March 22, 2016

Cathy Stepp, Secretary
Wisconsin Department of Natural Resources
101 S. Webster Avenue - AD/8
Madison, WI 53703

Re: Realignment Ideas

Dear Secretary Stepp:

On behalf of the League of Wisconsin Municipalities I want to thank you for the invitation to the roundtable discussion regarding DNR realignment. It was exciting to hear the various ideas designed to make the DNR run more efficiently and effectively in the face of continuing budgetary constraints. I also want to take this opportunity to reiterate our willingness to participate in providing input in subsequent workgroups regarding the realignment initiatives.

My understanding was that you were looking for any additional input prior to the end of the month. I want to take this opportunity to reiterate several points that are important to the League.

Single Point of Contact and Coordination. The single point of contact concept is one which we have supported through our participation in the Green Tier Legacy Charter initiative and have been advocating for many years. Coordination of permitting through a single point of contact is no less important to municipalities than it is to businesses.

There are many routine municipal services that implicate multiple permits for a single project. The most obvious example is stormwater management. Often a stormwater management pond is the most cost-effective and environmentally effective way to reduce sediment to our waterways and meet increasingly stringent TMDL standards. Yet, a single pond can implicate Chapter 30, wetlands, floodplains, dams and fisheries in addition to stormwater permit compliance. Not infrequently, each of these programs views the project from its unique perspective and requirements.
It is not enough to have a single point of contact that merely collects all of the diverse permit requirements into a single list. There should be someone who has the responsibility to look at projects as a whole and determine how to coordinate all of these programs to achieve the greatest benefit for the watershed as a whole. Organizationally, we urge the Department to consider leaving the stormwater and nonpoint functions in the same bureau as Chapter 30, wetlands, floodplains and related functions to help facilitate coordination and watershed perspective.

**Development of Guidance.** In recent years, as the rulemaking process has become more cumbersome, the DNR has understandably relied more on guidance. To its credit, it has established a public notice and comment period for most guidance documents. However, unlike the rule process which has numerous opportunities for notice and participation including the use of advisory committees, the guidance process typically involves a 21-day comment period from the time it is posted on the DNR website.

Even assuming one is on the proper government document delivery service and gets the notice the day it is issued (which is not always the case), it is nearly impossible with a membership organization to get the word out to members, solicit technical input from consultants, determine a list of comments or concerns and get authorization from the organization with respect to a position on the proposed guidance – all in 21 days. While we realize the days of multi-year advisory groups are gone, the Department should find some way to work with its regulatory partners to get input while the guidance is being developed. For example, if there is going to be a guidance document on stormwater management or clean water fund criteria, we would appreciate being alerted and given the opportunity to comment on the guidance before and not after it is sent out on the website.

**Use of GPs, Private Sector Consultants and MOUs.** We have been an advocate of general permits and similar programs from their inception. These programs should be supported and expanded so that the Department can focus on major projects rather than minor routine projects.

However, there are an increasing number of areas where the Legislature has taken away or restricted the ability of local governments to regulate certain activities and land uses with major environmental impacts. In these areas, including large livestock operations, nonmetallic mines and high capacity wells, the Department is the primary if not sole regulatory authority to protect air and water resources. These are precisely the kinds of major projects with major impacts that should be the focus of Department resources. These are not the kinds of minor routine projects that warrant GPs and MOUs.
Flexibility in State Funding. At the meeting, there was mention of greater integration and flexibility with respect to the Safe Drinking Water Act and Clean Water Fund grant and loan programs. We fully applaud these efforts. As you know, municipalities are under levy limits and other restrictions on raising revenue, yet the need for investment in environmental infrastructure continues to escalate – often as the result of new state or federal regulations. It is imperative that creative and flexible funding options be encouraged wherever possible.

We again appreciate the opportunity to comment and look forward to working with you in a collaborative fashion to ensure environmental protection and financial health of our communities.

Very truly yours,

[Signature]

Paul G. Kent
PGK:mai
Enclosure
cc: Jerry Deschane
    Curt Witynski