

AGRICULTURE, TRADE AND CONSUMER PROTECTION AND
NATURAL RESOURCES -- ENVIRONMENTAL QUALITY

Omnibus Motion

[LFB Papers #147 and 148, and #476 through #480]

Motion:

Move to adopt the following provisions:

Agriculture, Trade and Consumer Protection

1. *County Conservation Staffing (Paper #147)*. Increase base funding by \$900,000 nonpoint (environmental fund) SEG to \$5,936,900 annually for county conservation staffing grants. Combined with GPR funding of \$3,027,200 annually, the grants would have total base funding of \$8,964,100 annually.

2. *Soil and Water Resource Management Funding (Paper #148)*. Adopt Alternatives A3, A5, B1, and C2. Alternative A3 would delete the Governor's proposal to create a new GPR appropriation for producer-led watershed protection grants, and instead maintain current funding of up to \$250,000 annually from the Department of Agriculture, Trade and Consumer Protection (DATCP) nonpoint SEG appropriation. Alternative A5 would increase the maximum grant allocation under the producer-led program to \$40,000, from \$20,000. Alternative B1 would adopt the Governor's proposal to provide an additional \$825,000 nonpoint SEG annually for soil and water resource management (SWRM) grants, primarily associated with nutrient management planning. Alternative C2 would modify the Governor's proposal to apply prioritization criteria based on impaired waters and agricultural enterprise areas (AEAs) to only the allocation of cost-share grants for nutrient management planning, rather than all joint allocation plan grants.

Natural Resources – Environmental Quality

3. *Environmental Improvement Fund Use for Wastewater Permitting (Paper #476)*. Adopt Alternative 2, which would: (a) approve the Governor's recommendation to expand the use of environmental improvement fund (EIF) SEG for wastewater permitting activities under s. 283.31 of the statutes, for activities performed by the Department of Natural Resources (DNR) Division of Environmental Management (municipal and industrial sources) and the Division of External Services (concentrated animal feeding operations); (b) approve the Governor's recommendation to convert \$114,600 GPR annually with 2.0 GPR positions to EIF SEG; and (c) modify the Governor's recommendation to transfer the 2.0 EIF SEG positions from the Division of Environmental Management to the Division of External Services to be used for CAFO wastewater permitting activities.

Posted
Wheeler Reports

4. *Transfer Revenue from Environmental Management to Nonpoint Account and Nonpoint Account Transfer Reduction (Paper #477)*. Adopt Alternative 1, which would approve the Governor's recommendations to: (a) reduce the GPR transfer to the nonpoint account by \$3,152,500 GPR annually; (b) transfer \$3,152,500 within the environmental fund from the environmental management account to the nonpoint account in each of 2017-18 and 2018-19, on a one-time basis; and (c) specify that the funds be considered to be received by the nonpoint account for debt service payments on projects funded under DNR's current rural and urban nonpoint source pollution abatement grant program. In addition, approve the modification to reestimate nonpoint SEG debt service by -\$682,400 over the 2017-19 biennium and environmental management SEG debt service by -\$48,000 over the biennium.

5. *Nonpoint Source Water Pollution Funding (Paper #478)*. Adopt Alternatives A1, B1 and C1. Alternative A1 would adopt the Governor's proposal to provide \$100,000 nonpoint SEG each year in one-time funding for targeted runoff management (TRM) grants. Alternative B1 would provide \$767,600 nonpoint SEG annually for nonpoint source contracts, consisting of a base of \$267,600 and one-time funding of \$500,000. Alternative C1 would adopt the Governor's proposal to repeal the requirement that DNR allocate \$500,000 in each fiscal year to UW-Extension for nonpoint source contracts.

6. *Nonpoint Source Program Bonding (Paper #479)*. Adopt Alternatives 3a and 3b, which would provide \$6,150,000 in bonding authority (an increase of \$250,000 over the bill) for TRM and rural nonpoint source abatement programs and \$3,700,000 in bonding authority (an increase of \$700,000 over the bill) for the urban nonpoint source (UNPS) and municipal flood control (MFC) programs. Total available authority would be approximately \$7,000,000 for TRM and related programs and \$5,000,000 for UNPS-MFC.

7. *PECFA Awards (Paper #480)*. Adopt Alternative 4, which would provide increases of \$2,950,000 petroleum inspection fund SEG each year in the 2017-19 biennium for petroleum environmental cleanup fund awards. This would provide \$7,500,000 each year for awards, equaling \$625,000 per month. (This is an increase of \$2,100,000 from the amounts in the bill over the biennium.)

8. *Central Sands Hydrology Study*. Provide \$400,000 environmental management account (environmental fund) SEG in 2017-18, in a new, continuing appropriation, on a one-time basis, to DNR's Division of Environmental Management. Direct DNR to use the funding to conduct the evaluation and modeling of the hydrology of certain areas of the central sands region as required under s. 281.34 (7m) by 2017 Act 10 (High-Capacity Wells).

9. *Little Plover River Grant*. Provide \$100,000 environmental management account SEG in 2017-18 in a new, biennial appropriation. Direct DNR to use the funds to provide a grant to the Village of Plover for the purpose of employing an engineering firm and other experts qualified in wetland restoration and watershed enhancement to design solutions to increase the flow in the Little Plover River. Repeal the appropriation on July 1, 2019.

10. *Maintenance of Sulfur Dioxide Air Monitor*. Expand the purposes of the DNR air monitoring station appropriation and require that DNR use the appropriation to fund the operation

and maintenance of an air quality monitoring station in a county where a sulfur dioxide monitor has been in place for three years as a result of sulfur dioxide monitoring requirements under 40 CFR 51 and the data requirement rule for the 2010 one-hour sulfur dioxide primary national ambient air quality standard published in the Federal Register on April 21, 2015. Authorize the Department to designate the monitor as a special purpose monitor under 40 CFR 58.20. DNR is aware of an air monitoring station that would meet the requirements under the motion beginning on January 1, 2020. The Expera-Kaukauna Thilmany Paper Mill began operating the air monitoring station on January 1, 2017, after installing it to meet requirements of the U.S. Environmental Protection Agency data requirements rule for 2010 sulfur dioxide national ambient air quality standards. Under the motion, DNR could begin expending money from the appropriation for operation and maintenance of this air monitor as of January 1, 2020 (in 2019-20). This would incorporate LRB draft 1860/P1.

11. *Northeastern Wisconsin TMDL*. Require DNR to conduct a total maximum daily load (TMDL) study of the introduction of nutrients into the East and West Twin Rivers, Manitowoc River, Sheboygan River, and any streams that outlet into Lake Michigan between the Ahnapee River (Door and Kewaunee Counties) watershed and the Sauk Creek (Ozaukee County) watershed. Create an appropriation in DNR's Division of Environmental Management and provide \$130,000 water resources account (conservation fund) SEG annually and 1.0 SEG project position to conduct the study. Specify that no funds may be encumbered under the appropriation after June 30, 2021. Require DNR, as part of the study, to do the following: (a) identify the amount of nutrients being introduced into these waters; (b) identify nutrients attributable to nonpoint source pollution; (c) collect water quality data; (d) use modeling and forecasting to determine the effect of different methods on reducing nutrient introduction into these waters; and (e) develop tools to reduce the amount of nutrients introduced into these waters.

12. *Tainter Lake Biomanipulation*. Provide DNR \$65,000 nonpoint SEG for general operations in 2017-18. Specify that the funding be used for the purposes of conducting a pilot project to improve the water quality and fish habitat of Tainter Lake in Dunn County. Specify that the pilot project include: (a) a comprehensive fish study; (b) removal of zooplanktivorous (algae-eating) and benthivorous (bottom-feeding) fish, such as carp; and (c) introduction of piscivorous (predatory) game fish, such as walleye.

13. *Burlington Storm Water Study*. Move to provide Southeast Wisconsin Regional Planning Commission (SEWRPC) \$50,000 nonpoint SEG during 2017-18 for the purposes of conducting a storm water management study for the City of Burlington. Specify that the study: (a) identify the location and destination of current storm water flows; (b) identify city property or private property owners that have storm water capacity issues; and (c) provide recommendations to eliminate flooding at several of the city's major businesses.

14. *Definition of Point Source*. Amend the definition of a point source of water pollution under s. 283.01(12) of the statutes to exclude: (a) agricultural storm water discharges; and (b) return flows from irrigated agriculture. Return flow from agricultural irrigation is drainage water that is not absorbed and that reenters the water system, typically via a surface stream. This provision would amend the Wisconsin definition of point source to add language included in the federal definition. 1977 and 1987 amendments to the Clean Water Act modified the federal definition of point sources

to include exemptions for agricultural storm water and irrigation return flows. This would incorporate LRB draft 3807/P2.

15. *Boat Shelters Siding.* Allow that boat shelters may have temporary sides made of flexible material with a minimum openness factor of 5% as long as all of the following conditions are met: (a) the sides are placed and maintained by the adjacent riparian landowner, easement holder, or his or her agent; (b) the boat is either registered with the state, or exempt from registration with the state; (c) the boat has a wooden hull, or is designated as a boat with significant historical or cultural value as determined by the Wisconsin Historical Society or a local or county historical society affiliated with the Wisconsin Historical Society; (d) the sides are located entirely within the riparian owner's riparian zone; (e) there are no more than two boat shelters for the first 100 feet of the owner's shoreline footage, and no more than one boat shelter for each additional 50 feet; (f) the structure is no more than 24 feet long, unless the boat is longer than 24 feet; and (g) the sides are placed at least 36 inches above the water surface. For the purposes of determining eligible boat shelters, define "shoreline footage" as measured along a straight line connecting points where property lines meet the ordinary high-water mark. Define "riparian zone" for purposes of Chapter 30 (navigable waters) as the area that extends from riparian land waterward to the line of navigation, determined in a way such that riparian zone lines between adjacent owners equitably apportion access to the line of navigation. This would incorporate LRB draft 2812/2.

16. *Riprap Permit Exemption.* Provide an exemption from permitting requirements for the placement of riprap of up to 200 linear feet in rivers and inland lakes, or 300 linear feet in a Great Lakes water body, as long as the following conditions are met: (a) the riprap is clean fieldstone or quarry stone with a diameter of at least six inches and no more than 48 inches; (b) the toe of the riprap does not extend more than eight feet waterward of the ordinary high-water mark; (c) the riprap slope is not steeper than one foot horizontal for each 1.25 feet vertical; (d) the riprap does not rise above 36 inches above the ordinary high-water mark, or above the storm-wave height as calculated using a method established by DNR rulemaking, whichever is higher; (e) the riprap follows the natural contour of the shoreline; (f) filter fabric or clean-washed gravel is used as a filter layer under the riprap; (g) no fill material or soil is placed in a wetland; (h) no fill material or soil is placed below the ordinary high-water mark of any navigable waterway, other than riprap and clean-washed gravel as a filter layer; (i) the riprap is not in an area of special natural resource interest; and (j) the riprap does not interfere with the riparian rights of other riparian owners. This would incorporate LRB draft 3668/P1.

17. *Municipal Flood Control Grant Program.* Move to amend statutory authorities for the municipal flood control (MFC) and riparian restoration program to specify, notwithstanding other current law provisions detailing grant eligibility, an applicant is eligible for financial assistance under the MFC program in the 2017-19 fiscal biennium if an applicant is requesting a state matching grant to support a project funded or executed in whole or in part by the U.S. Army Corps of Engineers under Section 205 of the federal Flood Control Act. Further, provide the state matching grant in an amount sufficient to accomplish the flood-control goals of the project as proposed in the MFC program application, but not to exceed \$14,600,000 in general fund-supported borrowing. Specify that, notwithstanding section 23.0917(5g) of the statutes, funds are to be awarded from the unobligated bonding authority under the Knowles-Nelson Stewardship program from one or more of the 2014-15, 2015-16, or 2016-17 fiscal years. Additionally, require that any

matching grant given preliminary approval by DNR under these provisions must be submitted to the Joint Committee on Finance for a passive review. If, after 14 working days, the Committee Co-Chairs inform DNR no objection has been raised to the proposal, funding for the project may be released. If the Committee Co-Chairs inform DNR an objection has been raised to the proposal, funds may be released only upon a vote by a majority of the Committee proceeding under s. 13.10 of the statutes.

18. *Aquatic Invasive Species Education and Control Grants.* Provide \$500,000 conservation SEG (water resources account) in fiscal year 2017-18 in one-time funds for aquatic invasive education and control grants.

Note:

The following table summarizes the fiscal effect of the preceding provisions:

Summary of Fiscal Effect

	Change to Base		Change to Bill		Fund
	<u>2017-18</u>	<u>2018-19</u>	<u>2017-18</u>	<u>2018-19</u>	
Agriculture, Trade and Consumer Protection					
County Conservation Staffing [Paper #147]	\$225,000	\$225,000	\$900,000	\$900,000	SEG NP
Soil and Water Resource Management Funding [Paper #148]	825,000	825,000	0	0	SEG NP
	0	0	- 250,000	- 250,000	GPR
Natural Resources – Environmental Quality					
Environmental Improvement Fund					
Use for Wastewater Permitting ^a [Paper #476]	- \$114,600	- \$114,600	\$0	\$0	GPR
	114,600	114,600	0	0	SEG EIF
Transfer Revenue from Environmental Management to Nonpoint Account and Nonpoint Transfer Reduction [Paper #477]					
	- 3,152,500	- 3,152,500	0	0	GPR
	- 3,152,500	- 3,152,500	0	0	SEG-REV
Reestimate Environmental Fund Debt Service [Paper #477]					
	- 1,897,100	- 940,400	- 44,800	- 3,200	SEG EM
	181,400	453,600	- 463,500	- 218,900	SEG NP
Nonpoint Source Water Pollution Funding [Paper #478]	640,000	640,000	0	0	SEG NP
Nonpoint Source Program Bonding [Paper #479]	9,850,000 ^b		950,000 ^b		BR
PECFA Awards [Paper #480]	2,950,000	2,950,000	0	2,100,000	SEG PIF
Northeastern Wisconsin TMDL ^c	130,000	130,000	130,000	130,000	SEG WR
Tainter Lake Biomanipulation	65,000	0	65,000	0	SEG NP
Central Sands Hydrology Study	400,000	0	400,000	0	SEG EM
Little Plover River Study	100,000	0	100,000	0	SEG EM
Aquatic Invasive Species Grants	500,000	0	500,000	0	SEG WR
Burlington Storm Water Study	50,000	0	50,000	0	SEG NP
Total by Fund Source					
General Purpose Revenue (GPR) ^a	- \$3,267,100	- \$3,267,100	- \$250,000	- \$250,000	GPR
Env. Mgmt. (Environmental Fund) SEG	- 1,397,100	- 940,400	455,200	- 3,200	SEG EM
Nonpoint (Environmental Fund) SEG	1,986,400	2,143,600	551,500	681,100	SEG NP
Environmental Improvement Fund SEG	114,600	114,600	0	0	SEG EIF
Petroleum Inspection Fund SEG	2,950,000	2,950,000	0	2,100,000	SEG PIF
Water Resources (Conservation Fund) SEG ^c	630,000	130,000	630,000	130,000	SEG WR
Total	\$1,016,800	\$1,130,700	\$1,386,700	\$2,657,900	
SEG-REV Environmental Management Bonding Revenue (BR)					
	- \$3,152,500	- \$3,152,500	\$0	\$0	SEG-REV
	9,850,000 ^b		950,000 ^b		BR

^a Alongside converted funding, 2.0 GPR positions would be converted to 2.0 SEG EIF positions.

^b Bond authorizations are provided on an ongoing basis, and are typically expended biennially.

^c Also includes 1.0 SEG WR project position.