

Representative Goyke
Representative Neubauer
Senator Erpenbach
Senator Johnson

NATURAL RESOURCES AND
AGRICULTURE, TRADE AND CONSUMER PROTECTION

Omnibus Motion

[LFB Papers #156 thru #159, #435 thru #445, #460 thru #466, and #470 and #471]

Motion:

Move to adopt the following provisions:

Natural Resources -- Stewardship

1. *Stewardship Reauthorization (Paper #435)*. Adopt Alternative A1 to delete the restriction on the proportion of Department land acquisition funding that may be used for fee simple transactions.

Adopt Alternative A2a to provide an annual stewardship allotment of \$1 million from the land acquisition subprogram to acquire BCPL holdings through fiscal year 2025-26.

Adopt Alternatives A4 and A5a to increase the maximum grant award that can be given to any single friends grant in a given fiscal year from \$20,000 to \$80,000 and increase the annual allotment for property development grants to friends groups from \$250,000 to \$1,000,000.

Adopt Alternative A6b to authorize DNR to award grants for motorized stewardship projects from the annual allotment for local assistance.

Adopt Alternative B1a to reauthorize the stewardship program with annual allotments of \$70 million, as shown in the table, for a 10-year period, beginning on July 1, 2022, and ending on June 30, 2032. Increase the bonding authorization for the program by \$700 million.

Annual Stewardship Program Allocations

	Governor	
	2023-2026	2027-2032
Land Acquisition		
DNR Acquisition*	\$10,000,000	\$10,000,000
BCPL Acquisitions	1,000,000	-
NCO Acquisitions	10,000,000	10,000,000
County Forest Grants	<u>5,000,000</u>	<u>5,000,000</u>
Subtotal	\$26,000,000	\$25,000,000
Recreational Boating Aids	\$3,000,000	\$3,000,000
Property Development and Local Assistance		
Property Development	\$22,000,000	\$23,000,000
Friends Groups	1,000,000	1,000,000
Motorized Stewardship	0	0
Local Assistance Grants	<u>18,000,000</u>	<u>18,000,000</u>
Subtotal	\$41,000,000	\$42,000,000
Total	\$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.

2. *Unobligated Bonding Authority (Paper #436)*. Adopt Alternative A1 to authorize DNR to carry forward bonding authority that is not obligated in a fiscal year to the subsequent fiscal year as follows: (a) if the Department does not obligate the full amount allocated under a stewardship subprogram in an odd-numbered year (for example, 2022-23), DNR may raise the annual bonding authority for the subprogram by an amount equal to the unobligated amount in the subsequent year; and (b) 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.

Adopt Alternative A4 and C1 to authorize DNR to use any lapsed bonding authority for DNR property development on Department-held lands beginning with amounts that lapse from the 2019-20 annual allotment.

Adopt Alternative B1 to authorize DNR to carry forward unobligated amounts from nonprofit conservation organizations (NCO) acquisitions to be used in the following year for local assistance grants.

Adopt Alternative D1 to specify that stewardship funding is obligated in the fiscal year in which DNR submits a project for passive review to the Joint Committee on Finance.

Natural Resources -- Forestry and Parks

3. *County Forest Acreage Share Payments (Paper #441)*. Adopt Alternative 1 to increase county forest acreage shares from 30¢ to 63¢. Reestimate aids by \$783,900 SEG, to \$1,496,500 in each year of the biennium.

4. *Urban Forestry Grants (Paper #442)*. Adopt Alternative A1 to provide \$345,000 forestry account SEG each year for urban forestry grants. DNR would be authorized to award up to \$869,600 each year. Adopt Alternative B1 to provide \$150,000 in 2021-22 and \$500,000 in 2022-23 and authorize DNR to promulgate emergency rules to create a category of grants for tree planting. Adopt Alternative C1 and C3 to increase the forestry operations base budget by \$150,000 SEG annually to hire limited-term employees (LTEs) to administer the urban forestry grant and to fund tree planting on private lands in urban areas.

5. *Private Forest Landowner Grant (Paper #443)*. Adopt Alternative 1 to provide \$325,000 forestry SEG each year to increase private forest landowner grant funding to \$1,472,900.

6. *Free Fourth-Grade Admission to State Parks (Paper #444)*. Adopt Alternative A1 and A2 to create a fourth-grade parks admission fee waiver that would provide a free annual parks admission sticker to a parent or guardian of a Wisconsin fourth-grade student. Create a sum-sufficient GPR appropriation to replace revenue from vehicle admission fees and issuance fees. Estimate the GPR appropriation at \$243,600 annually. Delete \$243,600 SEG annually, including \$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.

Adopt Alternative B1 to authorize DNR to accept any evidence of fourth-grade enrollment deemed by the Department to be sufficient proof of enrollment. Adopt Alternative B2 to define proof of home-school enrollment as a copy of any form submitted to the Department of Public Instruction under s. 115.30(3) of the statutes. Adopt Alternative C1a to specify families may receive one waiver per household per lifetime.

7. *Parks Account Funding (Paper #445)*. Adopt Alternative A1 to provide \$95,000 parks account SEG annually for increased utility costs in state parks. Adopt Alternative B1 to provide \$156,000 parks account SEG annually to allow DNR to hire persons under the Department of Corrections' supervision as LTEs in state parks. Adopt Alternative C1 to provide \$135,000 SEG from the parks account annually to provide aids to NCOs to maintain the Ice Age and North Country Trails.

8. *Good Neighbor Authority Staffing (Page 426, #4)*. Provide \$112,100 forestry SEG in 2021-22 and \$149,400 in 2022-23 with 2.0 positions to administer the Good Neighbor Authority program.

9. *Forestry Information Technology (Page 426, #5)*. 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. Provide \$145,000 forestry SEG annually for replacing outdated mobile hardware and software.

10. *Sauk Prairie State Recreation Area (Page 428, #12)*. Provide \$25,000 each year from the heritage state parks and forests fund for the Sauk Prairie State Recreation Area.

Natural Resources -- Waste, Remediation, and Air

11. *PFAS Operations and Positions (Paper #461)*. Adopt Alternatives 1 through 6, 7a, 7b, 7c, and 8 to provide the following funding and positions to implement portions of the PFAS Action Plan: (a) 3.0 water supply specialists in the Drinking and Groundwater program with \$197,100 SEG in 2021-22 and \$253,100 SEG in 2022-23; (b) 2.0 wastewater specialists in the Water Quality program with \$121,100 SEG in 2021-22 and \$158,400 SEG in 2022-23; (c) 1.0 air management engineer and 1.0 air management specialist four-year project position in the Air Management program with \$171,000 SEG in 2021-22 and \$208,400 SEG in 2022-23; (d) 1.0 hydrogeologist and 1.0 hydrogeologist program coordinator in the Remediation and Redevelopment program with \$121,100 SEG in 2021-22 and \$158,400 SEG in 2022-23; (e) 1.0 hydrogeologist in the Waste and Materials Management program with \$60,500 SEG in 2021-22 and \$79,200 SEG in 2022-23; (f) 1.0 wildlife management toxicologist in the Wildlife Management program with \$60,500 SEG in 2021-22 and \$79,200 SEG in 2022-23; (g) \$600,000 SEG annually in ongoing funding in the DNR appropriation for state responses to hazard spills and discharges for PFAS remediation and testing activities; (h) \$55,000 SEG annually for waterway testing and sampling; (i) \$25,000 SEG for PFAS testing at wastewater treatment facilities; and (j) 1.0 PFAS emerging contaminant faculty position at UW-Madison with \$105,300 GPR in 2021-22 and \$140,300 GPR in 2022-23.

12. *PFAS Municipal Grant Program (Paper #462)*. Adopt Alternative 2a to create a grant program for municipalities to investigate and respond to PFAS contamination statewide, funded by a continuing appropriation with ongoing funding of \$5,000,000 GPR each year. Specify eligible activities and grant applicants as under AB 68/SB 111, and require a 20% match from grant recipients, including cash or in-kind amounts. Authorize DNR to promulgate emergency rules, without the finding of an emergency, and waive requirements for a statement of scope and that emergency rules be submitted to the Governor in final draft form.

13. *PFAS-Containing Firefighting Foam Disposal (Paper #463)*. Adopt Alternative 1 to provide \$1,000,000 environmental management SEG in 2021-22 in a new continuing appropriation for collecting and disposing of PFAS-containing firefighting foam. Authorize DNR to promulgate emergency rules, without the finding of an emergency, and waive requirements for a statement of scope and that emergency rules be submitted to the Governor in final draft form.

14. *PFAS Public Water Supply Sampling (Paper #464)*. Adopt Alternative 1 to provide \$750,000 environmental management SEG in 2021-22 in a new continuing appropriation for sampling and testing public water supplies for PFAS, as well as LTE staffing and costs of follow-up sampling.

15. *Additional PFAS Provisions*. Adopt the following provisions from SB 361:

- Require DNR to apply Department of Health Services (DHS) recommended groundwater enforcement standards in creating interim enforcement standards, interim preventive action limits, and interim maximum contaminant limits;

- Require DNR to establish air emission standards for certain PFAS, and require air reporting standards;
- Require DNR to set standards for water quality;
- Require responsible parties to establish residual contaminant levels for cleanup;
- Exempt DNR from the rule that an agency must suspend work on a permanent rule if the rule would result in more than \$10,000,000 in implementation and compliance costs in any two-year period;
- Create a well testing grant program with \$2,000,000 GPR annually for counties to provide sampling and testing for PFAS, nitrates, bacteria and lead, and provide 1.0 GPR position;
- Require DNR to rank PFAS projects in the same manner as if a maximum contaminant level for PFAS had been attained for exceeded, under the Safe Drinking Water Loan Program;
- Allow DNR, at the request of a municipality, to appoint a third-party mediator for negotiations between municipalities when one municipality requires an alternate water source due to PFAS contamination;
- Include new definitions of firefighting foam, including that "foam" includes any material that contains PFAS that is generated as a result of foam storage, containment, or treatment. Define "treatment" in a way that requires the immobilization, removal, or destruction of the contaminant;
- Promulgate treatment and disposal requirements for responsible parties regarding PFAS-containing firefighting foam;
- Prohibit PFAS in food packaging starting on January 1, 2025;
- Require information from individuals being investigated for PFAS possession or contamination;
- Allow DNR to require proof of financial responsibility for remediation;
- Require DHS to conduct statewide biomonitoring studies with \$630,000 GPR annually and 5.0 GPR positions;
- Require UW-Madison Division of Extension to undertake a longitudinal human health study to assess effects of PFAS with \$1,000,000 GPR annually;
- Require DNR to set criteria for certifying laboratories to test for PFAS using protocols established by the Environmental Protection Agency;
- Require DNR and DHS to submit a joint report to the Legislature, no later than June 30, 2023, on the advisability of regulating PFAS as one or more classes of substances;
- Authorize 4.0 GPR positions and \$248,600 GPR annually in the Department of Health

Services for PFAS research;

- Create a new segregated PFAS action fund to collect all monies received from DNR's portion of settlement agreements in court actions, or proposed actions, resulting from PFAS contamination.

16. *Bonding for Great Lakes Contaminated Sediment Removal and Milwaukee Dredged Material Management Facility (Paper #465)*. Adopt Alternatives A1 to provide bonding authority of \$25,000,000 for removing contaminated sediments in Lake Michigan, Lake Superior, and their tributaries. Additionally, adopt Alternative B1 to 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.

17. *Rural Electronics Recycling Grants (Page 441, #12)*. Require DNR to create a program to provide grants for the expansion of electronics recycling collection in rural counties of Wisconsin.

18. *Air Program Positions Transfer (Page 441, #13)*. 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.

Natural Resources -- Water Quality

19. *Well Compensation Grant Program (Paper #470)*. Adopt Alternatives A1, B1, C1, D1, E2, and F1a for the following provisions:

- Add to the definition of eligible contaminated well or private water supply a well that produces water containing arsenic of at least 10 parts per billion, and, exempt wells with arsenic contamination of at least 10 parts per billion from the current requirements that: (a) a claim shall be denied if the concentration exceeds the background concentration of the contaminant; and (b) the contaminated private water supply is a residential water supply contaminated by bacteria or nitrates or both, and is not contaminated by any other substance;

- Add to the definition of eligible contaminated well or private water supply a well that produces water containing nitrates of at least 10 parts per million; (a) delete the current limitations on claims for contamination by nitrates, making residential wells with nitrate contamination eligible; and (b) authorize DNR to prioritize claims for nitrate contamination based on five categories of concentration of parts per million nitrate nitrogen, with higher priority provided to higher concentrations, as specified in AB 68/SB 111. In addition, exempt wells with nitrate contamination of at least 10 parts per million from the current requirements that a claim be denied if: (a) the concentration exceeds the background concentration of the contaminant; and (b) the contaminated private water supply is a residential water supply contaminated by bacteria or nitrates or both, and is not contaminated by any other substance;

- Increase the maximum annual family income of the landowner or lessee of the property on which the contaminated well is located to \$100,000;
- Repeal the current requirement that the grant is reduced by 30% of the amount by which the claimant's family income exceeds \$45,000;
- Authorize DNR to award a grant of up to 100% of eligible costs if the annual family income of the claimant is below the median household income of the state (\$64,168 in 2019); and
- Provide \$1,000,000 GPR each year in a new annual appropriation for well compensation and well abandonment grants.

20. *Well Inspector Position (Paper #471)*. Adopt Alternative 1 to delete 1.0 PR position and \$74,700 annually in the DNR air management program. Delete \$20,400 in LTE salaries and \$15,200 in supplies and services annually from the DNR groundwater management appropriation. Provide 1.0 SEG well inspector in the DNR drinking water and groundwater program with \$56,100 SEG and \$74,700 SEG in 2022-23 from the environmental management account.

21. *Great Lakes Erosion Control Loan Program (Paper #472)*. Adopt Alternative 1, which creates a Great Lakes erosion control revolving loan fund from continuing appropriation and provides \$5,000,000 environmental management account SEG in 2021-22 for loans to municipalities and homeowners to cover costs related to ensuring structural integrity of buildings threatened by erosion of the shoreline of Lake Superior and Lake Michigan. The alternative further requires DNR to promulgate rules to administer the program, including establishing eligibility criteria and income limits for loans, and promulgating an emergency rule while final rules are being drafted.

22. *Urban Nonpoint and Municipal Flood Control Programs (Paper #474)*. Adopt Alternatives A1 and B1. Alternative A1 provides an additional \$12,000,000 in nonpoint SEG-supported bonding authority for urban nonpoint and municipal flood control grant programs, and requires DNR to allocate \$8,000,000 of that authority for flood control projects. Alternative B1 provides an additional \$1,000,000 nonpoint SEG each year of the 2021-23 biennium on a one-time basis for flood insurance studies and flood mapping.

23. *Nonpoint Contracts (Paper #475)*. Adopt Alternatives A1 and B1. Alternative A1 provides \$615,000 nonpoint SEG each year on an ongoing basis for contracts with entities providing research, education, and outreach related to nonpoint source water pollution abatement programs, for a total of \$882,600 each year. Alternative B1 provides an additional \$150,000 nonpoint SEG each year of the 2021-23 biennium on a one-time basis for development of a water quality trading and adaptive management module for the Department's best management practices implementation tracking system.

24. *Concentrated Animal Feeding Operation Fees (Paper #476)*. Adopt Alternative 1, which increases annual CAFO fees from \$345 to \$545, establishes an application fee for new CAFOs of \$3,270, and reestimates CAFO fee revenue at \$210,000 PR each year, an increase of \$117,400 PR each year.

25. *Dam Safety Bonding (Page 445, #8)*. Provide \$6,000,000 in GPR-supported general obligation bonding authority for dam safety grants.

26. *Rural Nonpoint Source Bonding (Page 446, #9)*. Provide \$6,500,000 in nonpoint SEG-supported general obligation bonding authority for rural nonpoint source water pollution abatement grants.

27. *Nonpoint Source Grants (Page 446, #10)*. Provide \$100,000 nonpoint SEG each year on an ongoing basis for nonpoint source grants.

28. *Waterway and Wetland Permitting Database (Page 447, #13)*. Provide \$220,000 environmental management SEG each year during the 2021-23 biennium on a one-time basis to support development of a new waterway and wetland permit database.

29. *Wetland Mitigation Program Staff (Page 447, #14)*. Provide \$188,300 PR in 2021-22 and \$243,000 PR in 2022-23 with 2.0 PR permanent positions and 1.0 PR two-year project position to support administration of DNR's wetland mitigation program.

30. *Floodplain Technical Support Project Position (Page 448, #16)*. Provide \$65,100 water resources SEG in 2021-22 and \$83,700 water resources SEG in 2022-23 with 1.0 SEG four-year project position to support identification and mapping of structures located in floodplains.

31. *Upper Mississippi Management Project Position (Page 448, #17)*. Provide \$60,600 water resources SEG in 2021-22 and \$79,200 water resources SEG in 2022-23 with 1.0 SEG four-year project position to support the Upper Mississippi River Basin Association and U.S. Army Corps of Engineers flood control and dredging efforts along the Mississippi River.

32. *Storm Water Management Appropriation (Page 448, #18)*. 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.

33. *Aquatic Plant Management Appropriation (Page 448, #19)*. Create a program revenue continuing appropriation in the Division of Environmental Management to receive aquatic plant management permit fees, and authorize DNR to expend all moneys received for administration of its aquatic plant management program.

34. *Clean Water Fund Program Operations (Page 449 #20)*. Convert a segregated appropriation for clean water fund program operations from a continuing appropriation to an all-moneys-received continuing appropriation.

35. *Wetlands and Waterways Subprogram (Page 450, #22)*. Create a wetlands and waterways budgetary subprogram to reflect DNR's creation of the Bureau of Wetlands and Waterways in September, 2019, and transfer \$8,334,200 and 73.50 positions from the watershed management subprogram to the new subprogram. The new subprogram does not result in a net increase in appropriations or positions.

Agriculture, Trade and Consumer Protection -- Environment

36. *Producer-Led Watershed Protection Grants (Paper #156)*. Adopt Alternative 1, which increases the statutory cap on annual producer-led watershed protection grant awards from \$750,000 to \$1,000,000, and provides an additional \$250,000 nonpoint SEG each year for producer-led watershed protection grants.

37. *County Conservation Staff (Paper #157)*. Adopt Alternative 1b, which provides an additional \$2,400,000 nonpoint SEG and \$1,200,000 GPR in 2021-22 and \$2,472,000 nonpoint SEG and \$1,236,000 GPR in 2022-23 for county conservation staffing grants. Under the motion, county conservation staffing grants are budgeted a total of \$12,564,100 in 2021-22 and \$12,672,100 in 2022-23, consisting of \$8,336,900 nonpoint SEG and \$4,227,200 GPR in 2021-22, and \$8,408,900 nonpoint SEG and \$4,263,200 GPR in 2022-23.

38. *Nitrogen Optimization Grants (Paper #158)*. Adopt Alternative 2a, which creates a continuing appropriation and provides \$1,000,000 GPR each year for grants to agricultural producers, in collaboration with eligible UW programs, to conduct research projects on agricultural lands intended to reduce nitrate loading and improve water quality. Alternative 2a further requires producers to collaborate with UW-Madison CALS, the UW-Stevens Point Center for Watershed Science and Education, or UW-Extension to monitor their project, collect data, and make recommendations for optimal use of nitrogen.

39. *Farmland Preservation Planning Grants (Paper #159)*. Adopt Alternative 1, which expands the authorized use of the GPR and working lands fund SEG appropriations for farmland preservation planning grants under sections 20.115(7)(dm) and 20.115(7)(tm) of the statutes to include county activities associated with implementing county farmland preservation plans. Alternative 1 further requires that grants be provided on a reimbursement basis and that DATCP detail eligible costs through a contract with the grant recipient.

40. *Regenerative Agriculture and Carbon Sequestration Grant Program (Page 62, #1)*. Create a regenerative agriculture and carbon sequestration grant program and provide \$370,000 nonpoint SEG annually for grants. Limit grant awards to \$370,000 annually. Require the Department to award grants that provide cost-sharing for: (a) soil testing and carbon sequestration analysis; (b) updating nutrient management planning software; (c) studying the feasibility of a statewide carbon market; (d) assessing the market value of carbon sequestration; and (e) implementation of regenerative agricultural practices by agricultural producers. Require DATCP to: (a) study the feasibility of a statewide carbon market and the market value of carbon sequestration; (b) evaluate existing tools for feasibility in measuring carbon credits created by producer-led watershed protection grant recipients; (c) facilitate cooperation among agricultural producers to generate carbon credits; and (d) provide technical assistance to agricultural producers related to participating in a carbon credit generation market. Authorize DATCP to promulgate rules to administer the regenerative agriculture and carbon sequestration grant program, including issuing an emergency rule without the finding of an emergency, preparation of a statement of scope, or submittal of a final draft rule to the Governor.

41. *Grazing Conservation Grant Program (Page 62, #1)*. Create a grazing conservation

grant program and provide \$320,000 nonpoint SEG annually for grazing conservation grants. Limit grant awards to \$320,000 annually. Require the Department to award grazing conservation grants to: (a) provide education and training to farmers on best practices related to grazing and pasture maintenance; and (b) provide cost-sharing incentives to farmers to implement regenerative agricultural practices. Authorize DATCP to promulgate rules to administer the grazing conservation grant program, including issuing an emergency rule without the finding of an emergency, preparation of a statement of scope, or submittal of a final draft rule to the Governor.

42. *Biodigester Planning Grants (Page 64, #5).* Provide \$250,000 environmental management account SEG each year for grants to support planning for installation of regional biodigesters. Require DATCP to promulgate rules to administer the grant program.

43. *Water Stewardship Certification Grants (Page 64, #6).* Create a continuing appropriation with \$250,000 GPR beginning in 2022-23 for grants to agricultural producers to reimburse payments made to the Alliance for Water Stewardship to receive certification of water stewardship. Additionally, provide \$26,600 GPR in 2021-22 and \$35,400 GPR in 2022-23 with 0.5 GPR position for grant administration. Specify that grants awarded for water stewardship certification may not cover implementation costs necessary to meet the certification standard.

44. *Soil and Water Resource Management Bonding Authority (Page 65, #7).* Provide an additional \$7,000,000 in nonpoint SEG-supported bonding authority for cost-sharing grants in the soil and water resource management program.

Note:

The table below shows the change to base level funding under the motion.

	<u>2021-22</u>	<u>2022-23</u>	<u>Biennium</u>	<u>Positions</u>
GPR	\$12,454,100	\$12,783,900	\$25,238,000	11.50
SEG	17,519,900	11,490,400	29,010,300	25.75
PR	<u>-892,900</u>	<u>-838,200</u>	<u>-1,731,100</u>	<u>-7.75</u>
Total	\$29,081,100	\$23,436,100	\$52,517,200	29.50
BR	\$756,500,000			
PR-REV	\$95,000	\$95,000	\$190,000	

AYE	NO	ABS	
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		Y	LOUDENBECK
		Y	KATZMA
		Y	ZIMMERMAN
		Y	RODRIGUEZ
		Y	KURTZ
		Y	GOYKE
		Y	NEUBAUER
		Y	MARKLEIN
		Y	STROEBEL
		Y	KOORYENGA
		Y	FELZKOWSKI
		Y	BERNIER
		Y	BALWEG
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