agricultural use" would include any of the following activities conducted for the purpose of producing an income or livelihood: (1) crop or forage production; (2) keeping livestock; (3) beekeeping; (4) nursery, sod, or Christmas tree production; (5) floriculture; (6) aquaculture; (7) fur farming; (8) forest management; and (9) enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

o. Provide that an odor control plan approved by DNR would be subject to the same requirements that air construction and operation permits are currently subject to related to procedures for petitions for a hearing challenging DNR's approval.

p. Provide that an approved odor control plan would not be subject to review in any civil or criminal enforcement action for a violation of Chapter 285 of the statutes, related to air pollution, in the same manner as air construction and operation permits currently.

q. Prohibit a city, village, town, or county from enforcing against the owner of a facility

an ordinance or resolution regulating the emission of an odorous substance if the facility is covered by an odor control plan approved by DNR. A "facility" would include any facility, building, structure, or installation that directly or indirectly emits or may emit an odorous substance.

r. Prohibit a person from pursuing an action for nuisance on the basis of the emission of an odorous substance from a facility if that facility is covered by an odor control plan approved by DNR.

s. The provision would not create any new fees to be paid by an applicant for an odor control plan, and would not create or modify appropriations to be used for administration of the new provisions. DNR would be authorized to use an existing environmental fund SEG appropriation for review of odor control plans as part of its general authority to use the appropriation for administration of Chapter 285, related to air pollution. If the Department is incorporating an approved odor control plan into an existing air construction or operation permit, or is considering renewal of the odor control plan as part of the renewal of an operation permit, it is likely that DNR could use the current program revenue appropriations for administration of air construction or air operation permits for activities related to incorporation or renewal of the odor control plan.

22. *Suspended Drainage Districts.* Include the provisions of 2015 LRB-1664/2 to amend Chapter 88 of the statutes, relating to the suspension and reinstatement or dissolution of drainage districts, summarized as follows:

a. Sunset sections 88.81 (1) through (3) of the statutes beginning on the effective date of the bill, which would have the effect of prohibiting further suspensions of drainage boards (drainage district boards would continue to be allowed to dissolve or be reinstated under current law or provisions of the motion).

b. Provide that for any drainage district with operations suspended as of the effective date of the bill, the Department of Agriculture, Trade and Consumer Protection (DATCP) is required to file, with the Circuit Court having jurisdiction over the drainage district, a notice that the district will be administratively dissolved within 36 months after the filing of the notice.

c. Provide that upon DATCP filing a notice of dissolution, the Circuit Court is to provide the notice of dissolution to the drainage district board, which is to in turn notify certain parties specified under current law, including landowners in the drainage district, the Secretary of Natural Resources, the state drainage engineer, and county highway and land conservation officials.

d. Specify the district is dissolved: (1) 36 months after the filing of a dissolution notice, provided no hearing is requested by a district landowner; or (2) 48 months after the filing of a dissolution notice, if a hearing is requested by a district landowner but no order of reinstatement is issued under the following provisions.

e. Provide upon request by any owner of land in the district, the drainage district board shall hold a hearing on the dissolution notice, and if the board determines public welfare would not be promoted by reinstating district operations, the board is to seek approval by the Circuit Court of dissolution of the board.

f. Provide if current-law provisions for board dissolution are not satisfied, or if court approval is not granted, or if the board finds the public welfare will be promoted by reinstating the drainage district board, the board shall order the district reinstated.

g. Specify the provision first applies to a petition for suspension of operation issued under current law for which no final order has been issued as of the effective date of the bill.

23. *Shoreland Zoning Standards.* Move to generally incorporate the provisions of 2015 LRB 1919/1 that would amend Chapters 59 (counties), 61 (villages), 62 (cities) and 281 (water and sewage) as follows:

a. Provide a definition for "structure" under s. 59.692 of the statutes (county shoreland zoning) to mean a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit. Delete a reference to "buildings" in the definition of "shoreland setback area," and provide the term "structure" applies to consideration of whether construction or placement of objects occurs in a shoreland setback area, which is an area within a set distance of a high-water mark in which building activity is prohibited or limited.

b. Specify a shoreland zoning standard promulgated by DNR, or a county shoreland zoning ordinance, may not impair the interest of a landowner in shoreland property with regard to several aspects of land use as described in the following paragraphs.

(1) Specify DNR standards or a county ordinance may not: (a) require approval to install or maintain outdoor lighting in shorelands; (b) impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands; or (c) otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Modify current-law provisions regarding restoration of nonconforming structures to specify DNR standards or a county ordinance may not require approval for, or impose a fee or mitigation requirement for, or otherwise prohibit or regulate, the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of a nonconforming structure if the activity does not expand the footprint of the nonconforming structure. Provide a county shoreland zoning ordinance shall allow a footprint expansion of a nonconforming structure if the expansion is necessary for the structure to comply with applicable state or federal requirements.

(3) Specify DNR standards or a county ordinance may not require any approval for, or impose any fee or mitigation requirement for, or otherwise prohibit or regulate, the vertical expansion of a nonconforming structure unless the vertical expansion would extend for more than 35 feet above grade level. Provide DNR may establish a shoreland zoning standard that allows vertical or lateral expansion of a nonconforming structure, consistent with the provisions of the motion, and provide a county may enact a shoreland zoning ordinance that allows the vertical or lateral expansion of a nonconforming structure if the ordinance does not conflict with DNR shoreland zoning standards.

(4) Specify DNR standards or a county ordinance may not require any inspection or upgrade of a structure before the sale or transfer of the structure.

(5) Specify DNR standards or a county ordinance may not establish standards for impervious surfaces, unless the standards provide that a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil.

c. Specify a county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard promulgated as an administrative rule by the DNR. However, provide the restriction does not prohibit a county from enacting a shoreland zoning ordinance to regulate a matter that is not covered by a DNR-promulgated shoreland zoning standard.

d. Provide any provision in a county ordinance that is in effect on or after the bill's effective date, and that is inconsistent with any of the provisions of s. 59.692 of the statutes (county shoreland zoning) as affected by the motion, does not apply and may not be enforced.

e. Specify any village or city enacting ordinances required by statute to cover annexed or previously unincorporated shorelands must adhere to requirements and limitations on such ordinances, as specified by the motion. Further, delete provisions relating to standards for vegetative buffers in such annexed or previously unincorporated shorelands [ss. 61.353 (3)(c) and (d), and 62.233 (3)(c) and (d) of the statutes].

f. Specify a county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land, nor expand an existing vegetative buffer zone. However, specify beginning on the effective date of the bill, a county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone existing on that date if the ordinance: (a) allows the buffer zone to contain a viewing corridor at least 35 feet wide for every 100 feet of shoreline frontage; or (b) allows the viewing corridor to run contiguously for the entire maximum width allowed in the ordinance.

g. Specify a county shoreland zoning ordinance may not regulate the construction of a structure on a substandard lot in a manner more restrictive than DNR standards governing structures on substandard lots.

h. Specify DNR may not appeal to a county board of adjustment a decision by a county to grant or deny a shoreland zoning variance under s. 59.692 of the statutes. Provide the Department may, upon request of a county board of adjustment, issue an opinion on whether a variance should be granted or denied.

i. Specify county shoreland zoning ordinances, construction site erosion control and storm water management zoning ordinances, or wetland zoning ordinances do not apply to lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable body of water. Also, repeal s. 281.31 (2m) (c) of the statutes, providing lands adjacent to farm drainage ditches are exempt from various types of zoning if maintained in nonstructural agricultural use.

Posted By:
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Note:

Fiscal Effect

	<u>2015-16</u>	<u>2016-17</u>	<u>Biennium</u>	<u>Fund Source</u>
2. <i>Bonding Levels- Stewardship Debt Service</i>	\$50,000	\$980,000	\$1,030,000	GPR
5. <i>DNR Property Development</i>	3,000,000	3,000,000	6,000,000	Forestry SEG (one-time)
7. <i>Aids in lieu of Property Taxes</i>	987,500 -987,500	1,930,000 -1,930,000	2,917,500 -2,917,500	Forestry SEG GPR
11. <i>Eliminate Grants to NCOs</i>				
National Off-Highway Vehicle Insurance and Services Group	\$297,000	\$297,000	\$594,000	ATV SEG
County Forests Association	50,000	50,000	100,000	Forestry SEG
Wild Rivers Interpretive Center	22,800	22,800	45,600	Conservation fund SEG
Great Lakes Timber Professionals Association-Master Loggers	75,000	75,000	150,000	Forestry SEG
Wisconsin Lakes	180,000	180,000	360,000	Water Resources SEG
Gathering Waters, Inc.	124,500	124,500	249,000	Water Resources/Forestry SEG
Natural Resources Foundation	75,700	75,700	151,400	Water Resources/Forestry SEG
Urban Forest Protection	66,800	66,800	133,600	Forestry SEG
Ice Age Trail Alliance	66,800	66,800	133,600	Forestry SEG
River Alliance of Wisconsin	<u>62,300</u>	<u>62,300</u>	<u>124,600</u>	Water Resources SEG
Subtotal -- NCOs	\$1,020,900	\$1,020,900	\$2,041,800	SEG
Total Fiscal Effect	-\$937,500	-\$950,000	-\$1,887,500	GPR
	<u>5,008,400</u>	<u>5,950,900</u>	<u>10,959,300</u>	SEG
Total	\$4,070,900	\$5,000,900	\$9,071,800	
2. Stewardship Bonding		-\$88,250,000		BR