AN INVENTORY OF LAND USE RELATED ACTIVITIES WISCONSIN STATE AGENCIES

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An Inventory of Land Use Related Activities Wisconsin State Agencies

Prepared by:

David W. Owens, Project Leader
Steve Schaeffer
Yvette Hall
Victor Pol

U.S. DEPARTMENT OF COMMERCE NOAA
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OFFICE OF
STATE PLANNING
AND ENERGY
Department of Administration
STATE OF WISCONSIN

AN INVENTORY OF LAND USE RELATED ACTIVITIES OF WISCONSIN STATE AGENCIES

October, 1977

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PREFACE

Over the years the state of Wisconsin, acting through the legislature and the executive branch of government, has addressed a broad range of land use and land use related issues. Several programs have been established to directly address land use issues; a number of other programs, though not specifically aimed at "land use", have significant land use impacts.

In order to determine just what state government is doing that affects land use, this inventory of the land use related activities of state agencies was undertaken. This effort is part of a larger study requested by the previous Governor, Patrick J. Lucey. The Governor directed the Office of State Planning and Energy to coordinate state government activities relating to land use and to assess the adequacy of present land use related programs. Specifically, he requested that the Office, in full cooperation with other state agencies, local units of government and regional planning commissions, evaluate the range of land use related activities which are presently the responsibility of various state agencies.

The field work for this study was undertaken over a period starting in mid-1976 and running to mid-1977. During this phase of the project the following work was undertaken:

(1) A land use activity questionnaire was designed for use in interviewing agency officials (see Appendix). The form was designed to collect basic information concerning a description of the program, its size, scope and implementation.

(2) State agency officials were provided with a general list of land use related programs and asked which of those programs had a significant impact upon land use and to identify other programs they administered that might have significant land use impacts. Next, the state agency officials responsible for administering the land use related programs that were identified were asked to complete the questionnaire forms. This initial field work was done in the summer of 1976.

(3) Office of State Planning and Energy staff then conducted follow-up interviews with the relevant state agency personnel and, using the questionnaires and interview information, drafted descriptions of the programs. Several agencies wrote their own draft sections.

(4) Draft inventory sections were then returned to the listed contact persons for review in terms of accuracy and completeness, with follow-up interviews taking place where necessary. This work was completed in spring-summer 1977.

Agency officials generously assisted in providing the information needed for completion of this report. Without their help, the report would not have been possible. A special appreciation is expressed to the persons listed below. They comprised the advisory group for this project, giving particular assistance in designing the scope and organization of the project in late 1975 and early 1976.

Advisory Group (Oct. 1975-Aug. 1976)

Jim Kurtz, Department of Natural Resources
Bruce Wilson, Department of Transportation
George James, Department of Local Affairs and Development
Steve Born, Department of Administration
Hal Bergan, Governor's Office
Jim Bailey, Public Service Commission
Gene Savage, State Board of Soil and Water Conservation District
Dick Lehmann, UW-Extension
Jim Johnson, Walworth Co.
Arno Haering, North Central Wisconsin Regional Planning Commission
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INTRODUCTION

This inventory is designed to provide a "snapshot" of the land use related activities of state agencies in Wisconsin. In summary fashion, it identifies and provides a basic level of information about the wide range of state agency activities that are either intended to guide land use or have significant impacts on land use. It is simply reports what is going on and does not address the policies underlying these programs.[1]

These programs have been adopted on an incremental basis over the years to address a number of specific issues. In addition to direct land use planning and control, this inventory includes chapters on power plant siting, surface mining, shoreland and flood plain management, natural resource management, sewage treatment and solid waste management, the state building program, transportation planning and control, and environmental impact review. As Table 1 at the end of this section indicates, these programs are spread among several state agencies, with the responsibilities being set out in a number of different sections of the statutes. As Table 2 indicates, these programs are not only regulatory in nature but include coordination, financial assistance, planning, and technical assistance dimensions as well.

This inventory is the first step necessary to undertake an evaluation of state government land use activities, serving as a basic source of information for these activities. This report should also enable its readers, who may not necessarily possess extensive knowledge of various state land use related programs, to quickly grasp the fundamentals of each program. This basic information includes the purpose, authority, size, scope, method of implementation, and intergovernmental relationships involved for the various programs. Additional information about each activity can be obtained from those persons listed under the subsections entitled "Contact Persons."

The scope of this inventory is quite broad--it includes several programs that may not, at first impression, seem to be "land use related." However, the advisory group felt the inventory should be comprehensive and should include not only activities that are specifically intended to regulate land use, but also those activities that have a significant impact on the land resource.[2]

TABLE 1

STATUTORY AUTHORITY FOR STATE AGENCY'S LAND USE RELATED ACTIVITIES

Agency	Statewide Land Use Planning & Control	Power Plant Siting	Shoreland & Flood Plain Management	Surface Mining	Natural Resource Management	Sewage Treatment & Solid Waste Management	State Building Program	Transportation Planning & Control	Environmental Impact Review
DNR	§236.14(2m)		§§59.971, 87.30, 144.26	§§144.80-144.94	Chs.23-33, 144, 147 & 162 §15.347(4)	§§144.04, 144.30-.45			§1.11
DOT	Ch.32 §§84.09,84.25 & 236.12(2)							Chs.84-86 & 114 §§59.965 & 182.017	§1.11
DH&SS	§§140.05(7) & 236.13					Chs.144 & 145			§1.11
DLAD	Ch.236 §§22.14; 66.013-.017, 66.021 & 70.27								§1.11
PSC		Chs.196 & 198						Chs.191 & 194	§1.11
DOA	§16.95						Ch.18 §§13.48, 20.71 & 20.924		§1.11
SWRA						Ch.499			§1.11
BSWCD					Ch.92				§1.11

TABLE 2

TYPES OF LAND USE ACTIVITIES UNDERTAKEN BY STATE AGENCIES IN THEIR PROGRAMS

Agency	Statewide Land Use Planning & Control	Power Plant Siting	Surface Mining	Shoreland & Flood Plain Management	Natural Resource Management	Sewage Treatment & Solid Waste Management	State Building Program	Transportation Planning & Control	Environmental Impact Review
DNR	R		C,R	R,T	C,F,P,R,T	R,T		C,F,P,R,T	C,T
DOT	R					R		C,F,P,R,T	T
DH&SS	R								T
DLAD	C,F,P,R,T								T
PSC		P,R,T						R	T
DOA	C,F,P,T						C,F,P		C,F,T
SWRA						C,T			T
BSWCD	T			C,T	C,F,P,T				T

KEY: C - Coordination of intra- and interagency activities
F - Financial assistance distribution
P - Planning
R - Regulation (permits, enforcement actions)
T - Technical information assistance (research, education)

TABLE 3

FUNDING FOR EACH STATE AGENCY'S LAND USE PROGRAMS
Current 1975-77 Figures in Dollars

Agency	Statewide Land Use Planning & Control	Power Plant Siting	Shoreland & Flood Plain Management	Surface Mining	Natural Resource Management	Sewage Treatment & Solid Waste Management	State Building Program	Transportation Planning & Control
DNR			740,000 740,000 100%	100,000 100,000 100%	91,176,177 68,507,000 75.13%	1,389,000 1,019,000 73.36%	3,681,500 2,502,900 67.98%	
DOT	242,000 242,000 100%							24,038,800 9,262,300 38.53%
DH&SS	53,000 53,000 100%					990,126 990,126 100%		
DLAD	106,000 85,000 80.18%							
PSC		186,000 106,000 58.88%						138,222 138,222 100%
DOA	2,645,446 NA NA						7,060,000 NA NA	
SWRA						427,460 372,460 87.13%		
BSWCD					954,000 954,000 100%			

NOTE: Figures for WEPA are not available.
KEY: The top figures represent the total funding within these areas. They include state budget allocations, user fees, service charges, and federal grants and funds. The second figures represent the total funding coming exclusively from state sources. The percentages indicate the percent of exclusive state funding to the total funding.

NOTES

[1]See J. Hyman, Wisconsin's Growth and Development: A Survey of Legislation and Aging Policies (1976, Wisconsin State Planning Office) for an inventory of state-level public policies that affect urban development and land use.

[2]A specific state agency activity was considered to have a significant impact on the land resource if it:

1) affects the destruction or conversion of critical state resources;

2) involves the creation, termination, or alteration of a major public facility or investment;

3) deals with private development that presents issues of state or regional significance;

4) directly deals with the destruction or deterioration of the quality of the land;

5) deals with the deterioration or depletion of air and/or water resources; and

6) set a precedent or represents a decision in principle that will have a cumulative impact on the land resource.

CHAPTER 1. STATEWIDE LAND USE PLANNING AND CONTROL

A. Platting/Subdivision Standards

a. Definition and Authority

Platting land is a system authorized by statute to regulate the subdivision of land. Land division is regulated at the state level to promote public health and safety and to provide for the orderly expansion of utility services, roads and development. Several state agencies may become involved in the analysis of the feasibility of subdividing a particular section of land. Such plat review occurs when a parcel of land owned for the purpose of sale or development is divided into five or more parcels of one and one-half acres or less, either immediately or by successive divisions within a period of five years (section 236.02(8), Wisconsin Statutes).

The Department of Local Affairs and Development (DLAD), operating under Chapter 236, section 70.27, and LAD 1 and 2 of the Administrative Code, administratively regulates subdivision plats and assessor's plats. The Community Development Bureau checks individual plats to determine their compliance with the statutory requirements of Chapter 236. DLAD's major function is to check the accuracy of the surveying. DLAD determines compliance with layout standards, such as whether lots meet minimum width and area requirements or streets have the required minimum width. DLAD also determines whether subdivisions abutting a navigable lake or stream have provided public access to waters which are at least 60 feet wide per half mile of shoreline.

The Department of Health and Social Services (DH&SS) reviews unsewered subdivision plats to determine if the lots will sufficiently support on-site sewage disposal systems without incurring harmful discharges of liquid wastes into ground waters or surrounding surface waters. The Bureau of Environmental Health administers this function and operates under the statutory authority of sections 236.13(1) and (2m), 140.05(7), and Chapter H 65 of the Wisconsin Administrative Code.

The Department of Transportation (DOT) is involved in the review of any subdivision which abuts or adjoins a state trunk highway or connecting street. Regulation is based on the concern for safety of entrance upon and departure from abutting state highways or connecting streets. The authority for regulation is provided in section 236.12(2)(a), Wisconsin Statutes, and Chapter Hy 33 of the Administrative Code. The

Bureau of Engineering, under the authority vested in section 84.25, may also designate a highway as a controlled access highway, thereby regulating the entrance and departure from such a highway at places specially designated and provided for such purposes. Under section 84.09, DOT is given the authority to acquire land and property interests to permit the construction and improvement of roads.

Finally, the Flood Plain-Shoreland Management Section of the Department of Natural Resources (DNR), through a cooperative agreement with DLAD, currently reviews copies of all plats transmitted from DLAD (also see Chapter 3). The plats are initially screened to determine if they are either located in a county shoreland area or flood plain, or in a city or village flood plain. If the plat is located in either a shoreland area or flood plain the plat is reviewed. Comments are transmitted back to DLAD. DNR contends that under section 236.14(2m) it does not have the authority to require compliance with subdivision regulations; that it is only authorized to furnish comments. The Bureau of Fish Management may also review plats for public access considerations.

b. Activity

	# of Plats Reviewed/# of Plats Approved		
	1971-73	1973-75	1975-77*
DLAD-preliminary	791/1094	879/1228	586/784
DLAD-final	1694/	1959/	1013/
DH&SS	1453/593	1552/493	577/213
DOT	2000/1060Δ	2000/1160Δ	Estimating Increase
DNR	N/A	1340/650O	1570/573O

* to 6/76
Δ number includes controlled access actions and encroachments
O number of shoreland-flood plain plats

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DLAD	$85,000	3 man years
DH&SS	53,000	2 man years
DOT	242,000	15 man years
DNR	0	0.3 man years

d. Enforcement

Surveillance and enforcement of platting regulations vary with the nature of each department's function. In the DH&SS, surveillance is often made prior to the establishment of a subdivision. A few spot checks and responses to complaints are made after the subdivision has been approved. DLAD indicated that under its platting function there are no surveillance or enforcement activities. Basically, a platting application is a one-time application for review which is either approved or not approved. On the other hand, DOT does not consider the determination of a highway's status to be unchanging or static. The department is continually reviewing and revising a highway's status as necessary due to changes in traffic patterns. Reviews are initally made for subdivison plans, after which the department makes spot checks and responds to complaints.

e. Interagency Coordination

Interagency coordination is present between DH&SS, DOT, DLAD and DNR to the extent that each department may be called upon to give a review, depending on the specifics of the land being subdivided. If a subdivision does not propose to have public sewers, then DH&SS must give a review. Similarly, if a state trunk highway or connecting street abuts the subdivison DOT must review the plat. DLAD serves as the coordinating agent in the reviewing process. DLAD has the responsibility of insuring that all necessary agencies review a specific plat and that the final plat satisfies all the applicable statutory requirements.

f. Contact Persons

DH&SS . G. A. Van Der Velden
Bureau of Environmental Health
Division of Health
One West Wilson Street, Room 570
Madison, Wisconsin 53702
266-1704

DOT . N. M. Margetis
Bureau of Real Estate
Division of Highways
Hill Farms, Room 537
Madison, Wisconsin 53702
266-2363

DLAD . Robert J. Chittenden
Bureau of Community Development
Division of State-Local Affairs
123 West Washington, Room 820
Madison, Wisconsin 53702
266-3200

DNR . Larry Larson
Bureau of Water Regulation and Zoning
Division of Enforcement
P.O. Box 7921
Madison, Wisconsin 53707
266-1926

B. Annexation and Incorporation

a. Definition and Authority

DLAD is responsible for review of both annexation and incorporation proposals. The Community Development Bureau makes an advisory review of an annexation proposal in counties with a population of 50,000 or more, as provided in section 66.021(11), Wisconsin Statutes. The bureau advises an annexing municipality on whether the shape of the proposed annexation is reasonable, whether it is homogeneous with the annexing municipality, and who would best supply services to the area. In cooperation with DOT, DLAD also checks to assure that the property is contiguous to the city or village and that it would not create a town island.

Annexation may be accomplished by one of two methods. The first method is direct annexation. A petition is filed by a majority of electors residing in the area seeking annexation and either the owners of one-half of the land in area or one-half of the real property in assessed value in the area. A referendum may be conducted, but only if requested by 20% of the electors residing in the proposed area of annexation. The other method is by referendum, where 20% of the electors and owners of 50% of the real property either in area or assessed value of the proposed area petition for a referendum on annexation. A municipality may annex territory unilaterally where the property to be annexed is completely surrounded by the territory of the municipality, is 65 acres or less and has a population of 100 or fewer. It may also unilaterally annex owned territory even if it is not contiguous to the municipality (Section 66.021 (15), Wisconsin Statutes).

With regard to incorporation petitions, DLAD assures that compliance with the minimum standards of sections 66.013 to 66.017 are fulfilled. The incorporation review procedure

seeks to allow the development of territory from town to incorporated status to proceed in an orderly and uniform manner, taking into account the needs of both urban and rural areas. DLAD's approval of incorporation petitions is required. If DLAD determines that the petition complies with the statutory requirements, a referendum is ordered. If a majority of the votes in the referendum are cast for incorporation, then a certificate of incorporation will be issued by the clerk of the circuit court.

b. Activity

For the 1975-1977 period as of June 18, 1976, the Community Development Bureau has reviewed 258 annexation petitions, but no incorporation petitions. In early 1977, two incorporation petitions were reviewed (one was approved, one denied).

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DLAD	$21,000	.5 man years

d. Enforcement

Enforcement or surveillance is not applicable, since what is involved is either an outright approval or rejection of petitions for annexation (advisory) or incorporation.

e. Interagency Coordination

Interagency participation is involved in the evaluation of incorporation and annexation petitions. Annexation petitions are sent to DOT for review of the adequacy of description, contiguity to incorporated areas, and whether town islands are formed. Information is often sought from other agencies in incorporation proceedings through informal channels.

f. Contact Person

DLAD . Marc Williamson
Bureau of Community Development
Division of State-Local Affairs
123 West Washington
Madison, Wisconsin 53702
266-7902

C. Planning

Two state agencies are involved in the area of land use related planning. DLAD's land use planning focuses on providing assistance to local planning efforts, while the Office of State Planning and Energy does planning on a state level.

1. Community Development and Local Planning Assistance

a. Definition and Authority

Community development and local planning assistance functions are delegated by section 22.14, Wisconsin Statutes, to DLAD. DLAD also administers federal funds for local planning assistance and areawide planning aid. These funds are distributed among the Regional Planning Commissions in Wisconsin and may be used in part to support local planning activities.

b. Activity

The Community Development Unit is currently conducting a pilot Community Development Program in five communities. The goal of this program is to develop a process enabling communities to systematically establish goals and objectives for themselves, designate priorities, and develop and implement an action plan, utilizing the maximum level of citizen participation possible. The long-range objective is to make this process an on-going local government function.

The level of activity for future technical assistance will largely depend on the number requests for technical community development assistance. The amount of time committed to individual communities will also depend on whether the requests are for short-term assistance or long-term projects, such as the development of a zoning ordinance.

c. Funds and Staff

The staff requirements as well as the budget will depend on the level of activity generated by community requests for project assistance. For 1975-77, the pilot Community Development Program and the technical assistance function of DLAD have been allocated four technical and professional staff members.

d. Contact Person

DLAD . Paul J. Van Rooy
Bureau of Community Development
Division of State-Local Affairs
123 West Washington
Madison, Wisconsin 53702
266-7942

2. State Level Planning

a. Definition and Authority

Housed in the Department of Administration, the Office of State Planning and Energy (OSPE) is directed to promote and coordinate a comprehensive system of state-level planning under section 16.95, Wisconsin Statutes. As one component of the overall planning and executive management system of Wisconsin state government, OSPE participates in state policy formation, coordinates its activities with line agency and substate planning entities, and works to implement state level policies and plans. More specifically, OSPE seeks to accomplish its objectives through 1) policy analysis and research within its areas of expertise (independently, with other planning bodies, and with units of the University of Wisconsin system); 2) leadership and participation in interagency/intergovernmental coordinative activities of both a general and problem-specific nature; 3) collaboration and shared working arrangements with individual agencies regarding specific problems or programs of mutual concern; 4) development and testing of new programs (e.g., Coastal Management, State Economic Development Planning); 5) Executive Office services, including legislation review and development, and selective involvement in the budgetary process; 6) increased citizen access and involvement with government; and 7) review and comment on state agency plans, programs, rules, etc., by virtue of designation as the State A-95 Clearinghouse, and through the Wisconsin Environmental Policy Act requirements.

OSPE is organized around four functions: 1) state level land use planning and coastal managment; 2) state development policy; 3) planning coordination; and 4) energy policy planning. OSPE has been designated by the Governor as the administrative and fiscal "lead" agency in the Coastal Management Program. This interagency effort seeks to develop a policy for the management of activities and uses which have an impact upon the waters and surrounding lands of Lakes Michigan and Superior. OSPE is also the central coordinating agency for the interagency implementation of the Wisconsin Environmental Policy Act. (See Chapter 11).

b. Activity

In response to the Executive Office's concerns, OSPE is presently involved in several specific land use issues: processes for approving land developments; formulation of a viable statewide land use information system; the state's institutional capability and legislative authority to deal with land use issues and problems; public costs of alternative development patterns; and state agency policies regarding public service extensions.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
OSPE	$2,645,446	18 man years 12 limited term positions

These figures do not include the funds and staff allocated for the energy program element of OSPE. They do include all funds for the Coastal Management Program; a good deal of those funds are distributed to other agencies.

d. Interagency Coordination

Since OSPE is responsible for comprehensive state planning, most projects are done in cooperation with numerous state, regional and local agencies. Extensive use is made of interagency working committees. Major examples of interagency coordinative efforts include OSPE staff support of the Economic Development Coordinating Committee and the Coastal Management Council.

e. Contact Person

DOA . Craig Adams, Acting Director
Office of State Planning and Energy
One West Wilson Street, Room B-130
Madison, Wisconsin 53702
266-3003

a. Definition and Authority

(1) Power plant siting

Under the provisions of the Power Plant Siting Act, the Public Service Commission (PSC) reviews and approves the advance planning performed by power utilities. Section 196.491(2) provides that by July 1 of each even-numbered year, each electric utility must file its plan with the PSC and other administrative agencies (DOA, DLAD, DH&SS, Department of Justice, Department of Business Development, DNR, DOT and any Regional Planning Commission having jurisdiction over the area affected). The plan is required to contain the general location and description of facilities expected to be in operation or under construction within the next 10 years. The plan must identify the location of specific proposed and alternative sites for all bulk electric generating facilities and all large electric generating facilities over 12,000 kilowatts for which a certificate of public convenience and necessity has not been applied for, but the commencement of whose construction is planned within three years. The location of tentative and alternative routes for high-voltage transmission lines on which construction is intended to commence in the succeeding 18 months must be identified. Identification and description must also be provided for: 1) facility characteristics which affect the environment; 2) practical alternatives to location, fuel type and method of power generation; 3) projected electric demands and the basis for determining these demands; 4) all major research projects and programs and the reason for their selection; and 5) existing and planned programs and policies to discourage inefficient and excessive power use.

Under the provisions of section 196.491, the PSC regulates the issuance of certificates of public convenience and necessity, which are required before construction of a power plant or transmission line can begin. An application for this certificate must be filed with the commission not less than 18 months prior to the commencement of construction of a bulk electric generating facility, and not less than six months for a large electric generating facility or a high-voltage transmission line. The

commission holds a public hearing in the area affected by the proposed facility. Approval for a certificate is based on such criteria as compliance with the most recent advance plan filed under section 196.491(2), necessity for the satisfaction of the reasonable needs of the public, design, location, and impacts upon the environment and local land use plans.

The PSC is also involved with municipal power districts. These districts are provided for in Chapter 198, Wisconsin Statutes. It is the duty of the PSC, upon request, to work out with a municipality, or any group of municipalities, a feasible working plan for a proposed district (section 198.025). There are no municipal power districts in the state at this time and none are currently anticipated. Therefore, no funds or staff allocations were made for this program in the 1975-77 budgetary period. However, it should be noted that districting may occur if municipal electric utilities seek to maintain their own power generating source. The PSC is also involved in reviewing municipal acquisitions of public utilities through the provisions of Chapter 197.

(2) Utility construction and extension

Under the provisions of Chapter 196, Wisconsin Statutes, and Administrative Code Chapters PSC 112, 113, 133 to 135, 140, 162 and 165, the Engineering Division of PSC provides review procedures for utility applications for construction projects. PSC's responsibility includes the review of plant additions and the monitoring of utility construction, operation, service reliability, and compliance with safety standards. (See Chapter 7 for DNR's role with regard to regulations for sewer extensions.)

PSC's Division of Systems Planning, Environmental Review and Consumer Analysis operates under the Wisconsin Environmental Policy Act (WEPA), section 1.11 of the Wisconsin Statutes, the Power Plant Siting Act, section 196.491, and Administrative Code sections PSC 2.90 and 111. The division integrates existing and future land uses into its formulation of alternatives to utility construction plans and projects. The Power Plant Siting Act requires the preparation of an environmental assessment of long-range utility plans involving extension of services to 50 or more customers. WEPA requires the consideration of alternatives to proposed projects, as well as an analysis of potential environmental impacts and their possible avoidance.

b. Activity

(1) Power plant siting

The Division of Systems Planning, Environmental Review and Consumer Analysis prepares Preliminary Environmental Reports (PER's), Environmental Impact Statements (EIS's) and utility advance plan environmental analyses.

PSC	1973-75	1975-77
# of PER's done	4	7
# of EIS's done	4	7
# of 10-year plan analyses	0	1

The Municipal Power Districts Project presently has no activities underway because no districts have been created.

(2) Utility construction and extension

When a utility plans to construct or extend a facility, the PSC is responsible for reviewing the plan with regard to such considerations as reliable service and safety standards.

Utility Application Reviews	1971-73	1973-75	1975-77
# of permits granted	90	120	144
# of projects which were supplied technical assistance	2	2	3
# of enforcement orders issued	3	3	3

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
PSC	$186,000	7.0 man years

d. Enforcement

A one-time application process is involved with utility applications transmitted to the PSC for review. Site inspections of facility construction projects are made during

installation and spot checks are made after installation. Generic studies of energy issues are also conducted. The PSC may issue enforcement orders with regard to utility applications, and either approves or disapproves utility advance plans.

e. Interagency Coordination

The PSC establishes extensive interagency contacts in performing its functions. Review of utility applications involves coordination with local zoning authorities, Regional Planning Commissions and state agencies conducting environmental impact assessments under WEPA.

The Division of Systems Planning, Environmental Review and Consumer Analysis establishes both informal and formal communications through WEPA and the advance plan review process in determining whether viable alternatives for utility construction exist. Various agencies, such as DOA, DNR, DLAD, DH&SS, DOT and the University of Wisconsin, provide input on the environmental impact of utility construction projects on their projects and concerns. For example, DNR provides assessments on the impact of utility construction to wildlife and vegetation. DOT is consulted with respect to facility corridor sharing. The Department of Administration and the University of Wisconsin are involved in the development of various siting criteria and the understanding of their implications.

f. Contact Persons

PSC . Utility Extensions
William Sayles
Division of Engineering
4802 Sheboygan
Madison, Wisconsin 53702
266-3491

PSC . Valerie Mellerop
Bureau of Environmental Review
Division of Systems Planning, Environmental Review and Consumer Analysis
4802 Sheboygan
Madison, Wisconsin 53702
266-3495

PSC . Municipal Power Districts
Victor W. Mayer
Division of Utility Rates
4802 Sheboygan
Madison, Wisconsin 53702
266-1265

CHAPTER 3. SHORELAND AND FLOOD PLAIN MANAGEMENT

a. Definition and Authority

(1) Flood plain management

The Wisconsin Legislature, in enacting the Water Resources Act of 1965, recognized that flood plain zoning is a necessary tool to protect human life and health, and to minimize property damage and economic loss. Counties, cities, and villages are required by section 87.30, Wisconsin Statutes, to adopt reasonable and effective flood plain zoning ordinances within their respective jurisdictions where serious flood damage may occur. The Flood Plain-Shoreland Section of the Bureau of Water Regulation and Zoning of the DNR manages the flood plain zoning program and develops minimum state standards that must be incorporated into each local flood plain zoning ordinance. If a governmental unit fails to adopt an ordinance for a flood prone area, or adopts one which is below the minimum standards contained in NR 116 of the Administrative Code, the DNR may adopt a flood plain ordinance for such a community. DNR assists in the adoption and administration of flood plain ordinances and provides technical assistance to communities for engineering studies.

(2) Shoreland management

The Water Resources Act of 1965 requires counties to enact regulations for the protection of all shorelands in unincorporated areas by January 1, 1968. Shorelands are defined by the Act as lands within 1,000 feet of a navigable lake, pond or flowage and lands within 300 feet of a river or navigable stream or to the landward side of the flood plain, whichever distance is greater. The statute expresses that the purpose of regulations enacted for shoreland protection is "to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty."

The DNR has the authority to review shoreland ordinances to determine whether minimum state shoreland standards set out in NR 115 have been met. If the ordinance fails to meet state standards or the county fails to adopt an

ordinance, then the DNR can adopt an ordinance for a county. All counties now have approved shoreland zoning ordinances. The constitutionality of shoreland zoning regulations was upheld in Just v. Marinette County, 56 Wis.2d 7 (1972).

The Flood Plain-Shoreland Section also administers the Lower St. Croix River Protection Act (NR 118), which serves to preserve and enhance this valuable resource through local regulation. The section also coordinates Wisconsin's input to the Great River Study, a joint interagency and public effort to develop a master plan for future management of the Upper Mississippi River from Cairo, Illinois to Minneapolis-St. Paul, Minnesota. This plan will integrate the needs of the public and the river for recreation, navigation, fish, wildlife, flood plain management and water quality.

b. Activity

Nearly 525 communities must adopt flood plain zoning. About 170 have an adopted, approved ordinance to date, with approximately 40 more adoptions expected per year. DNR performs almost 40 detailed engineering study reviews and roughly 1,000 technical evaluations per year.

With respect to shoreland zoning, all counties have approved ordinances. DNR continues to assist and monitor the administration of the shoreland ordinances which counties have adopted. The Flood Plain-Shoreland Section performs a complete review of 15 county shoreland programs and works to upgrade 10 such program annually.

	1971-73	1973-75	1975-77
# of projects offered technical, management assistance	1,000	2,000	4,000
# of zoning ordinances and/or amendments reviewed	300	275	350

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$740,000	12 man years 4 limited term positions

d. Enforcement

DNR must approve all flood plain ordinances before they can become effective. The department is involved in the continual enforcement and review of variances and special exceptions granted to shoreland and flood plain ordinances. Any amendment proposed for a flood plain ordinance must be approved by DNR. 49 counties have adopted ordinances and 19 have been approved by DNR. The primary obstacle to expanding the number of local governments having approved flood plain zoning has been the expense of acquiring necessary flood plain delineation information. In only one county has the department moved to force the adoption of a flood plain ordinance through an administrative hearing procedure. As of December, 1971 all counties have voluntarily adopted shoreland ordinances.

e. Interagency Coordination

The Governor's Executive Order #67 requires that all state agencies consider flood plain, shoreland and erosion issues in their activities. The executive order focuses on providing comprehensive protection for the state's shoreline through interagency coordination.

f. Contact Person

DNR . Larry Larson
Bureau of Water Regulation and Zoning
Division of Enforcement
P.O. Box 7921
Madison, Wisconsin 53707
266-1926

CHAPTER 4. METALLIC MINING

a. Definition and Authority

Metallic mining reclamation is a new program administered within the DNR. The program's objective is to provide that the air, land, waters, and living resources affected by metallic mineral prospecting or mining will receive the greatest practicable degree of protection and reclamation. Statutory authority is provided by Chapter 318, Laws of 1973, which contains the Metallic Mining Reclamation Act, Wisconsin Statutes 144.80 to 144.94. Chapters NR 130 and NR 131, the Administrative Code rules pertaining to the regulation of prospecting, mining and reclamation, became effective on November 1, 1976.

Note: Non-metallic mining is not regulated on a statewide basis. Any regulation of these activities is either by local ordinances or environmental protection laws where an activity discharges wastes into the air or waters of the state. The Department of Industry, Labor and Human Relations is responsible for mine safety standards.

b. Activity

Through March, 1977, the Mine Reclamation Section of the DNR received six applications for mining permits. Of these six, two permits were granted, one permit hearing was begun but has been temporarily adjourned, and three applications are not yet complete. The Mine Reclamation Section has conducted 15 to 20 field inspections at the various existing and proposed metallic mine sites. Each such site has been visited at least once.

No applications for prospecting permits have yet been received. However, the Mine Reclamation Section has set up a program to monitor the abandonment of exploration drillholes under the provisions of NR 130.02.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$100,000	3 man years (approx.) (2 full-time staff members)

d. Enforcement

All existing and new metallic mineral mines are required to obtain a mining permit from DNR. These permits are issued only after there has been a public hearing and consultation with the Mine Reclamation Council. Mining permits are issued for the life of the mine. Fifteen years from the date of a permit's issuance the mining and reclamation plan may be reevaluated by DNR. Any modification of the original mining and reclamation plan requires the reissuance of the permit along with the prerequisite public hearing.

Chapter 318 and NR 131 require that before authorization to commence mining may be given, the applicant must deposit a bond with the DNR sufficient to cover the cost of reclamation of the area which will be disturbed in the following two years. The amount of the bond is determined annually by the DNR. The total cost of reclamation of the mined area (total project bond) is determined by the DNR prior to granting a permit. The total project bond may be reevaluated by DNR every three years. DNR may retain the bond for up to four years following the completion of the mining and reclamation plan to determine whether the conditions of the reclamation plan have been fulfilled. Surveillance activities are conducted during and after mining and reclamation activities, particularly in the areas of air and water quality. Enforcement activities are handled by DNR's Division of Enforcement.

e. Interagency Coordination

One of the objectives of the program is to provide coordination within the DNR when DNR is requested to process a multiple approval mining project. The program also exchanges information with the State Geological Survey and the Department of Industry, Labor and Human Relations' Mine Safety Division, which approves mine plans for safety considerations under its own administrative regulations. DILHR provides information on active mines and acceptable mining procedures. The Survey provides data on active mining companies and the geological possibilities of ore occurences in the different regions of the state.

In light of the recent influx of metallic mining activity in Wisconsin, mining has become an issue with the Economic Development Coordinating Committee (EDCC), which is comprised of state agency heads working to give consistent direction to state economic development issues. The Mining Subcommittee of EDCC has the responsibility of ensuring that state agencies

take the necessary actions to effectuate the maximum economic benefit from mining with a minimum of environmental damage and social disruption. This work is done in coordination with the Office of State Planning and Energy. The subcommittee has formed issue groups which are studying mining activity at every level of impact and are also providing cooperation and coordination among agencies with related responsibilities. These issue groups deal with mining impacts inventories, timetables for agency actions, metal refining, long-term liability, community assistance (to areas affected by mining operations), mine safety, and public lands policy (pertaining to existing statutory authority to develop processes and policies for dealing with mining on public lands). The subcommittee's objective is to provide an exchange of information with coordination among state agencies concerning mining activities in the state.

There is a special Joint Legislative Committee on Mineral Taxation, comprised of the Special Study Committee on Mineral Taxation and the Senate Special Select Committee on Mining Development. The joint committee has been examining mineral taxation and other mining issues in Wisconsin and other states. This committee's work has resulted in enactment of legislation which provides for unified taxation of all mined metallic minerals. Other legislation developed for introduction by the committee includes revisions to the reclamation law, requirements concerning mineral transactions, and provision of geologic information to the public by mining companies. A new Mining Committee of the Legislative Council was created by the metallic mineral tax law.

f. Contact Persons

DNR . Gordon Reinke
Bureau of Water Regulation and Zoning
Division of Enforcement
Pyare Square Building, Room 407
Madison, Wisconsin 53702
266-2050

EDCC . Thomas M. Krauskopf
Office of State Planning and Energy
1 West Wilson Street, Room B-130
Madison, Wisconsin 53702
266-0267

CHAPTER 5. NATURAL RESOURCES MANAGEMENT

The significant impact of natural resources management on land use related activities necessitates subdividing the topic of natural resources management according to the natural elements and related activities involved. The subdivisions of this chapter include sections on: air, water, forests, fish, wildlife, natural areas, public lands, planning, and parks and recreation.

For activities administered by the Wisconsin Department of Natural Resources it should be noted that the field operations of the Department in the area of resource management are administered through six district offices. These, as well as the sub-district area offices, are shown on the map on page 32. Their addresses are given below. Most questions regarding DNR programs can be answered by the staff at the district offices, if not at the area offices. In addition, the department has a large field force consisting of wardens, foresters, fish managers, game managers, biologists, rangers, park supervisors, engineers and others. All of them can offer assistance on the local level.

Although enforcement is discussed to some extent in the various sections of this chapter, it should be noted that DNR enforcement rests within the Bureau of Law Enforcement in the Division of Enforcement. In addition to conservation wardens, some other field personnel carry enforcement credentials and assist in this effort.

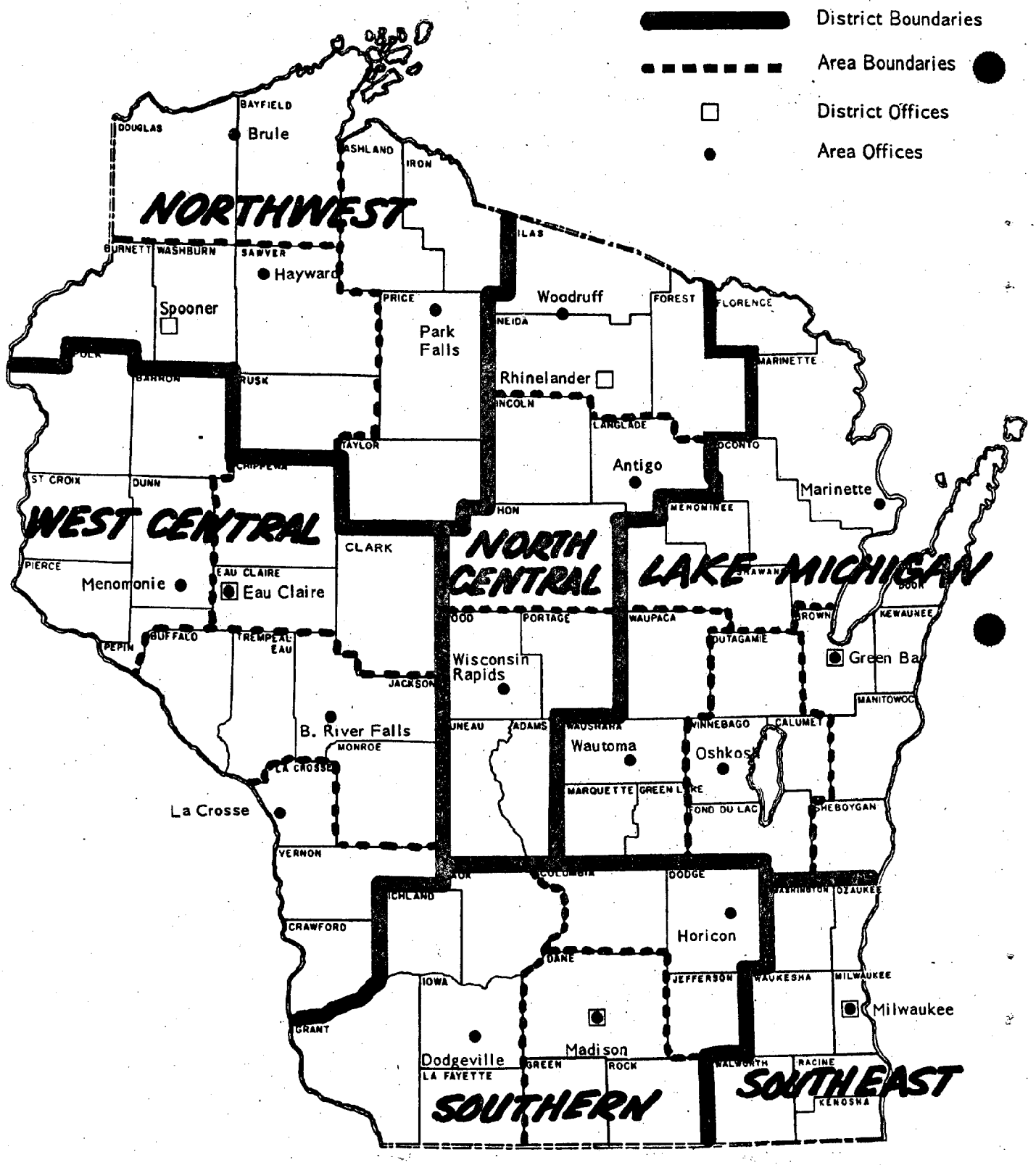
Readers interested in this topic should also see Managing Wisconsin's Natural Resources: An Inter-agency Overview (1976). This document was published cooperatively by the Natural Resources Council of State Agencies and the Wisconsin Environmental Education Council.

DNR DISTRICT AND AREA OFFICES

District:	Southern	Route 1, Wakanda Drive Waunakee, WI 53597	(608) 266-2628
Areas:	Dodgeville	Hwy. 18 East Dodgeville, WI 53533	(608) 935-3368
	Madison	Nevin Hatchery, Rte. 4 Madison, WI 53711	(608) 266-2232
	Horicon	Box D Horicon, WI 53032	(414) 485-4434
District:	Southeast	9722 W. Watertown Plank Rd. Milwaukee, WI 53226	(414) 257-6543
District:	Lake Michigan	812 S. Fisk Street Box 3600 Green Bay, WI 54303	(414) 497-4040
Areas:	Green Bay	818 S. Fisk Street Green Bay, WI 54303	(414) 497-4025
	Oshkosh	Box 2565 Oshkosh, WI 54901	(414) 424-3055
	Wautoma	Ranger Station, Box 400 Wautoma, WI 54982	(414) 787-3336
	Marinette	Industrial Parkway Box 16 Marinette, WI 54143	(715) 732-0101
District:	West Central	1300 W. Clairemont Ave. Eau Claire, WI 54701	(715) 836-2821
Areas:	Eau Claire	1300 W. Clairemont Ave. Eau Claire, WI 54701	(715) 836-3254
	Black River Falls	Route 4, Box 5 Black River Falls, WI 54615	(715) 284-5301
	La Crosse	State Office Building 3550 Mormon Coulee Rd., Rm 108 La Crosse, WI 54601	(608) 788-2534
	Menominee	Courthouse Menominee, WI 54751	(715) 232-2631

District:	North Central	Box 818 Rhinelander, WI 54501	(715) 362-7616
Areas:	Antigo	Ranger Station 1635 Neva Road Antigo, WI 54409	(715) 623-4145
	Woodruff	Box 440 Woodruff, WI 54568	(715) 356-5211
	Wisconsin Rapids	Griffith Nursery, Box 369 Wisconsin Rapids, WI 54494	(715) 423-5670
District:	Northwest	Box 309 Spooner, WI 54801	(715) 635-2101
Areas:	Brule	Ranger Station, Box 80 Brule, WI 54820	(715) 736-2811
	Hayward	Route 2, Box 3 Hayward, WI 54843	(715) 634-2688
	Park Falls	Ranger Station, Box 220 Park Falls, WI 54552	(715) 762-4414

FIELD DISTRICTS AND AREAS



1-12-77

A. Air

a. Definition and Authority

The Air Management Section of the Air and Solid Waste Management Bureau in the DNR is charged with the responsibility of achieving and maintaining air quality standards throughout the state. This objective is to be reached through the regulation of emissions, long-range planning in growth areas, and the prevention of unacceptable air quality degradation in unspoiled areas. The provisions of sections 144.30 through 144.423, along with NR 154 and 155 of the Administrative Code, outline the authority and the duties of the DNR in this area of environmental concern. DNR promulgates rules regulating air quality, develops enforcement provisions, encourages voluntary cooperation by individuals and local units of government in complying with air quality standards, disseminates information, and conducts educational and training programs. The department has the authority to inspect any property on which an air contaminant source is located or being constructed. It is required that DNR be notified prior to the construction of any structure or facility from which certain air contaminants would be emitted so that compliance with air quality standards would be assured. DNR has also been designated as the state agency with responsibility for the enforcement of the federal Clean Air Act.

b. Activity

Air Management	1971-73	1973-75	1975-77
# of new direct air pollution sources approved*	70	120	180
# of projects offered technical assistance*	66-110	66-110	66-110
# of enforcement orders issued	275	292	64
# of enforcement actions subsequent to orders	3	10	25
# of direct sources regulated	509	848	890

* estimated number

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$2,945,000	63 man years*

* Includes district office staff

d. Enforcement

New air pollution sources are not granted licenses or permits. They are authorized by order of the DNR subsequent to the submission of satisfactory plans to control their pollution. This is equivalent to a one-time permit. However, the DNR does make subsequent and regular inspections after the commencement of a polluting source. Inspections are also made randomly on the basis of complaints received. Violations of regulations and standards are placed under order to take the necessary corrective actions within a reasonable amount of time (see section 144.35).

e. Interagency Coordination

The DNR presently coordinates and reviews with the Department of Transportation regional transportation and airport plans and specific DOT projects. The long-range plans of utilities are also reviewed by DNR (see Chapter 2, Utilities, Planning and Control). Regional air quality maintenance plans are developed in coordination with DOT, PSC, DLAD, DOA and the Regional Planning Commissions, encompassing the DNR Lake Michigan (Fox River Valley) and South Eastern Districts.

f. Contact Person

DNR . Douglas Evans, Chief
Air Pollution Control Section
Bureau of Air and Solid Waste Management
Division of Environmental Standards
Pyare Square, Room 1201
Madison, Wisconsin 53702
266-0151

B. Water

The programs related to water resources and their use in the state are best handled by dealing with each program element separately. The program elements concerning water management within the DNR are the following:

1. Regulation of Physical Alterations and Use of Surface Waters--Bureau of Water Regulation and Zoning (also see Chapter 3, Shoreland and Flood Plain Management)

2. Water Quality--Bureau of Water Quality

3. Inland Lake Protection and Rehabilitation--Office of Inland Lake Renewal

4. Water Resources Research--Bureau of Research

5. Comprehensive Water Planning--Office of Planning and Analysis

Outside of the auspices of the DNR:

6. The State Board of Soil and Water Conservation Districts--provided for by Chapter 92, Wisconsin Statutes and attached to the University of Wisconsin for budgetary purposes.

1. Regulation of Physical Alterations and Use of Surface Waters

a. Definition and Authority

Water regulation, provided for in Chapter 30 and 31 of the Wisconsin Statutes, deals with bulkhead and pierhead line restrictions; structures and deposits of materials in navigable waters; removal of materials from navigable waters; harbor development and operations; enlargement of waterways; diversion of waters; and restrictions on construction and operation of dams and bridges. The overall objective of the Water Regulation Section of the DNR is to upgrade the quality of review, surveillance and enforcement of water resource uses and regulations. (Also see Chapter 3 for Shoreland and Flood Plain Management.)

b. Activity

Permits Issued under Chapter 30 and 31, Wisconsin Statutes*

Water Regulation	1971-73	1973-75	1975-77
# of permit applications reviewed	546	715	816
# of permits granted	446	455	616
# of projects offered technial assistance	700	900	1,000

*DNR does not have this information broken down according to the type of permit application reviewed and granted. Chapter 30 permits issued include permits for: bulkhead and pierhead lines; structures or deposits in navigable waters; cutting weeds; diverting water from lakes and streams; changing the course of streams; dredging or enlarging waterways. Harbors, boating, water-skiing, skin-diving and other water related activities are also regulated. Chapter 31 permits are issued for operating, maintaining and abandoning old and new dams.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$1,000,000	72 man years

d. Enforcement

The DNR was unable to break down the information it provided. Therefore the type of application and enforcement procedures used for each different permit is unknown. The DNR did indicate that to secure compliance with the conditions of those permits issued, approximately 25 enforcement actions are taken annually in the form of fines, forfeitures and abatements.

e. Contact Person

DNR . Edmund Brick, Chief
Water Regulation Section
Bureau of Water Regulation and Zoning
Division of Enforcement
Pyare Square, Room 401
Madison, Wisconsin 53702
266-1205

2. Water Quality

a. Definition and Authority

The Department of Natural Resources' Bureau of Water Quality derives its authority from Chapters 144, 147 and 162 of the Wisconsin Statutes and Administrative Code Chapters NR 100 through 104, 106 through 108, 110 through 114, 125 through 127, 160, and 200 through 297. (Also see Chapter 7 for sewage treatment.)

The bureau's objective is the prevention and control of water pollution to protect public and private waters, and water supplies. Section 147.02 requires that a permit must be issued by the DNR before the discharge of any pollutant into the waters of the state can occur. The purpose of Chapters 144 and 147 is to grant the necessary powers and organization for a comprehensive program under a single state agency for the management, protection and enhancement of the quality of all the state's waters, both ground and surface, public and private. Chapter 162 provides the basis for regulating the drilling of wells and the installation of well pumps. The activity chart for the bureau gives an indication of the level of its involvement in regulating water quality.

An important new area of involvement for DNR with respect to water quality evaluation and planning has been the Areawide Water Quality Management Planning Program, provided for by Section 208 of the federal Water Pollution Control Act. The program undertakes studies on complex water quality problems. Two prominent examples in Wisconsin are waste load allocations and non-point source pollution. The first problem occurs in urban areas where the collective discharges of numerous municipalities or industries exceed the limit of wastes a stream can adequately and naturally purify. Wasteload allocations would provide each discharger a certain fraction of the capacity the water has for assimilating pollutants. Such an allocation system requires careful study and evaluation of the water resource and the discharges involved. The second problem involves non-point pollution. Common sources of non-point pollution are runoff from agricultural and construction activities. Non-point pollution is most frequently the source of water quality problems for most land use related programs. The study of these complex problems is through 208 planning as a part of a mandatory federal program for state water quality planning.

The Department of Health and Social Services is also involved in the protection of public health in relation to water quality. DH&SS is given the responsibility of developing regulations for unsewered plats of land (see Chapter 1, Platting). DH&SS and the Department of Industry, Labor and Human Relations cooperate on promulgating rules regulating plumbing in buildings and the licensing of plumbers. (Administrative Code Chapters H 62 (facility use requirements) and H 61 (licensing), and Wisconsin Statutes section 145.024.)

b. Activity

Water Quality	1971-73	1973-75	1975-77
# of public water system construction approvals	1,200	1,200	1,200
# of public water supply well construction approvals	150	150	150
# of private water supply high capacity well construction approvals	250	280	450
# of well drillers and pump installers license application approvals	4,000	4,000	4,000
# of certifications of wastewater and water supply operators	600	800	1,200
# of reviews of private well construction reports for compliance with NR 112	18,000	18,000	18,000
# of school water supply reviews	35	47	40
# of school water supply fluoridation reviews	0	19	8
# of special problem area well approval reviews	130	155	150
# of requests for sewer extension reviews	1,200	1,300	1,500
Total amount of financial assistance distributed in millions of dollars	93.4	110.4	217

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$8,000,000	400 man years

d. Enforcement

The DNR's Bureau of Water Quality is responsible for issuing permits under section 147.015(15), regulating the discharge of pollutants. No permits have been revoked in the past year. The revocation procedure is used only in extreme cases; the main tools used for enforcement are forfeitures and injunctive relief. The bureau also issues permits for construction of public water systems and wells. Permits are granted only after site inspections of the projects have been made. Spot checks of installed facilities are done every five years. Regular periodic monitoring is done on major construction projects.

e. Contact Persons

DNR . Carl J. Blabaum, Director
Bureau of Water Quality
Division of Environmental Standards
4610 University Avenue, Room 1103
Madison, Wisconsin 53702
266-3910

DNR . Don Theiler, Project Manager
208 Planning Program
Pyare Square, Room 917
Madison, Wisconsin 53702
266-8805

3. Inland Lake Protection and Rehabilitation

a. Definition and Authority

Chapter 33 of the Wisconsin Statutes established a program for public inland lake protection and rehabilitation. Under section 33.06 the DNR has the power to adopt those rules necessary to carry out provisions of this law.

The objectives of the Office of Inland Lake Renewal are to (1) protect and improve the quality of inland lakes; (2) compile basic scientific data on lakes; (3) assess experimental and innovative lake protection and rehabilitation techniques; and (4) administer a program of technical and financial assistance to lake protection and rehabilitation districts.

b. Activity

	1973-75	1975-77
# of implementation projects	4	6
# of projects offered technical assistance	26	42
Amount of financial assistance distributed	$928,000	$1,200,000

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$2,420,000	6 man years

d. Contact Person

DNR . O. D. Williams, Director
Office of Inland Lake Renewal
Division of Environmental Standards
Box 7921
Madison, Wisconsin 53707
266-3125

4. Water Resources Research

a. Definition and Authority

The Water Resources Research Section seeks to develop practical solutions in the area of water control and quality. This function entails conducting research and collecting data needed to aid in the identification and solution of existing and emerging water resource problems. This section's primary responsibility is to supply information needed to protect and rehabilitate lakes and streams, which also involves the study of land use. The statutory authority for this section's research activities is found in sections 23.09(2)(k), 33.001, 33,05(b), 144.025(2)(g), and 144.45 of the Wisconsin Statutes.

b. Activity

The Water Resources Research Section conducts statewide lake modification projects and inventories lake water quality. Some 200 lakes (including inlets and outlets) are sampled throughout the year.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$360,000	20 man years

d. Contact Person

DNR . Thomas Wirth, Chief
Water Resources Research Section
Bureau of Research
Division of Resource Management
3911 Fish Hatchery Road, Route 4
Madison, Wisconsin 53711
266-3237

5. Comprehensive Water Planning

a. Definition and Authority

Long-range comprehensive water resource planning is delegated to the Statewide Water Resources Planning Section of the DNR. Under section 144.025(2)(a), DNR has the responsibility of formulating a long-range comprehensive state plan for river basins to guide the development, management and protection of water resources. Each plan was required to be completed by July 1, 1968. They are reviewed by the department every two years.

b. Activity

State long-range comprehensive water resources plans are published and are implemented through departmental actions. To formulate such plan it is necessary for the section to undertake the inventorying, mapping and analyzing of wetlands and shoreland use on lakes, streams and publicly owned land at all levels of government. From 1972 through 1977 the Statewide Water Resources Planning Section has produced 12 documents, including scheduled publications on such topics as wetland use, shoreland use, land accessibility, and land ownership.

c. Funds and Staff

Agency	Funds 1975-77	Staff 197577
DNR	$160,000	8 man years

d. Interagency Coordination

DNR programs related to water resource management provide substantial input for environmental impact statements and flood plain and shoreland zoning. The Bureau of Water Quality interacts with Regional Planning Commissions in formulating requirements for and assuring compliance with water quality standards. The University of Wisconsin and UW-Extension frequently collect data necessary for the formulation of plans and recommendations by DNR. The University of Wisconsin system also works in conjunction with DNR on public education regarding the state's water resources. (Also see section 2 above for a discussion of the 208 program.)

e. Contact Person

DNR . Douglas King, Chief
Statewide Water Resources Planning Section
Bureau of Planning
Office of Planning and Analysis
Pyare Square, Room 906
Madison, Wisconsin 53702
266-0053

6. State Board of Soil and Water Conservation Districts

a. Definition and Authority

The Soil and Water Conservation Program of the State Board of Soil and Water Conservation Districts operates under Chapter 92 of the Wisconsin Statutes to coordinate and assist local Soil and Water Conservation Districts (SWCDs). The boundaries of each SWCD correspond to the boundaries of each county. County SWCD's are governed by a board of supervisors. The state board's responsibilities are directed toward providing assistance to the county SWCDs through the dissemination of information, the coordination and guidance of SWCD programs, and the apportionment of state or federal funds. The state board assumes responsibility for the expenditure of such funds by the districts.

b. Activity

Activities of the State Board of Soil and Water Conservation Districts are concentrated on assisting all 72 Soil and Water Conservation Districts on issues of a technical or management nature. No permit or license system is used.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
BSWCD	$945,000	12 man years

d. Interagency Coordination

The State Board of Soil and Water Conservation Districts has entered into a detailed interagency agreement for joint coordination in solving land and water use problems with UW-Extension, DNR, the U.S. Soil Conservation Service, the Wisconsin Agricultural Stabilization and Conservation Service, the Farmers Home Administration, the Department of Agriculture, DLAD and DOA. This agreement details each agency's responsibilities in the watershed programs of the county Soil and Water Conservation Districts. In addition, a memorandum of understanding has been developed between the BSWCD, on behalf of the SWCDs, and DNR regarding state non-point source water quality planning.

e. Contact Person

BSWCD . Eugene Savage
1815 University Avenue
Madison, Wisconsin 53702
262-2634

C. Forests

a. Definition and Authority

The objectives of the Forest Management Section of the DNR are to guide the protection, management and utilization of Wisconsin's forest resources for the sustained production of forest products and other benefits, including aesthetics, wildlife, recreational opportunities and watershed protection. The authority to manage state forests is derived from Chapters 23, 26 and 28 of the Wisconsin Statutes, specifically section 28.01 which grants general supervisory powers over state forests to DNR.

b. Activity

These goals are to be attained through the management of six Northern State Forests (410,000 acres), the provision of technical services and financial support for 28 county forests

(2,270,000 acres) and the provision of technical advice on request to private forest landowners (8,100,000 acres). Services to private landowners comprises planning assistance for land and timber management, thinning, release, planting, and insect and disease control. On over half of Wisconsin's acreage, encompassing most of the major forested areas, DNR provides fire protection. Other support activities include forest product marketing and industrial assistance. The Forest Management Section is also responsible for the administration of state-owned islands and the Wild Rivers Program.

Forest Management	1971-73	1973-75	1975-77*
Technical forestry service to private landowners # of owners	14,500	20,200	20,250
Nursery stock distribution # of shrubs & trees	32,075,400	34,638,200	34,000,000

* Projected figures

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$18,750,761	201.3 man years

d. Enforcement

Enforcement duties related to the Forest Management Section's activities are in the areas of fire control management of forested lands under county and private jurisdiction, forest crop laws and woodland tax laws.

e. Interagency Coordination

The Forest Management Section will provide professional forest management services upon request to any state or local unit of government. Its activities are coordinated with the Soil and Water Conservation Districts, the University of Wisconsin-Extension and the Soil Conservation Service.

f. Contact Person

DNR . M. E. Reinke, Deputy Director
Bureau of Forestry
Division of Resource Management
Box 7921
Madison, Wisconsin 53707
266-0842

D. Fish

a. Definition and Authority

The Fish Management Bureau derives its authority for fish preservation and protection from section 23.09, Wisconsin Statutes. Within the Fish Management Bureau are four major activities dealing with fish resources: 1) the Habitat Management Program has the objective of enhancing and restoring fish habitat to increase fishery resources by providing conditions suitable for fish reproduction and survival; 2) the conduction of lake and stream investigations to inventory fish populations provides information used to establish a sound basis for fish management programs; 3) the Land Acquisition, Inland Waters Program acquires a fee title or easement to land necessary to protect critical fishery resources or to provide public access for fishing to lakes and streams; and 4) the fish culture operation provides fish for stocking in newly created waters and waters undergoing winter kill, and also supplements native fish which have poor conditions for reproduction.

Fish research is performed by the Fishery Research Section of the Bureau of Research within the DNR. Under section 23.09(2)(k), Wisconsin Statutes, DNR is empowered to conduct research in improved conservation methods and disseminate its findings. The Fishery Research Section's objective is to provide guidelines for management programs to achieve optimum angling satisfaction consistent with the enhancement and protection of basic fishery resources. This goal is to be accomplished by the publication of research findings and the availability of research personnel for consultation with fish management personnel.

b. Activity

DNR	1971-73	1973-75	1975-77
Habitat Management			
# of projects receiving technical/management assistance	15	15	15
# of improved fish habitat projects	50	77	61
Investigations			
# of projects receiving technical/management assistance	20	20	20
# of comprehensive lake & management surveys	195	313	262
Land Acquisition			
# of projects receiving technical/management assistance	60-75	60-75	60-75
# of acres acquired	6,266.02	4,463.70	5,000*
Total acres controled as of 1/1/76	72,099.05		

*Estimated figure

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR, Fish Management	$10,594,000	220 man years
DNR, Fish Research	$580,000	36 man years

d. Enforcement

The programs dealing with the fisheries and aquatic resources of the state do not have any enforcement aspects other than the fishing regulations themselves. Frequently there may be

an impact on fisheries from the various waterway alteration projects permitted under Chapters 30 and 31 of the Wisconsin Statutes. Fisheries field personnel regularly investigate and evaluate the consequences of proposed projects during the process of issuing such permits, and they report non-permitted violations.

e. Interagency Coordination

The areas dealt with by these programs are of a technical and specialized nature. Therefore, no indication was given of any interagency coordination in their activities. However, the Fishery Research Section does provide funding and occasional technical assistance to the University of Wisconsin for cooperative research projects and is involved in a cooperative study with the United States Forest Service.

f. Contact Persons

DNR . James Addis, Director
Bureau of Fish Management
Division of Resource Management
Pyare Square - Box 9721
Madison, Wisconsin 53707
266-7025

DNR . Lyle M. Christenson, Chief
Fishery Research Section
Bureau of Research
Division of Resource Management
3911 Fish Hatchery Road, Route 4
Madison, Wisconsin 53711
266-3296

E. Wildlife

a. Definition and Authority

Within the Wildlife Management Bureau of the DNR are a variety of efforts to preserve and enhance the wildlife in the state. These efforts include the development of wildlife areas, wildlife management, and land control. The broad statutory basis for the DNR's Wildlife Management Bureau is the Conservation Act (section 23.09, Wisconsin Statutes) which contains, among other purposes, the goal of devising an adequate system for the protection, development and use of wildlife and game.

The development of wildlife areas to manage wildlife by the DNR is authorized under sections 23.11 and 23.30, Wisconsin Statutes. The goals are to develop wildlife habitat and public-use facilities on publicly owned land which provide optimum propagation of wildlife for public hunting and non-consumptive, recreational uses.

Forest wildlife habitat management aims to maintain and improve wildlife habitat on state forest lands, especially for deer, ruffled grouse, and other forest game. Also, under section 23.09 (17m), counties may apply to DNR for grants to develop habitats on county forests. This program investigates all project proposals to assure that the project is feasible and desirable.

The bureau acquires land by purchase, lease, or agreement (section 23.09(2)(d)) and conservation easements, including rights of access and use over lands in established wildlife areas (section 23.09(10)). Such acquisitions are made for a variety of reasons, among them to protect endangered species, to provide areas for research and experimental management, and to provide public hunting.

The Conservation Act (sections 23.09(2)(k) and 23.09(2)) provides for research and surveys for wildlife-related issues as well as the acquisition and management of preservation and use areas. These functions are assigned to the Research Bureau of the DNR, which contains three sections dealing with wildlife research: Farm, Forest, and Wetland Wildlife Research Groups. All three groups have the common objectives of evaluating the effects of land use changes on wildlife and investigating major factors affecting wildlife populations. This research is integrated with existing programs to help formulate proposals for improved wildlife management. The Research Bureau also houses the Technical Services Section which designs, conducts and analyzes surveys to determine the status of wildlife and its habitat. Surveys also investigate the relationship of wildlife to use facilities and recreational activities. The results are used to promote the wise allocation of wildlife resources.

b. Activity

Wildlife area development activities, ranging from maintenance of use facilities, such as parking lots and access roads, to waterfowl impoundments, are not easily quantified.

DNR	1971-73	1973-75	1975-77
# of Acres Managed or Acquired			
Forest Wildlife Habitat	49,000	50,500	48,000
Land Control	33,000	32,200	18,600
# of Studies or Surveys Completed			
Field Services	40-50	40-50	40-50
Research Activities	20	20	20

Total acres controlled for game management as of 6/30/77 by:

Fee title	385,897.13
Easement	19,862.03
Lease	128,894.10*

*As of 1/1/76

c. Funds and Staff

DNR - Wildlife Programs	Funds 1975-77	Staff 1975-77
Development of Wildlife Areas	$550,000	72 man years
Forest Wildlife Habitat Management	1,000,000	22 man years
Land Control - Acquisition	2,475,000	18 man years
Wildlife Research	560,000	36 man years
Research Surveys	60,000	4 man years

d. Enforcement

Enforcement of fish and game laws are carried out by the Conservation Wardens. As with fish management, there are wildlife impacts from many land use activities and changes. Violations of permit requirements that affect wildlife habitat are investigated. Activities by the state which are covered by WEPA are also investigated for potential impacts on wildlife.

e. Interagency Coordination

The Wildlife Areas Program interacts on an informal basis with the Soil and Water Conservation Districts when planning assistance is requested. Forest wildlife habitat management activities are incorporated into U.S. Forest Service and county forest management programs. Technical assistance and consultation is provided for research programs of both the state and federal Departments of Agriculture, the U.S. Fish and Wildlife Service, the U.S. Forest Service and the U.S. Soil Conservation Service. Interagency exchange exists between DNR's Research Surveys Program and DOA's Office of State Planning and Energy for programs concerning land use studies.

For each wildlife resources program indication was given of contact with other DNR units involved with land management and other natural resources. The environmental impact process required by WEPA (section 1.11, Wisonsin Statutes) also provides for interagency input into development plans. (See Chapter 10 on WEPA.)

f. Contact Persons

DNR . J. M. Keener, Director
Bureau of Wildlife Management
Division of Resource Management
Pyare Square
Madison, Wisconsin 53702
266-2193

DNR . James B. Hale, Chief
Wildlife Research Section
Bureau of Research
Division of Resource Management
3911 Fish Hatchery Road
Madison, Wisconsin 53711
266-3011

DNR . Donald R. Thompson, Chief
Technical Services Section
Bureau of Research
Division of Resource Management
3911 Fish Hatchery Road
Madison, Wisconsin 53711
266-1829

F. Natural Areas

a. Definition

The Scientific Areas Section of the Bureau of Research within DNR works with the Scientific Areas Preservation Council. The Council's objective is the preservation of scientific areas to provide examples of all types of biotic communities and unique natural features native to each region of the state. This goal is to be achieved by designating known areas with high natural qualities as scientific areas on public lands, and by acquiring land for preservation on the basis of natural area inventories undertaken on a county level. A management plan to facilitate long-term protection is prepared for each scientific area. The Scientific Areas Preservation Council's composition and responsibilities are defined in sections 15.347(4) and 23.27 respectively.

b. Activity

State Scientific Areas	1971-73	1973-75	1975-77
# of natural area inventories	150	200	300
# of scientific areas designated	16	16	18
# of biological collecting permits granted	5	10	10
# of waterway alterations reviewed*	200	300	400

*Reviewed for impact of DNR's activities on state scientific areas. No approval is required.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$94,000	5 man years

d. Enforcement

Biological collecting permits are needed to collect plant or animal species which are located on/in a designated State Scientific Area.

e. Interagency Coordination

The State Scientific Areas Program works on an informal basis with the Critical Resource Information Program (CRIP) and the Heritage Areas Program for assistance in the identification of natural resource areas as critical state resources.

f. Contact Person

DNR . Clifford E. Germain
Bureau of Research
Division of Resource Management
P. O. Box 7921
Madison, Wisconsin 53707
266-8916

G. Public Lands

a. Definition and Authority

The Bureau of Real Estate within DNR serves as the coordinator of the department's program of land acquisition, sale and exchange. The coordination function includes the processing and closing of approved land transactions, the expedition of relocation assistance and payments program, and the administration of required in lieu-of-tax payments to municipalities. Both fee title and partial rights of real property are required. The Bureau of Real Estate maintains all land records for the DNR.

The statutory authority for DNR to acquire interest in land is found in section 23.09(2)(d) - the Conservation Act; section 27.01(2)(a) - to secure land for state parks; and section 28.02(2), (3), (4), and (5) - to secure land for state forests. Regulations are provided in the Administrative Code sections NR 1.32; 1.40 through 1.49, 40.1 through 40.7, and 41.01 through 41.16.

About 10 million acres of land were originally granted to the territory and state of Wisconsin by the federal government. The state of Wisconsin retains its original interest in approximately 100,000 acres of this trust land. This grant in trust allows the state to exercise complete control over these lands. Most of this land is in isolated locations and is most commonly used for timber management. The trust lands and investments of the state are administered by the Board of Commissioners of Public Lands along with administrative support from DNR. The Board of Commissioners of Public Lands

was created by the Wisconsin Constitution, Article X, Section 7. The board is comprised of the Secretary of State, the State Treasurer and the Attorney General, and makes the policy decisions.

DNR's Division of Trust Lands and Investments has administrative responsibility for the state trust lands. The board and the division work together to manage and ultimately sell these lands. Generally, the DNR and other public agencies are given the first opportunity to purchase the lands sold. The proceeds from trust land sales and timber harvests comprise the trust funds which are used for the financial support of state educational institutions. These funds are mainly invested as long-term loans to the school districts of the state.

b. Activity

DNR Bureau of Real Estate

	1971-73	1973-75	1975-77*
# of acres purchased	36,356	38,463	40,236

	1972	1973	1974	1975	1976	1977Δ
# of purchases	256	308	450	109	164	200
# of exchanges	11	12	7	2	6	10
# of sales	9	5	8	8	6	10
# of easements	28	37	44	53	29	50

*Budgeted number of acres
ΔEstimate

Trust Lands and Investments

Amount of financial assistance distributed in dollars	1971-73	1973-75	1975-77
Loans	13 million	22 million	25 million Δ
Federal	10,000	10,000	20,000

ΔEstimate

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR, Bureau of Real Estate	$18,137,000	25 man years
Trust Lands and Investments	210,00	3.5 man years

d. Enforcement

The coordination process of the Bureau of Real Estate in acquiring lands for DNR does not involve enforcement or surveillance activities. Similarly, the Division of Trust Lands and Investments, in its sale of trust lands and investment of trust funds, has no occasion to use enforcement procedures.

e. Interagency Coordination

The Bureau of Real Estate cooperates on an informal basis with the County Forest Systems, the National Forest Service, the National Park Service, and the U.S. Fish and Wildlife Service. The Board of Commissioners of Public Lands works closely with those governmental agencies or units which buy trust lands or receive loans. DNR, the counties and the federal government frequently buy trust lands for forest lands. Loans are made to common school districts and the University of Wisconsin system.

f. Contact Persons

DNR . Edward J. Faber, Director
Bureau of Real Estate
Division of Resource Management
Box 450
Madison, Wisconsin 53701
266-0201

DNR . Steve Gauger, Administrator
Division of Trust Lands and Investments
505 N. Segoe Road
Madison, Wisconsin 53705
266-1370

H. Planning

a. Definition and Authority

The Conservation Act, section 23.09(2), Wisconsin Statutes, grants DNR the authority to establish long-range plans and projects for conservation. Section 23.30(3)(a) and (b) empowers the Natural Resources Board to coordinate the development of a comprehensive long-range plan for recreational facilities.

The Planning Bureau of the DNR's Office of Planning and Analysis has the objectives of providing long-range and medium-range planning services for DNR programs and resources related planning assistance to other governmental units and agencies. The bureau also coordinates management information systems within DNR. The Planning Bureau's activities are coordinated with many of the DNR program elements discussed above which have their own planning and research units.

b. Activity

DNR	1971-73	1973-75	1975-77
# of projects offered technical management assistance	37	39	34
Amount of financial assistance distributed	$55,000	$55,000	$55,000

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$350,000	14 man years

d. Enforcement

Enforcement techniques are not applicable to the planning of the bureau.

e. Interagency Coordination

Interagency coordination centers on an informal review process of other agencies' plans. The DNR's Planning Bureau reviews

some plans developed by DOT, DLAD, and DOA, and in return sends some of its plans to these agencies for their review and comment. In addition, the bureau frequently represents the department on formal coordination bodies, such as the State Transportation Plan Advisory Committee and the technical advisory committees of various Regional Planning Commissions.

f. Contact Person

DNR . Arthur D. Doll, Director
Bureau of Planning
Pyare Square, Room 902
Madison, Wisconsin 53702
266-0818

I. Parks and Recreation

a. Definition and Authority

The responsibility for management of public parks and recreational forests has been delegated to DNR through sections 27.10 (state parks) and 28.04 (state forests), Wisconsin Statutes. The Southern Forests and Parks Program, administered by the DNR Southern and Lake Michigan Districts, has the objective of acquiring, improving, preserving and administering a park and recreational forest system for the protection of scenic, historical and ecological features and optimum use for recreational and educational purposes. These objectives are to be obtained through the acquisition of land for parks and recreational forests and the expansion of natural services and nature centers.

The Southern Forests and Parks Program is located in the more heavily populated areas of the state. Therefore, the forests are not as large as the Northern forests and are oriented primarily towards recreational uses. Forest management is also an objective of the Southern Program, though its focus is educational by displaying to the public management techniques. The Northern forests' first priority is forest management. (Also see Chapter 5, Natural Resource Management, Forests.)

b. Activity

Southern Forests & Parks	1971-73	1973-75	1975-77
Amount of receipts from entrance stickers & camper fees	$2,601,700	$3,146,200	$3,916,200
# of projects as of 1/1/76	74		
Total acreage managed	125,046.48		

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$26,898,816	170 man years

d. Enforcement

There are no enforcement activities related to the Southern Forest and Parks Program.

e. Interagency Coordination

The Southern Forests and Parks Program coordinates its projects with the Department of Transportation in the preparation of plans, estimates and contracts for all road construction within parks and recreational forests. Large scale DNR building projects are done in cooperation with the Bureau of Facilities Management of DOA, which coordinates such projects by preparing plans, processing bids and supervising construction.

f. Contact Person

DNR . J. Treichel
Southern Forests and Parks
Pyare Square Building, Room 809
Madison, Wisconsin 53702
266-2183

CHAPTER 6. SEWAGE TREATMENT AND SOLID WASTE MANAGEMENT

A. Private On-Site Waste Disposal

a. Definition and Authority

The Private Domestic Sewage Treatment and Disposal Systems Program is located within the Environmental Health Bureau of the Department of Health and Social Services. The program regulates the construction and maintenance of septic and holding tanks. The program's objective is to assist in the protection of the public health by eliminating and preventing contamination of the state's waters. A comprehensive system of controls over private domestic sewage treatment and disposal systems has been implemented. The statutory authority is derived from Chapter 145, specifically section 145.02(1) and (2), which gives DH&SS general supervisory powers over the construction, installation and maintenance of plumbing for all buildings in the state. While DH&SS is concerned with sewage treatment from a public health standpoint, DNR is involved from a water quality planning aspect. DNR's responsibility for water resource planning includes such non-point pollution sources as septic tanks (see Chapter 5B).

b. Activity

DH&SS	1973-74	1974-75	1975-76
# of septic tank permits reviewed and granted	48,489	40,755	47,804
# of projects offered technical assistance	4,466	7,091	6,304
# of enforcement orders issued	1,285	1,388	1,342
# of enforcement actions taken subsequent to issuance of orders - court actions	33	75	137

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DH&SS	$990,126	10 man years

d. Enforcement

The Department of Health and Social Services reviews septic tank permit applications, which are one-time applications. At the time of installation some site inspections are made. However, the majority of the department's enforcement and surveillance activities are done either in response to complaints or on a random basis.

e. Interagency Coordination

Through Chapter 144, DNR and the Department of Health and Social Services work cooperatively on matters pertaining to private sewage disposal. Under section 236.13(1), DH&SS participates in the platting review program to determine the minimum lot size and elevation necessary for proper sanitary conditions in a subdivision which is not served by public sewer. Finally, DH&SS cooperates with the University of Wisconsin's Small Scale Waste Mangement Project.

f. Contact Person

DH&SS . J. A. Sargent
Bureau of Environmental Health
Division of Health
One West Wilson Street, Room 570
Madison, Wisconsin 53702
266-3815

B. Public Sewage Treatment Plants

a. Definition and Authority

Wisconsin's Municipal Wastewater Program is administered by the Bureau of Water Quality in the Department of Natural Resources. The program's objective is to protect the state's waters through public treatment of sewage. Municipalities must provide a minimum of secondary waste treatment or a higher level of treatment if it is necessary to meet the water quality standards of receiving streams. The program regulates new or modified public sewage systems by establishing design requirements and by reviewing and approving plans and specifications for construction, operation, and maintenance of such systems. The statutory authority is derived from section 144.04 which requires owners or potential owners of public wastewater treatment systems to submit plans for construction

or modification to DNR, which has general review and approval powers. The municipal wastewater program is related to several other DNR programs: areawide water quality planning, certification and licensing of treatment plant operators, surveillance and monitoring of water quality, and state and federal financial aid programs for treatment plant construction. The state review process insures that the community will consider the use of specific types of wastewater treatment and the environmental impacts that each proposal will have.

b. Activity

DNR	1971-73	1973-75	1975-77
# of reviews of sewage treatment plant reports			400-500
# of reviews of requests for sewer extensions	1,200	1,300	1,500

c. Funds and Staff

Agency	Funds FY 1977	Funds FY 1977
DNR	$378,000	26

d. Enforcement

DNR annually inspects all sewage treatment facilities and reviews all self-monitoring reports. Enforcement and surveillance activities may also result in response to complaints. Cases of noncompliance, such as exceeding established pollution discharge limitations, failing to submit requested information to the state and discharging wastes into public waters without a permit, are referred to the Office of the Attorney General for prosecution.

e. Interagency Coordination

Technical staff assistance is given to municipalities and consulting engineers.

f. Contact Person

DNR . Robert Krill, Chief
Municipal Wastewater Section
Bureau of Water Quality
Division of Environmental Standards
Pyare Square
Madison, Wisconsin 53702
266-2427

C. Solid Waste Management

a. Definition and Authority

The Wisconsin Solid Waste Recycling Authority (WSWRA) was created by Chapter 499 of the Wisconsin Statutes to establish solid waste disposal and recycling facilities and to provide these services at a reasonable cost to municipalities and private persons where they are considered necessary and desirable. The goal is to protect the public health and the quality of the natural environment through recycling activities. Under section 499.07 WSWRA is given the authority to coordinate all solid waste recycling activities within each region established by Chapter 499. It is required that any person or municipality constructing, altering or operating a recycling facility must consult with WSWRA. The agency conducts and develops research surveys, studies, and plans to support more effective and efficient solid waste disposal and recycling facilities.

DNR's Solid Waste Management Program was granted authority under section 144.43, Wisconsin Statutes, to prepare and adopt minimum standards for the location, design, construction, sanitation, operation, and maintenance of solid waste disposal sites and facilities. The program promulgates the rules necessary for the implementation of these standards. The rules specify that no person shall be allowed to operate or construct a solid waste disposal site or facility which does not comply with the minimum standards. The Solid Waste Management Program has the responsibility to manage an annual licensing process to assure compliance. The program also is involved in research, experimentations and investigations relating to the improvement of solid waste disposal techniques. The statutory authority for the program is found in sections 144.30, 144.31, 144.351, 144.43 through 144.45, and Chapter NR 151 and DLAD 3 of the Administrative Code.

When a county board, either individually or with another county, adopts a county solid waste management plan it must meet state criteria established by DLAD under the authority of

section 144.437. A county plan is submitted to DLAD for review. DLAD may consult with the appropriate Regional Planning Commission to determine whether the proposed site will conflict with its plans. Within 90 days after submission to DLAD, the plan is to be forwarded with DLAD's recommendations to DNR for approval.

b. Activity

DNR	1971-73	1973-75	1975-77
# of solid waste disposal plans reviewed	100	300	300
# of licenses annually reviewed	2,300	2,500	2,700
# of new licenses granted		200	200
# of projects offered technical assistance	50	200	300
# of enforcement orders issued	632	280	200
# of enforcement actions taken subsequent to issuance of orders	110	78	109

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
Wisconsin Solid Waste Recycling Authority	$427,460	8 man years
DNR, Solid Waste Program	1,020,000	22 man years

d. Enforcement

Enforcement actions are unnecessary for the activities of the Wisconsin Solid Waste Recycling Authority. DNR's solid waste disposal program spends a significant portion of its effort in enforcement activities. The department issues annual licenses to solid waste disposal facilities. The program includes site inspections during installation and in connection with annual

license renewals, at random in response to complaints, or on a scheduled monitoring basis. When sites are identified as environmentally unacceptable, relicensing may be refused or the municipalities and/or private owners may be ordered to improve their sites or abandom them. In the past year approximately 50 to 60 sites have been abandoned through these procedures.

e. Interagency Coordination

Section 499.085 mandates interagency coordination between the Wisconsin Solid Waste Recycling Authority, DLAD and DNR. WSWRA is directed to provide assistance to DNR and DLAD in fulfilling their statutory responsibilities under section 144.435.

f. Contact Persons

WSWRA . J. R. Castner
One West Wilson Street, Room 117
Madison, Wisconsin 53702
266-2686

DNR . John J. Reinhardt, Chief
Solid Waste Management Section
Bureau of Environmental Standards
Pyare Square, Room 1216
Madison, Wisconsin 53702
266-3538

CHAPTER 7. STATE BUILDING PROGRAM

a. Definition and Authority

The Bureau of Facilities Management (BFM) in the Department of Administration (DOA) manages the State Building Program. The bureau provides staff support for the State Building Commission, which is comprised of the Governor, three legislators from each house, a citizen member serving at the pleasure of the Governor, and the Secretary of DOA or his designee who acts as a non-voting secretary. The statutory authority for the State Building Program and the responsibilities of the commission are found in sections 13.48, 20.710, 20.924 and Chapter 18 of the Wisconsin Statutes.

BFM coordinates the maintenance and acquisition of state facilities, including state office buildings, university facilities and correctional institutions, and acquires land for all state agencies except DNR and DOT highway rights-of-way. BFM also has the responsibility of supervising the State Building Program to insure that state facilities are programmed, designed and constructed in accordance with executive and legislative intent. As of January, 1977, the replacement value of state owned facilities was $2.8 billion.

Projects requesting funding are evaluated by BFM before being presented to the Building Commission. The submission of projects is governed by the instruction manual issued by BFM. This manual, besides containing application procedures, defines the priorities and policies for the building program as developed by the Governor and DOA. Priorities for the last biennium included the following objectives: to improve the safety of building occupancy; to maintain and improve original buildings in contrast to building new ones; to conserve energy in state facilities; to improve facilities for the handicapped; and to upgrade general working conditions.

b. Activity

Approximately 50 projects are reviewed by the State Building Commission per month.

	1971-73	1973-75	1975-77	1977-79
Amount of funds approved for improvements and construction (in millions)*	$171	$102	$61	$106

*These amounts were approved by the Legislature, but this does not necessarily mean that the amounts were spent during their respective bienniums. Some projects for which funds were allocated may not commence for a number of years.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
BFM	$7,060,000	120 man years*

*This figure includes a central office staff of approximately 100 and a regional field staff of approximately 20. The regional staff is responsible for on-site supervision of construction and maintenance projects.

d. Enforcement

There are no enforcement activities associated with the work of the Bureau of Facilities Management.

e. Interagency Coordination

The bureau has extensive interagency contacts since each agency's request for funds for construction, purchase or lease of facilities is submitted through BFM. BFM assists in the development of plans for the maintenance and acquisition of facilities and in the reviewing process of such plans.

f. Contact Person

DOA . Stan Vinge
Bureau of Facilities Management
Division of General Services Administration
One West Wilson Street, Room 161
Madison, Wisconsin 53702
266-3317

CHAPTER 8. TRANSPORTATION PLANNING AND CONTROL

Transportation planning and control has been divided into subsections according to the mode of transportation involved or specific activities. The subdivisions of this chapter include sections on the state transportation plan, highways, issuance of permits within highway rights-of-way, airports, mass transit, railroads and planning. In addition to the Madison offices listed in each subsection, DOT has a system of district offices. Since many questions that arise on a local level may be handled most effectively and efficiently at these offices, a list of the district offices accompanied with their addresses and phone numbers is included:

Dist. 1	1317 Applegate Road	Madison	(608) 266-1121
Dist. 2	310 South West Avenue	Waukesha	(414) 547-1735
Dist. 3	1125 N. Military Avenue	Green Bay	(414) 494-4581
Dist. 4	1681 Second Avenue, South	Wisc. Rapids	(715) 423-7400
Dist. 5	3550 Mormon Coulee Road	La Crosse	(608) 788-2000
Dist. 6	718 W. Clairemont Avenue	Eau Claire	(715) 836-2819
Dist. 7	P.O. Box 777, Hanson Lake Rd.	Rhinelander	(715) 362-3490
Dist. 8	1517 Tower Avenue	Superior	(715) 392-8144
Dist. 9	819 North 6th Avenue	Milwaukee	(414) 224-4634

Note: See accompanying map on the following page for the boundary lines of each Highway District.

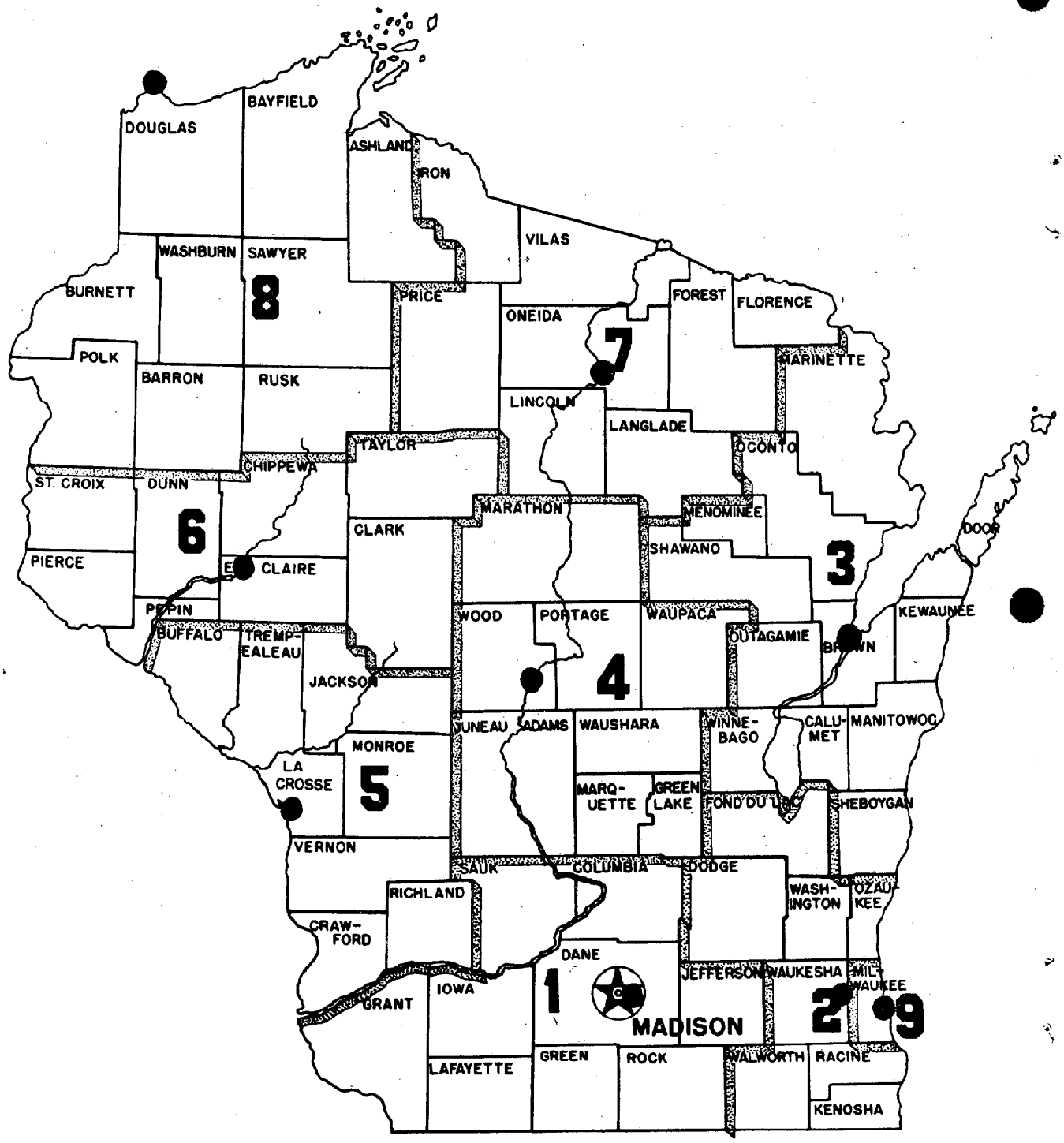
A. State Transportation Plan

a. Definition and Authority

A State Transportation Plan is currently being developed. This plan, encompassing all modes of transportation, will provide overall guidance for the Department of Transportation. The Statewide Systems Planning Section is responsible for developing the plan under the direction of the Transportation Planning Council. The department's planning authority is derived from section 85.02, Wisconsin Statutes.

b. Interagency Coordination

A State Transportation Plan Advisory Committee has been formed to advise DOT on the development of the plan. Other appropriate state agencies represented on the committee include DOA, PSC, DNR, the Department of Revenue, DLAD, the Department of Business Development, the Department of Agriculture and the University of Wisconsin.


DOUGLAS
BAYFIELD
ASHLAND
IRON
VILAS
WASHBURN
SAWYER
BURNETT
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PRICE
ONEIDA
FOREST
FLORENCE
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POLK
BARRON
RUSK
MARINETTE
LINCOLN
LANGLADE
TAYLOR
OCONTO
CHIPPEWA
ST. CROIX
DUNN
MARATHON
MENOMINEE
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CLARK
DOOR
SHAWANO
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PIERCE
CLAIRE
PEPIN
WOOD
PORTAGE
WAUPACA
KEWAUNEE
BUFFALO
TREMP-
EALEAU
OUTAGAMIE
JACKSON
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JUNEAU
ADAMS
WAUSHARA
WINNE-
BAGO
CALU-
MET
MANITOWOC
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LAKE
SHEBOYGAN
VERNON
SAUK
COLUMBIA
DODGE
RICHLAND
WASH-
INGTON
OZAU-
KEE
CRAW-
FORD
DANE
JEFFERSON
WAUKESHA
MIL-
WAUKEE
IOWA
1
GRANT
MADISON
2
9
LAFAYETTE
GREEN
ROCK
WALWORTH
RACINE
KENOSHA

c. Contact Person

DOT . George Gunderson
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53707
266-2972

B. Highways

a. Definition and Authority

Several sections of DOT are involved in the area of highway development and efficient land use planning. The State Highway Plan is being developed by the Statewide System Planning Section. Chapter 85 grants DOT authority to direct, undertake and expend state and federal-aid funds for planning highways. The State Highway Plan serves as a basis for coordinated policy decisions for the future development of streets and highways in the state.

The Statewide System Planning Section of the Division of Planning is also responsible for Jurisdiction Planning. This function involves the assignment of governmental responsiblity (i.e., county, town, state) for roads and streets, based on the predominant function these roads serve. The goal is to provide the framework for establishing proper system adjustments that will result in equitable and efficient highway systems. The department's planning authority is derived from Chapter 85, Wisconsin Statutes, specifically Section 85.02.

The Urban and Regional Planning Assistance Section of DOT conducts highway land use studies. The purpose of such studies is to provide the department with socio-economic data and information required for its long-range and short-range planning activities. The section is also engaged in special studies and projects relating to highway land use relationships relevant to urban and regional planning programs.

The Highway Beautification - Control of Outdoor Advertising Program is a responsibility of DOT. The purpose of this program is to acquire all legally non-conforming outdoor advertising devices, as defined in Section 84.30 of the Wisconsin Statutes, which are located along controlled segments of designated federal-aid primary and interstate highways; to remove illegal and abandoned signs; and to control future sign density through a state permit system. The project aims to promote the safety, convenience, and enjoyment of public

travel and conforms with Congressional intent to control the erection and maintenance of outdoor advertising signs adjacent to national highways.

The Division of Highways' Chief Maintenance Engineer coordinates the control phases of the program and the Director of the Bureau of Real Estate coordinates the sign acquisition function. The Chief Maintenance Engineer is responsible for maintaining an inventory of existing signs, removing illegal and abandoned signs, issuing all advertising licenses and permits for signs which conform to the statutory criteria, and providing guidance to Highway Districts on sign control matters. The Bureau of Real Estate centrally controls all sign acquisitions, coordinates sign acquisition project developments, assists in arrangements for federal fund participation, and provides general guidance for sign acquisitions.

The 1975 Legislature created Section 84.31 of the Wisconsin Statutes to deal with the control of junkyards along federal-aid primary and interstate highways. This bill brings the state into compliance with the junkyard control requirement of the Federal Highway Beautification Act of 1965, as amended. Junkyards are prohibited within 1,000 feet of interstate and primary highways, except those located in industrial areas, screened or otherwise not visible from the highways. The Maintenance Section of the Bureau of Engineering is responsible for carrying out the provisions of section 84.31. The Bureau of Real Estate will acquire the right-of-way for screenings or those sites to be removed or relocated. A 1976 inventory indicates that there are 483 junkyards along 4,790 miles of interstate and federal-aid primary highways as of January 1, 1976. An inventory of the junkyards along an additional 2,851 miles is to be completed in May, 1977.

The Bureau of Real Estate within the Division of Highways exercises the planning function with regard to establishing the location and right-of-way widths for freeways or expressways. Section 84.295 grants official mapping powers to the State Highway Commission to protect future highway corridors from being foreclosed by imminent and costly land development.

Within the Land Management Section of DOT's Real Estate Bureau are two projects which work in coordination under the same statutory authority and staff. These are the Property Management Program and Excess Property Disposal Program. The Property Management Program has the responsibility to arrange for land use agreements prior to either highway construction or sale of excess property. These agreements include the utilization of lands pending highway construction and lands within

the right-of-way, such as air space use over highways. Under section 84.09(5), Wisconsin Statutes, the Highway Commission is empowered to sell property owned by the state and under the jurisdiction of the Highway Commission when it has been determined that such property is no longer necessary for state highway purposes. The Excess Property Disposal Program sells or otherwise disposes land that is not needed for highway development, subject to the Governor's approval. Restrictions and conditions are incorporated into the deeds of such excess lands, as deemed necessary to protect the environment, highway facilities and the general public.

b. Activity

DOT	1971-73	1973-75	1975-77
# of projects offered technical assistance regarding jurisdictional planning	20	24	27
# of non-conforming outdoor signs acquired	167	1064	266 to 6/1/76
# of projects offered technical assistance regarding junkyards	25	2	100*
Amount of financial assistance distributed regarding junkyards			$430,000*
# of screenings or removals of junkyards			100*
# of property managment actions		±600	±658
# of property disposal transactions		575	±600

*Estimates

The major activity of the State Highway Plan is the maintenance of data used in plan design and reevaluation.

The Urban and Regional Planning Assistance Section's activity is centered on reviewing other agency reports and proposals, in addition to developing in-house reports for various transportation projects. Approximately 40 projects are offered technical assistance during a two-year period.

c. Funds and Staff

DOT	Funds 1975-77	Staff 1975-77
State Highway Plan	$200,000	8 man years
Jurisdiction Planning	60,000	3 man years
Highway Land Use Studies	28,000	+.5 man years*
Control of Outdoor Advertising	951,000	8 man years
Control of Junkyards	3,200,000	5 man years
Property Management & Excess Property Disposal	500,000	21 man years

*1973-75 Staff figures

d. Enforcement

The planning and analysis functions related to highway development and carried out by the Statewide System Planning and the Urban and Regional Planning Assistance Sections do not involve enforcement and surveillance activities.

For use of highway property or property rights, such as the ability of utility companies to maintain service lines within highway rights-of-way, a permit or occupancy agreement from the State Highway Commission must be obtained. Authority is delegated to the Chief Maintenance Engineer to act on the commission's behalf. This is a one-time application process. Site inspections of projects are made prior to project commencement, followed by inspections of highway restorations. The disposal of excess property by the Land Management Section of the Bureau of Real Estate is a one-time action done by deed along with the necessary restrictions.

The Highway Commission is responsible for authorizing access to controlled-access highways. By following the procedure outlined in section 84.25, Wisconsin Statutes, the Highway Commission may designate a highway for controlled access if the average traffic potential is in excess of 2,000 vehicles per 24-hour period. A controlled-access highway allows entrance upon and departure from the highway only at specially designated locations. To obtain permission for access to such a highway requires application to and approval by the Highway Commission. Such control is needed to insure the safety and convenience of highway users.

The Highway Beautification Program is involved in acquiring all non-conforming signs and in controlling the location and relative density of future signs through a state permit system and continual enforcement. The acquisition of non-conforming signs negates the need for enforcement activities. Junkyard control entails surveillance of the federal-aid primary highway system for new junkyard operations. However, surveillance will not start until screening or removal of non-conforming sites has been completed.

e. Interagency Coordination

The Statewide System Planning Section uses the land use plans of other state agencies as the source for its analysis of governmental responsibility for roads and highways. The State Highway Plan Program coordinates its activities with the Office of State Planning and Energy. The Urban and Regional Planning Assistance Program maintains liaison with the programs of outside agencies and analyzes such programs for their impact on the department's activities and plans.

The Property Management Program has some involvement with local governmental units regarding negotiated land use agreements. The Excess Property Disposal Project has contact with DNR and other state agencies since these agencies are given the first option to purchase lands that will no longer be used for transportation purposes.

The administration of the Junkyard Control Program is coordinated between DOT and DNR. DNR's involvement relates to standards for solid waste management and licenses for sites under sections 144.43 and 144.44, Wisconsin Statutes.

f. Contact Persons

DOT . Statewide System Planning
George Gunderson
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53707
266-2972

DOT . Urban and Regional Planning Assistance
John Sowiniski
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53707
266-0883

DOT . Highway Beautification, Control of Junkyards, Land Management
N. M. Margetis
Bureau of Real Estate
Division of Highways
P.O. Box 7913
Madison, Wisconsin 53707
266-2363

C. Issuance of Permits within Highway Rights-of-Way

a. Definition and Authority

Within the Highways Division the Maintenance Section has responsibility for issuing permits for any work within the highway right-of-way. Under sections 88.07, 86.16, 84.08 and 182.017, Wisconsin Statutes, any person excavating, filling or installing a culvert must obtain a permit which subjects the work to such rules and regulations as the Maintenance Section prescribes. The section also gives that approval necessary for the construction and operation of telegraph, telephone or electric lines within the limits of any highway and for the undertaking of any works within state trunk highway rights-of-way, except for departmentally contracted operations (sections 86.18, 84.08 and 182.017).

b. Activity

Permits Issued for Work Within Highway Right-of-Way

Type of Permits	January 1975 - December 1975
Town road	97
Telephone	2,713
Power	2,245
Sanitary sewer	151
Water	171
Storm sewer	76
Community antenna television	21
Other	70
Gas	1,761

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	Unable to estimate	16.0 man years

d. Enforcement

Applications for permits involve a one-time process. Site inspections of projects are made before and after work is undertaken and completed as well as on a periodic basis. The department has the authority to revoke permits or initiate other appropriate curative actions.

e. Interagency Coordination

DOT and municipalities interact on granting franchises or permits allowing alterations within highway rights-of-way. Section 84.08 of the Wisconsin Statutes requires that the State Highway Commission must approve any franchise or permit granted by local municipalities.

f. Contact Person

DOT . W. M. Brinkley
Bureau of Engineering
Division of Highways
Hill Farms State Office Building, Room 601
Madison, Wisconsin 53702
266-3638

D. Airports

a. Definition and Authority

The Department of Transportation, under the planning authority granted by section 114.01 of the Wisconsin Statutes, has developed a State Airport System Plan. This plan serves as a basis for coordinated policy decisions for future airport development in Wisconsin. The plan is the responsibility of the Statewide System Planning Section within the Systems Planning Bureau.

Section 114.135, Wisconsin Statutes, recognizes that it is in the interest of the public to regulate the bulk, height, location and use of any building or structure with regard to navigable airspace and aerial approaches to any airport. The Airspace Evaluation Program has the goal of insuring the compatible development of tall structures and aeronautical facilities within the state. Permits may be necessary for erecting high structures or buildings.

The Airport Site Approval Program, operating under the provisions of section 114.134, is responsible for approving sites for the proposed construction or activation of an airport. The goal of the program is to insure that the location of a proposed airport is compatible with existing and planned transportation facilities in the area. This is a relatively new program since the effective date of the statute requiring site approvals was June 4, 1974.

The final two DOT programs dealing with airport facilities operate to disseminate technical information. The Land Use Controls and Airport Height Limitation Zoning Program of the Planning Section of the Division of Aeronautics provides technical assistance to municipalities in developing compatible land use near airports and adopting height limitation zoning ordinances around airports in accordance with the provisions of section 114.136. The Technical Assistance in Acquisition of Property for Public Airport Owners Program operates within the Land Acquisition Section of the Airport Development Bureau. This program derives its authority from Chapter 114. The goal of the program is to provide technical assistance to individuals and agencies as needed to develop air transportation facilities for furthering the effective and efficient aeronautical services of the state.

b. Activity

Projects Offered Technical Assistance	1971-73	1973-75	1975-77
State airport system plan	3	12	12
Airport evaluation	250	303	170*
Airport site approval		36	60
Land use controls & airport heights	18	20	22
Acquisition of property	26	29	39
# of permits granted for tall structures	31	24	8*
# of site approvals granted for airports		8Δ	37

* to 5/1/76
Δ effective date of statute requiring site approvals - June 4, 1974

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$338,400	10.2 man years

d. Enforcement

Only the Airspace Evaluation and the Airport Site Approval Programs are involved in enforcement and surveillance activities. The Airspace Evaluation Program does not conduct site inspections prior to granting a permit to construct a tall structure. This program does respond to complaints by conducting site inspections of those structures in question. No permits have been revoked in the past year as a result of such monitoring and enforcement. Similarly, the Airport Site Approval Program does not conduct site inspections prior to granting permits, but will conduct them in response to complaints and on a spot check basis. No permits have been revoked in the past year as a result of these surveillance activities.

e. Interagency Coordination

The Statewide System Planning Section's activities on airport facilities is coordinated with the Office of State Planning and Energy and other agencies. Coordination within DOT is used in the airport site approval process. The two programs offering technical assistance, for airport construction projects or in drafting ordinances concerning the height limitations of structures surrounding airports, mainly coordinate their activities with local and regional planning commissions. The Land Acquisition Section coordinates its information with DNR and DLAD in furnishing assistance.

f. Contact Persons

DOT . State Airport System Plan
George Gundersen
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53703
266-2972

DOT . Airspace Evaluation Program
Thomas J. Thomas
Bureau of Aviation Operations
Division of Aeronautics
4802 Sheboygan Avenue
Madison, Wisconsin 53702
266-8166

DOT . Airport Site Approval
R. W. Kunkel
Bureau of Aviation Operations
Division of Aeronautics
4802 Sheboygan Avenue
Madison, Wisconsin 53702
266-2805

DOT . Land Use Controls and Airport Height Limitation Zoning
D. M. Cammack
Bureau of Airport Development
Division of Aeronautics
4802 Sheboygan Avenue
Madison, Wisconsin 53702
266-1825

DOT . Land Acquisition
W. L. Paul
Bureau of Airport Development
Division of Aeronautics
4802 Sheboygan Avenue
Madison, Wisconsin 53702
266-2109

E. Mass Transit

a. Definition and Authority

The Urban Transit Assistance Section of DOT is responsible for administering and coordinating state and federal programs of financial assistance for various modes of ground (non-highway) transportation. The two existing (1975-77 biennium) state-aid programs and program goals are:

1. The State Urban Mass Transit Operating Assistance Program: To preserve urban mass transit systems and to ensure the continuance of quality urban mass transit service at reasonable fares by providing eligible local public bodies up to two-thirds of the total operating deficits of the urban mass transit systems involved.

2. The State Mass Transit Planning and Demonstration Program: To plan and demonstrate the effect of improved mass transit service in (1) reducing urban vehicular travel, (2) meeting total urban transportation needs at minimum cost, and (3) reducing urban highway and parking facility requirements; or to establish new mass transit systems in urban areas not presently served by funding up to 100% of the cost of such projects.

b. Activity

State Mass Transit Aid Programs	Amount of Financial Assistance Distributed		# of Grant Contracts	
	1973-75	1975-77	1973-75	1975-77
Operating Assistance	$5 million	$6.5 million	40	45
Demonstration Program	$2 million	$.4 million	9	8

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$320,000	16 man years

d. Enforcement

DOT's Audit Section conducts financial audits on all state funded transit programs.

e. Interagency Coordination

The section's primary contacts are with local governments and regional planning commissions. The section is also involved in a number of federal Urban Mass Transportation Administration (UMTA) programs. For the UMTA 16(b)(2) capital grant program, a formal working relationship with the Department of Health and Social Services has been established. In general, the section informally coordinates its activities with DOA, DLAD, PSC and the Legislative Fiscal Bureau.

f. Contact Person

DOT . John M. Hartz
Urban Transit Assistance Section
Office of the Secretary
P.O. Box 7913
Madison, Wisconsin 53707
266-0658

F. Railroads

a. Definition and Authority

The State Rail Planning Program is a responsibility of the Division of Planning within DOT. The product of that activity to date has been a State Rail Plan, most recently published in August, 1976. The initial program goal was to qualify the state for local rail service subsidy funds provided by the Regional Rail Reorganization Act of 1973 and the Railroad Revitalization and Regulatory Reform Act of 1976. The long-range goal is to produce a plan to make railroads more competitive with air and highway transportation. The authority found in section 85.02, Wisconsin Statutes, grants the department power to plan, promote and protect transportation related activities in the state, including railways. The Division of Planning is also administering a federally funded program of rail service continuation assistance, whose initial recipient is the carferry service between Kewaunee, Wisconsin and Frankfort, Michigan.

The Transportation Regulation Program of PSC, under Chapter 191, plays an integral role in intrastate railroad construction and rail carrier regulation. For a railroad corporation to construct a proposed railway line or extend an old one it is necessary for it to obtain from PSC a certificate that public convenience and necessity require such construction. However, there has been no intrastate railroad construction nor abandonments in recent years. All recent abandonments have been interstate lines which are subject to the jurisdiction of the federal Interstate Commerce Commission.

The PSC is concerned with both motor carrier and railroad regulation. Regulation is in the form of requirements for rates, safety, such as clearances and grade crossings, and levels of service (Chapter 194 and Administrative Code Chapters PSC 16, 17 and 18). However, much of PSC's railroad regulatory authority has been preempted by the federal government. The PSC has greater control in the area of motor carriers, being responsible for granting permits to common

carriers (traveling a regular route within the state) and licenses to contract carriers (serving an area of the state). The goal of motor carrier regulation is to provide adequate, safe, reliable transportation at a reasonable cost to users. (See Highways of this chapter for further information regarding the regulation of the state's highways.)

b. Activity

The activity of the State Rail Planning Program is focused on the maintenance and analysis of information concerning the State Rail Plan. The activity of the PSC is not easily quantified because there have been no applications for certificates of convenience and necessity in recent years.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$10,000*	.5 man years*
PSC	$138,222	6.0 man years

*These figures are not representative of all DOT rail activities, but are an attempt to estimate the funds and staff involved in land use related activities with regard to railroads.

d. Enforcement

The State Rail Plan involves no enforcement activities, PSC does site inspections on a random basis after approval for railroad construction, extension or abandonment has been given. Enforcement actions are necessary to regulate rates, safety and service of railroads and motor carriers.

e. Interagency Coordination

DOT coordinates its railway programs with the Office of State Planning and Energy and other state agencies. The PSC interacts with DOT to provide for an exchange of data regarding railroads and with DNR to obtain data on abandoned rail lines. For each abandoned rail line a determination must be made as to the future use of their rights-of-way.

f. Contact Persons

DOT . State Rail Plan
George Gundersen
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53707
266-2972

PSC . William R. Brumfield
Transportation Division
4802 Sheboygan Avenue
Madison, Wisconsin 53702
266-2321

G. General Transportation Planning Assistance

1. Local and Regional Transportation Planning Assistance

a. Definition and Authority

The Systems Planning Bureau is responsible for the Local and Regional Planning Assistance Program, authorized by section 85.02, Wisconsin Statutes. The purpose of this program is to provide assistance and support, through the district and central office planning staffs, to local and regional planning programs when less than the full range of metropolitan area transportation study techniques are undertaken. Assistance and support is provided mainly to coordinate local and regional comprehensive transportation planning done by DOT. Assistance involves the preparation, review and interagency coordination of work programs.

b. Activity

Given the recent change in the nature of the Local and Regional Planning Assistance Program it is impossible to quantify the activity prior to 1975. Between 1975 and the summer of 1976 the program has offered 60 projects technical assistance, including on-going projects and plan updates, and has been involved with 1,300 assorted actions, including zoning requests, review of development proposals by communities and controlled access request changes.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$135,000	8 man years

d. Enforcement

The program does not require enforcement activities for its planning and technical assistance to be effective.

e. Interagency Coordination

The planning function for the Local and Regional Planning Assistance Program is carried out in coordination with DLAD, DNR and OSPE on an informal basis.

f. Contact Person

DOT . John M. Sowinski
Bureau of Systems Planning
Division of Planning
P.O. Box 7913
Madison, Wisconsin 53707
266-0883

2. Urban Transportation Planning Assistance

a. Definition and Authority

Under Section 85.02, the Systems Planning Bureau is authorized to provide urban planning assistance. The objective of the assistance program is to generate coordination between land use and transportation plans and programs for federal and state aids. The bureau assists and supports urban areas through district and central office planning staffs in the analysis and evaluation of land use and transportation trends and future needs.

b. Activity

The Urban Planning Assistance Program currently has seven metropolitan planning studies (these are of urban areas with a population of at least 50,000) and five small urban area studies underway.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$200,000	12 man years

d. Enforcement

The program does not require enforcement activities for its planning and technical assistance to be effective.

e. Interagency Coordination

The planning function for the Urban Planning Assistance Program is carried out in coordination with DLAD, DNR and the Office of State Planning and Energy on an informal basis.

f. Contact Person

DOT . Don Macauley
Bureau of Systems Planning
Division of Planning
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Madison, Wisconsin 53707
266-1681

CHAPTER 10. WISCONSIN ENVIRONMENTAL POLICY ACT

A. General

a. Definition and Authority

The Wisconsin Environmental Policy Act of 1972 (WEPA) reflects a growing public awareness of the complex interactions between environmental quality and long-term social and economic needs. WEPA (section 1.11, Wisconsin Statutes) is modeled after the National Environmental Policy Act (NEPA) with the exception of two additional key elements - a required public hearing on the final Environmental Impact Statement (EIS) and consideration of economic advantages and disadvantages. WEPA took effect on April 29, 1972.

Through Executive Order No. 26 the Governor, in February, 1976, issued revised guidelines for state agency compliance with WEPA. The Governor established an Interagency Coordinating Committee to advise him on the need of further guidelines to implement WEPA's policies and procedures and to facilitate agency coordination.

Under the provisions of section 1.11, any state agency which is proposing legislation or "other major actions significantly affecting the quality of the human environment" must prepare an EIS. The guidelines have classified state agency actions into three categories regarding EIS review requirements: Type I actions that always require an EIS; Type II actions that may or may not require an EIS, depending upon agency determination of significance via a screening worksheet procedure; and Type III actions that never require an EIS. The factors used to determine whether actions are significant include:

(1) Irreversibility of the environmental effect.
(2) Stimulation of secondary effects.
(3) Creating a new environmental effect.
(4) Geographical importance or scarcity of the resources.
(5) Cumulative impacts.
(6) Reasonable alternatives.
(7) Public and citizen complaints.
(8) Disruption of program development or inconsistency with long-range plans or goals.
(9) Inconsistency with any national or state policy relating to the environment.

There is considerable amount of discretion exercised on the part of state agencies in determining what category an action will be placed in. According to Executive Order 26, in the consideration of any kind of action (even if it is classified

as Type III), all responsible state agency officials shall examine and respond to the environmental and economic consequences of the action.

If an action has significant impacts on the environment, the sponsoring agency must draft a Preliminary Environmental Report (PER). This document describes the proposed action and any alternative actions being considered. It is then distributed to other agencies and the public for review and comments. Using these comments the sponsoring agency prepares an EIS which examines the environmental effects of the action in detail. The EIS is also circulated to the state agencies and the public. The final review is at a public hearing for which 15 days prior notice must be given. On the basis of this input a decision is made regarding the action to be taken. This procedure is not limited to direct state agency proposals. It is also used where private individuals require state permits for actions significantly effecting the environment.

b. Activity

WEPA Activities and Costs for July 1, 1974 to June 30, 1975*

Agency	Costs	# of Type II screenings	# of PERs and EISs initiated	# of PERs and EISs reviewed Δ
DNR	$301,390	1407	21	53
UW	165,000	71	30	30
PSC	94,920	16	5	0
DOT	18,000	4	2	10
Other agencies	26,274	75	7	159

* These estimates do not include personnel and administrative costs related to the WEPA coordinator in each agency. The exception is the cost of DOA's Office of State Planning and Energy (OSPE) which provides services to the Executive Office and staff support to the Interagency Committee.

Δ The PERs and EISs in this column are not a reflection of the PERs and EISs from the column indicating the number initiated by each agency. These figures show the extent to which an agency reviews other agencies' PERs and EISs.

c. Funds and Staff

Each agency listed in Chapter 15 of Wisconsin Statutes assigned its WEPA responsibilities to one individual known as the WEPA coordinator. All coordinators serve on the Interagency Committee. No budget allocations were provided to implement WEPA when it was enacted. Agencies were required to initiate environmental reviews with existing resources by shifting operating budgets and personnel from other programs.

d. Enforcement

There is no central enforcement mechanism for WEPA. Presently it is up to the discretion of an agency whether to prepare an EIS for its proposed actions. An agency decision not to prepare an EIS may be challenged through the courts.

e. Interagency Coordination

Improvement in interagency cooperation, coordination and communication has been a key objective of the WEPA Interagency Coordinating Committee. Interagency coordination is facilitated by the WEPA contact in each state agency and the regular meetings of all agency coordinators.

f. Contact Person

DOA . Caryl Terrell
Office of State Planning and Energy
One West Wilson Street, Room B-130
Madison, Wisconsin 53702
266-1718

B. DNR Environmental Impact Review

a. Definition and Authority

The Bureau of Environmental Impact has the responsibility of administering and coordinating the Environmental Impact Program within DNR. Under section 1.11, Wisconsin Statutes, all state agencies must include with every recommendation or report a detailed statement concerning the environmental impact of proposals for legislation and other major actions significantly affecting the quality of the human environment. The bureau evaluates each DNR proposal to determine if environmental impact statements will be required. Further, under section 23.11(5), DNR may require an applicant requesting a departmental permit or approval to submit an environmental impact report if the area affected exceeds 40 acres or the estimated cost of the project exceeds $25,000. (See Chapter 10 on the Wisconsin Environmental Policy Act.)

b. Activity

DNR	1971-73	1973-75	1975-77
# of Environmental Impact Assessments	500	2,225	3,300
# of Environmental Impact Statements	18	19	20
# of Environmental Impact Reports	146	364	520

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DNR	$285,300	10-12 man years

d. Enforcement

Enforcement and surveillance concerns are not applicable to the activities of the Environmental Impact Bureau. However, it should be noted that a project, for which an EIS has not been written, can be enjoined if the law requires an EIS.

e. Interagency Coordination

All Environmental Impact Statements on proposed actions are circulated to other state and federal agencies and local government units for review and comment. Therefore, the Bureau reviews the projects of other agencies to determine their effects on the natural environment. DNR also works with other agencies to assist them in reducing the potential environmental impacts of their projects.

f. Contact Person

DNR . James Huntoon, Director
Bureau of Environmental Impact
4610 University Avenue
Madison, Wisconsin 53702
266-8736

C. DOT Environmental Impact Review

a. Definition and Authority

Within the Engineering Bureau the Facilities Development Section is responsible for Environmental Impact Statement reviews. This section does not prepare DOT's environmental impact statements, but rather reviews all the Environmental Impact Statements prepared by other agencies. The Governor, through Executive Order Number 26, issued guidelines for the implementation of the Wisconsin Environmental Policy Act (WEPA), which included the mandate that all state agencies cooperate and assist one another in the preparation of Environmental Impact Statements. The statutory authority for WEPA found in Section 1.11 of the Wisconsin Statutes. (See Chapter 10 on the Wisconsin Environmental Policy Act.)

b. Activity

The section has reviewed approximately 44 Environmental Impact Statements within a two-year period since the requirement of interagency review was established by the Governor.

c. Funds and Staff

Agency	Funds 1975-77	Staff 1975-77
DOT	$25,000	0.9 man years

d. Enforcement

There are no enforcement activities involved with EIS reviews.

e. Interagency Coordination

The Interagency WEPA Coordinating Committee provides informal coordination between the state agencies for the review of Environmental Impact Statements.

f. Contact Person

DOT . R. W. Baker
Facilities Development Section
Bureau of Engineering
Division of Highways
Hill Farms State Office Building, Room 651
Madison, Wisconsin 53702
266-2651

PART TWO: Summary Information

CHAPTER II. AGENCY ACTIVITIES AND ORGANIZATIONS

This chapter serves as an index or cross-reference to Part One. While Part One is organized by issue areas, this chapter is organized by state agency. There is a list of land use related programs for each state agency with a reference to the chapter in Part One where it is discussed in detail. In addition, an organization chart is presented for each agency to show how the division and bureaus responsible for land use related activities fit into the overall departmental structure.

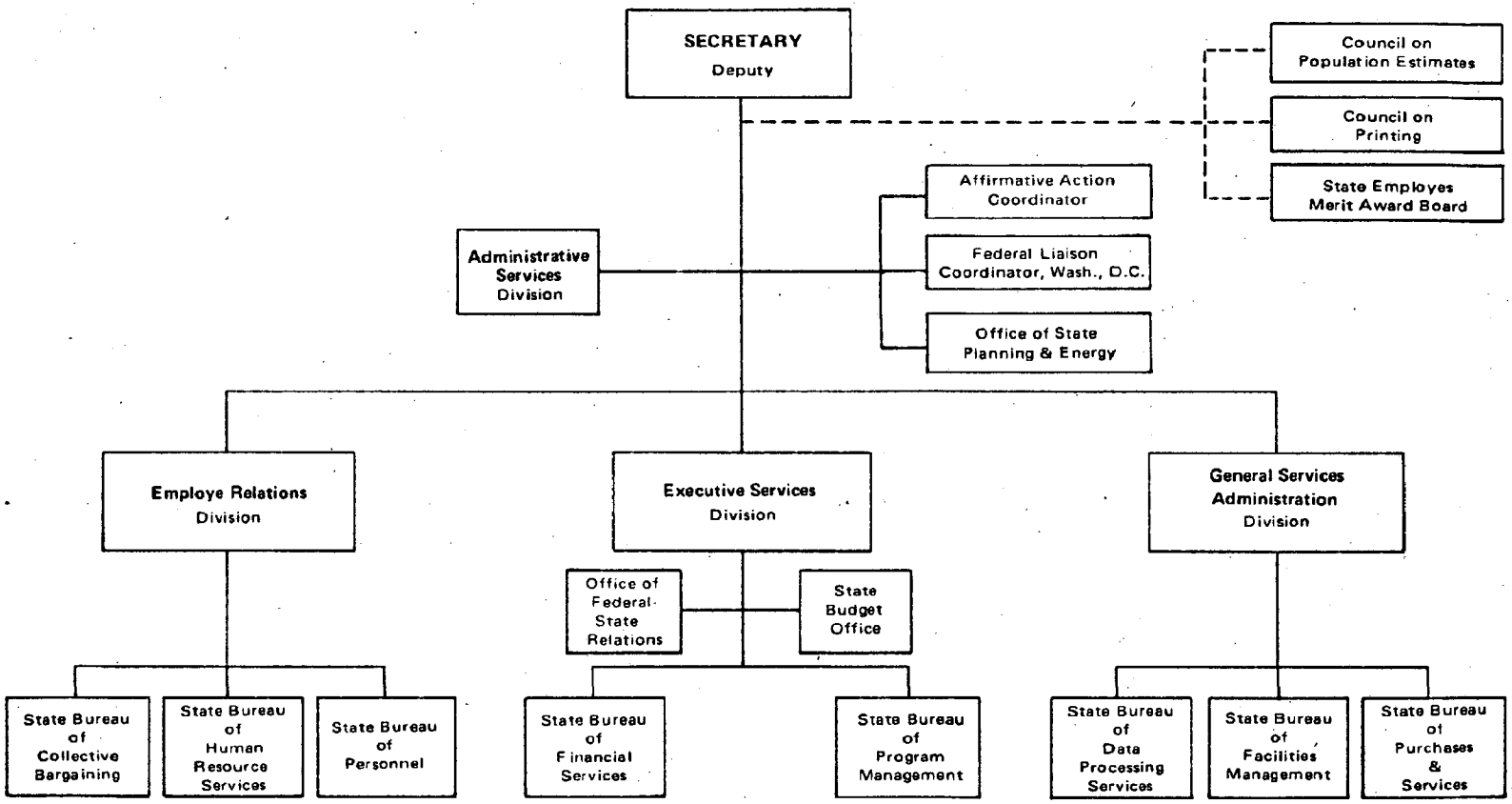
The information in this chapter is presented in the following order:

A. Department of Administration
B. Department of Health and Social Services
C. Department of Local Affairs and Development
D. Department of Natural Resources
E. Public Service Commission
F. Board of Soil and Water Conservation Districts
G. Department of Transportation

A. Department of Administration

	Programs and Functions	Responsible Divisions and Bureaus	Chapter
1.	Statewide Land Use Planning	Office of State Planning and Energy	1.C.2.
2.	State Building Program	Division of General Services Administration, Bureau of Facilities Management	8
3.	Wisconsin Environmental Policy Act Coordination	Office of State Planning and Energy	10

DEPARTMENT OF ADMINISTRATION



Units attached for administrative purposes under Sec. 15.03:

Commission

Tax Appeals

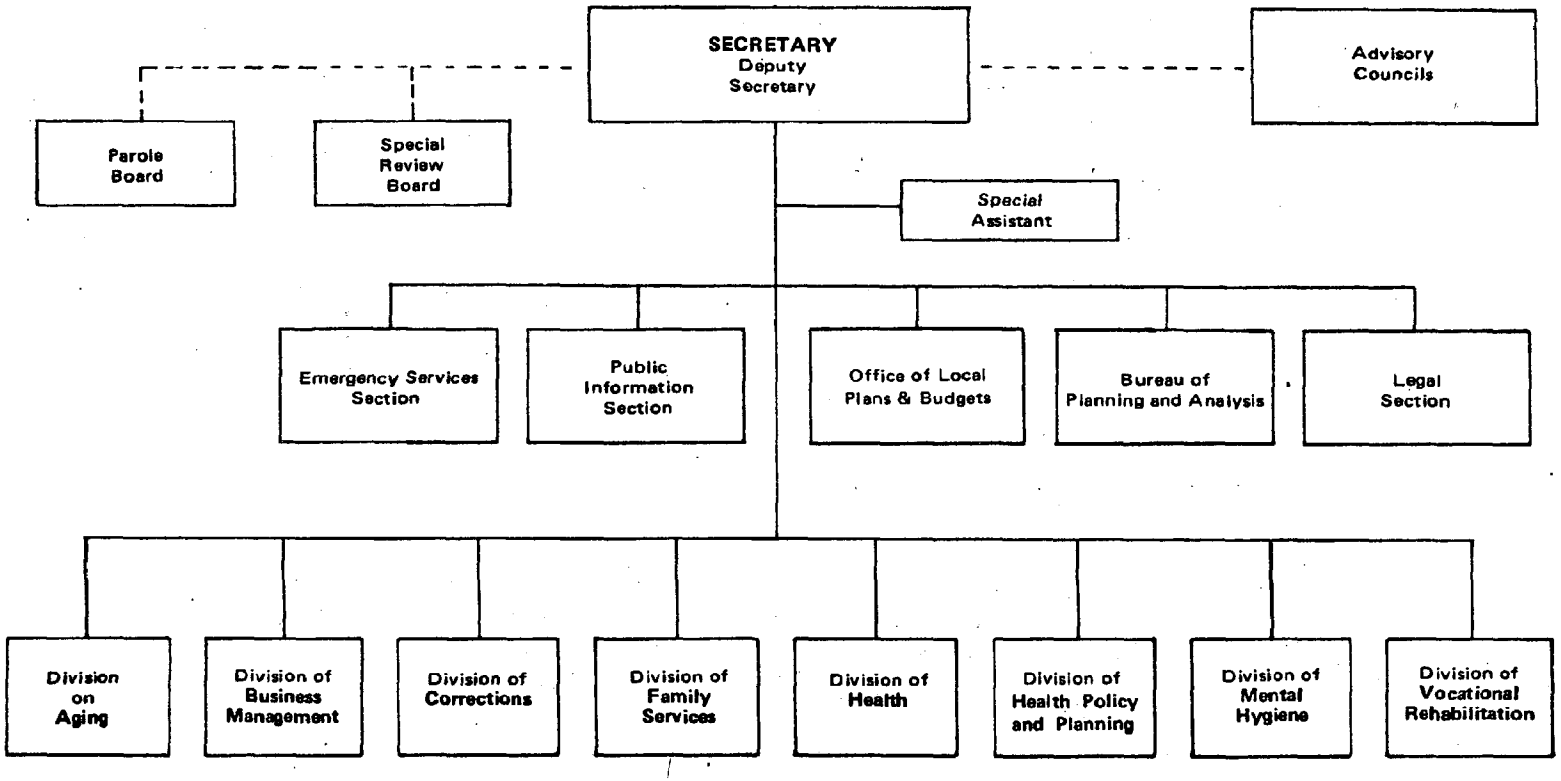
Boards

Arts	**Public Records**
Claims	**State Capitol & Executive Residence**
Personnel	

B. Department of Health and Social Services

	Programs and Functions	Responsible Divisions and Bureaus	Chapter
1.	Plat Review	Division of Health, Bureau of Environmental Health	1.A.
2.	Nuclear Energy Plant Surveillance	Division of Health, Bureau of Environmental Health	2.B.
3.	Recreation and Sanitary Services for Public Recreational Areas	Division of Health, Bureau of Environmental Health	6.B.
4.	Hotel, Motel, Resort and Restaurant Surveillance	Division of Health, Bureau of Environmental Health	6.B.
5.	Private Domestic Sewage Treatment and Disposal Systems	Division of Health, Bureau of Environmental Health	6.B.

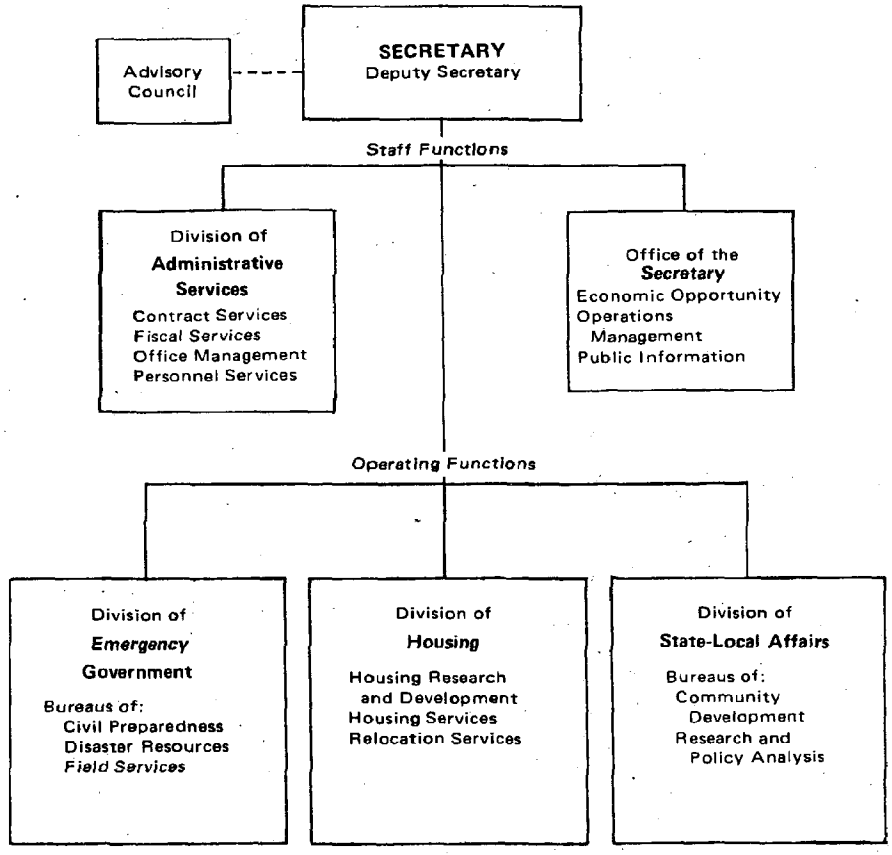
DEPARTMENT OF HEALTH AND SOCIAL SERVICES



C. Department of Local Affairs and Development

	Programs and Functions	Responsible Divisions and Bureaus	Chapter
1.	Plat Review	Division of State-Local Affairs, Bureau of Community Development	1.A.
2.	Annexation and Incorporation Boundary Review	Division of State-Local Affairs, Bureau of Community Development	1.B.
3.	Community Development and Local Planning Assistance	Division of State-Local Affairs, Bureau of Community Development	1.C.1.

DEPARTMENT OF LOCAL AFFAIRS AND DEVELOPMENT

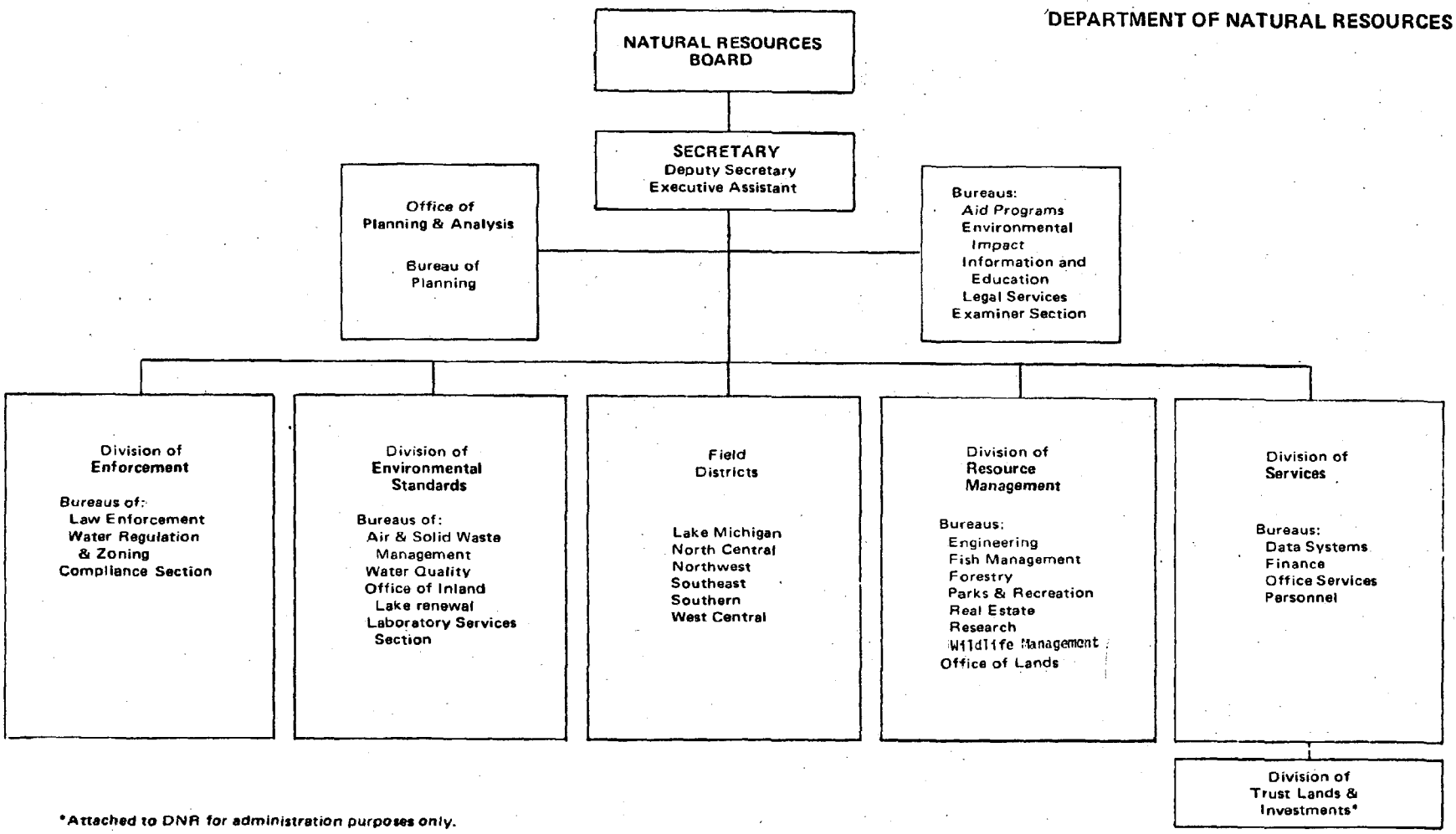


D. Department of Natural Resources

Programs and Functions	Responsible Divisions and Bureaus	Chapter
1. Flood Plain and Shoreland Plat Review	Division of Enforcement, Bureau of Water Regulation and Zoning	1.A.
2. Flood Plain and Shoreland Management	Division of Enforcement, Bureau of Water Regulation and Zoning	3
3. Metallic Mining	Division of Enforcement, Bureau of Water Regulation and Zoning	4
4. Air Management	Division of Environmental Standards, Bureau of Air and Solid Waste Management	5.A.
5. Regulation of Physical Alterations and Use of Surface Waters	Division of Enforcement, Bureau of Water Regulation and Zoning	5.B.1.
6. Water Quality	Division of Environmental Standards, Bureau of Water Quality	5.B.2.
7. Inland Lake Protection and Rehabilitation	Division of Environmental Standards, Office of Inland Lake Renewal	5.B.3.
8. Water Resources Research	Division of Resource Management, Bureau of Research	5.B.4.
9. Comprehensive Water Planning	Office of Planning and Analysis, Bureau of Planning	5.B.5.
10. Forest Management	Division of Resource Management, Bureau of Forestry	5.C.
11. Fish and Fish Habitat Management, and Land Acquisition for Fishing Easements	Division of Resource Management, Bureau of Fish Management	5.D.

12. Fishery Research	Division of Resource Management, Bureau of Research	5.D.
13. Wildlife Management, Development of Wildlife Areas, and Land Control	Division of Resource Management, Bureau of Wildlife Management	5.E.
14. Wildlife Research, Technical Services and Surveys	Division of Resource Managment, Bureau of of Research	5.E.
15. State Scientific Areas, Natural Areas Inventories	Division of Resource Management, Bureau of Research	5.F.
16. Land Acquisition, Sale, Exchange and Easements	Division of Resource Management, Bureau of Real Estate	5.G.
17. Trust Lands and Investments	Division of Trust Lands and Investments	5.G.
18. Planning	Office of Planning and Analysis, Bureau of Planning	5.H.
19. Environmental Impact Review	Bureau of Environmental Impact	5.I.
20. Southern Forests and Parks	Southern and Lake Michigan Districts	6.A.
21. Public Sewage Treatment	Division of Environmental Standards, Bureau of Water Quality	7.B.
22. Solid Waste Management	Division of Environmental Standards, Bureau of Air and Solid Waste Management	7.C.

DEPARTMENT OF NATURAL RESOURCES

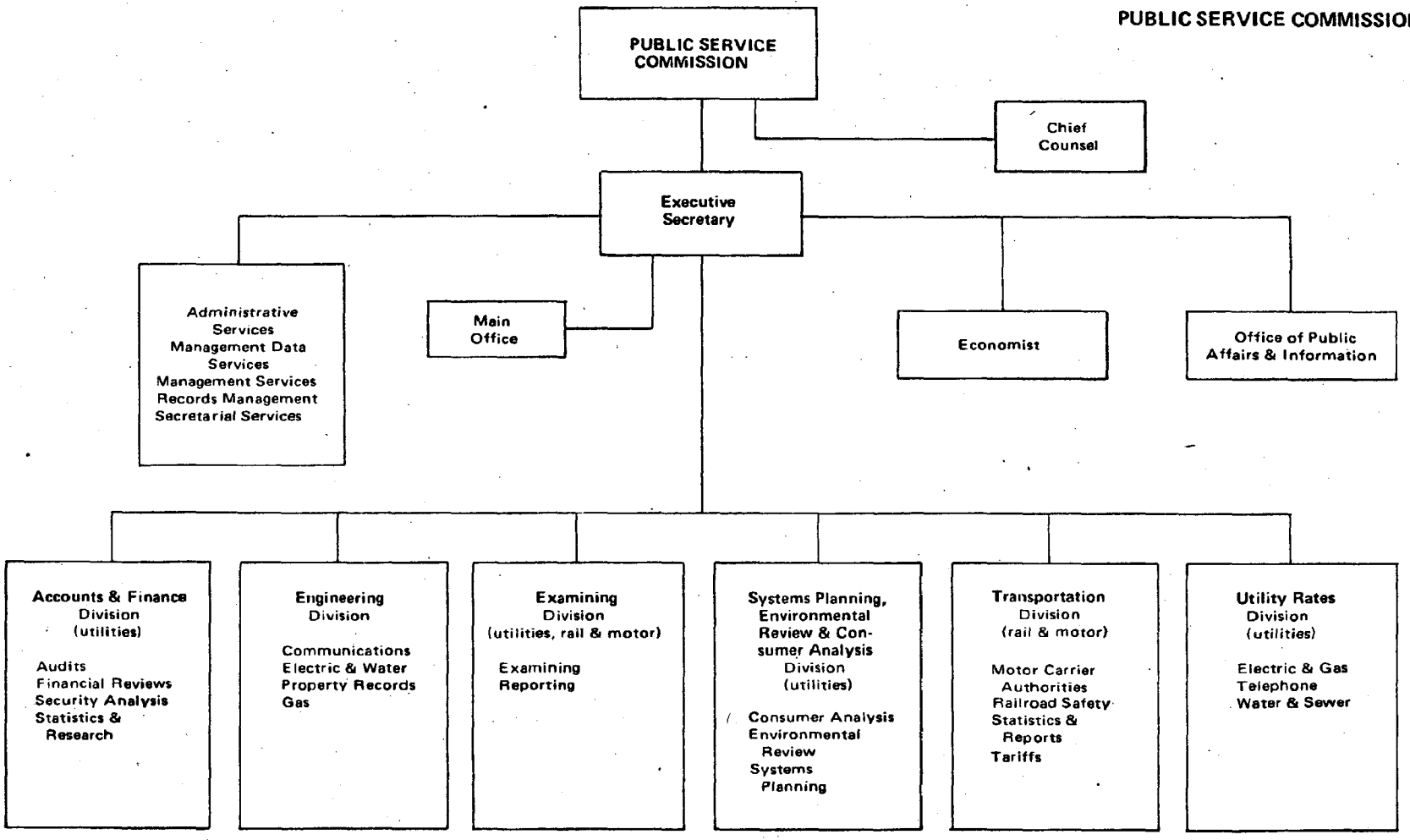


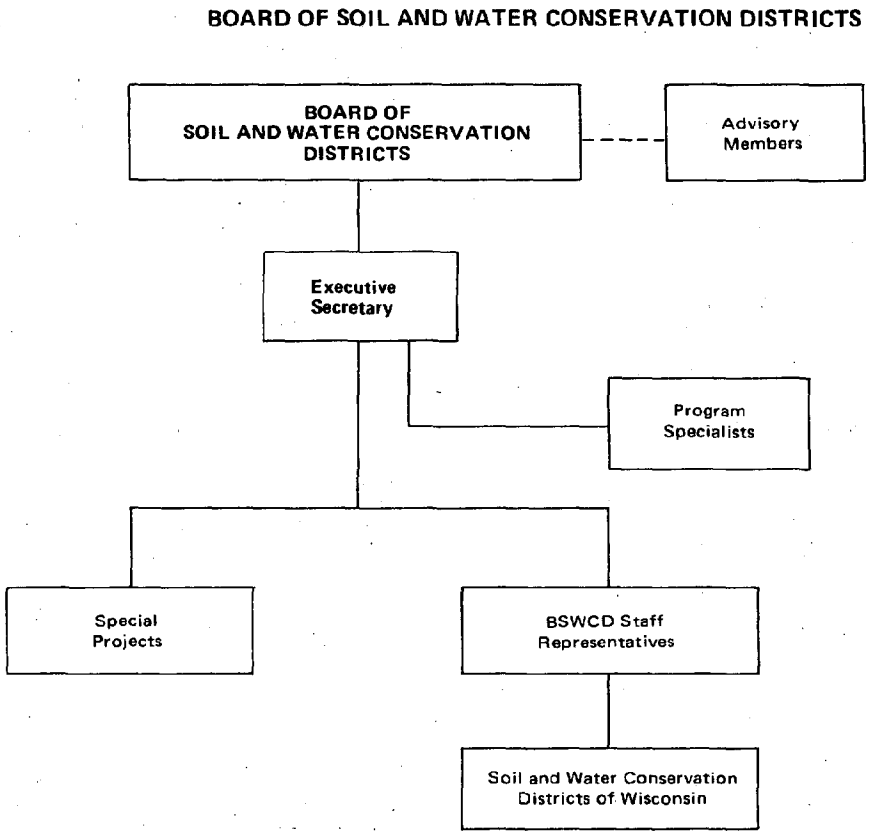
*Attached to DNR for administration purposes only.

E. Public Service Commission

	Programs and Functions	Responsible Divisions and Bureaus	Chapter
1.	Utility Extensions	Division of Engineering, Bureaus of Communications, Electric and Water, and Gas	2.A.
2.	Power Plant Siting	Division of Systems Planning, Environmental Review and Consumer Analysis, Bureau of Environmental Review	2.A.
3.	Municipal Power Districts	Division of Utility Rates, Bureau of Electric and Gas	2.A.
4.	Railroad and Highway Rates and Safety Standards Regulation	Division of Transportation, Bureaus of Motor Carriers Authorities and Railroad Safety	9.F.

PUBLIC SERVICE COMMISSION





Board of Soil and Water Conservation Districts

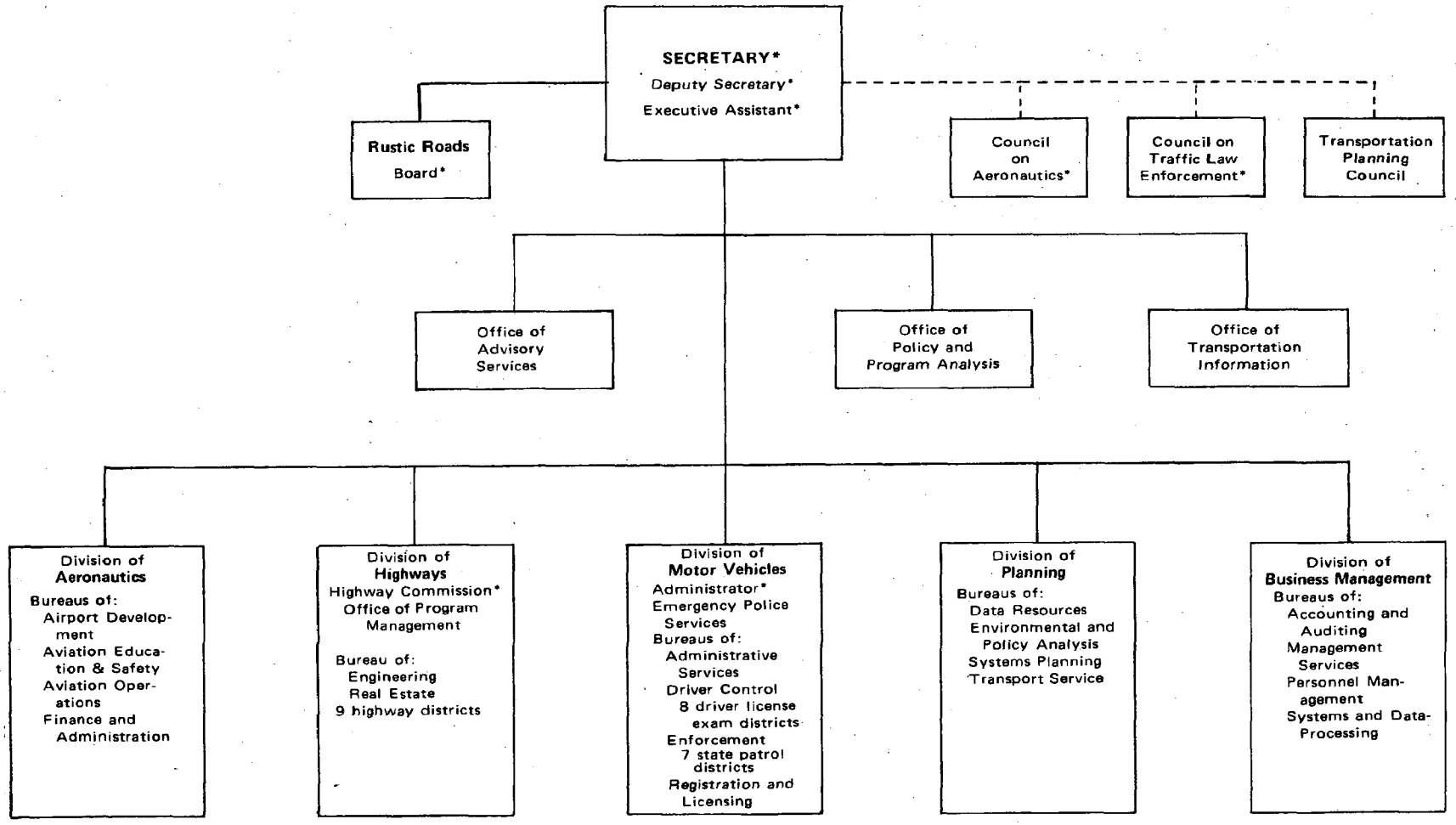
Programs and Functions	Chapter
Soil and Water Conservation	5.B.6.

G. Department of Transportation

Programs and Functions	Responsible Divisions and Bureaus	Chapter
1. Plat Review, Highway Access Control	Division of Highways, Bureau of Real Estate	1.A.
2. State Transportation Plan Development	Division of Planning, Bureau of Systems Planning	9.A.
3. State Highway Plan Development, Assignment of Governmental Responsibilities for Roads and Streets, Highway Land Use Studies	Division of Planning, Bureau of Systems Planning	9.B.
4. Highway Beautification, Control of Outdoor Advertising	Division of Highways, Bureau of Real Estate	9.B.
5. Control of Junkyards	Division of Highways, Bureau of Engineering	9.B.
6. Property Management, Land Use Agreements, Disposal of Excess Highway Lands and Facilities	Division of Highways, Bureau of Real Estate	9.B.
7. Maintenance Permits	Division of Highways, Bureau of Engineering	9.C.
8. State Airport Plan Development	Division of Planning, Bureau of Systems Planning	9.D.
9. Airspace Evaluation, Airport Site Approval	Division of Aeronautics, Bureau of Aviation Operations	9.D.

10. Land Use Controls, Airport Height Limitation Zoning, Technical Assistance in Acquisition of Property for Public Airports	Division of Aeronautics, Bureau of Airport Development	9.D.
11. State Urban Mass Transit Operating Assistance, State Mass Transit Planning and Development	Division of Planning, Bureau of Transport Service	9.E.
12. State Rail Plan Development	Division of Planning, Bureau of Systems Planning	9.F.
13. Local and Regional Transportation Planning Assistance	Division of Planning, Bureau of Systems Planning	9.G.1.
14. Urban Transportation Planning Assistance	Division of Planning, Bureau of Systems Planning	9.G.2.
15. Environmental Impact Review	Division of Highways, Bureau of Engineering	9.H.

DEPARTMENT OF TRANSPORTATION



*Positions Created by Statute.

APPENDIX

LAND USE ACTIVITY
QUESTIONNAIRE

PROGRAM ELEMENT _____

DEPARTMENT: _____

DIVISION: _____

BUREAU: _____

SECTION OR SUBUNIT: _____

STAFF COORDINATOR: _____
(Contact Person)
OFFICE ADDRESS: _____ PHONE: _____

_____

A. PROGRAM DESCRIPTION

1) Purpose, goals and/or objectives of the program:
(Use attachments if convenient)

2) List appropriate sources and expressions of authority for this program:

a) Statutory _____

b) Administrative Rules _____

c) Manuals _____

d) Attorney-General's opinions _____

e) Wisconsin Supreme Court Cases _____

f) Trial Court Cases _____

g) Departmental Directives _____

2 B. PROGRAM SIZE AND SCOPE

(1) What is the approximate yearly budget for this program (FY 1975)? $_____

(2) What are the funding sources for this program? (Use approximate figures)

Funding Source (Biennial)	1973-75	1975-77
State Revenues		
Federal Funds		
TOTAL		

(3) What are the approximate total staff requirements for this program? (express in full-time equivalents)

	1973-75	1975-77
Professional and technical staff		

(4) What is the approximate activity level of this program? (Determine an appropriate measure of activity and fill in the relevant section.)

Activity	1971-73	1973-75	1975-77
# of license application reviewed			
# of permit applications reviewed			
# of licenses granted			
# of permits granted			
# of projects on which department offered technical, management, etc. assistance			
# of enforcement orders issued			
# of enforcement actions taken subsequent to issuance of orders			
Total amount of financial assistance distributed			
Other measure of activity (specify)			

(5) If permits or licenses are involved, what is the nature and level of permit surveillance and enforcement?

a. What is the duration of the permit or license?

1. One time application? Yes _____ No _____

2. Subject to renewal every _____ years.

b. Is there any site inspection of projects after the permit or license is issued?

1. During installation? Yes _____ No _____

2. After installation:

_____ None

_____ In response to complaints

_____ Spot checks

_____ Regular periodic monitoring

c. Have any permits or licenses been revoked in the past year as a result of this monitoring and enforcement? If so, indicate number.

(6) How have the activities of this program been distributed throughout the state in recent years? (Is there a concentration of this activity in particular areas of state? For example, in urban or incorporated areas; in coastal counties; in northern counties; in the southeast area of the state; etc. State briefly the definitions used for distinguishing urban, rural, northern, coastal, etc.)

C. PROGRAM IMPLEMENTATION AND IMPACT

(1) Is this program coordinated with other state agency land use related activities, either formally or informally?

Yes_____ No_____

If yes, please briefly indicate with which programs it is coordinated and how.

(2) Does this program involve delegation of implementary responsibilities to the field level?

Yes_____ No_____

(3) Does administration of this program involve contact with local government?

Yes_____ No_____

If yes, please indicate the degree of contact.

Frequent_____ Occasional_____ Infrequent_____

(4) Does administration of this program involve contact with private citizens, organizations, or industry?

Yes_____ No_____

If yes, please indicate the degree of contact.

Frequent_____ Occasional_____ Infrequent_____

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