2020 SPRING WCCA WDNR UPDATES AND COMPLIANCE TEAM PRIORITIES

~~Jenny Croonborg-Murphy~~

Dale Rezabek

Michelle Staff

WDNR

AGENCY UPDATES: WDNR

- WDNR Updates:
  - ~~Shoreland Zoning Workshops March 5, 17, 25, and April 8~~
    - Due to the State Health Emergency, we are cancelling the workshops.
- Recent Legislation:
  - Act 145: Town Zoning in Shorelands (clarifying Hegwood v. Town of Eagle)
  - Act 175: Nonconforming structures in a floodplain (see Michelle Staff)
  - 2019 Assembly Bill 917,introduced February 14, 2020 (rescinds 2015 WI Act 55 Shoreland laws)
- Compliance Team Priorities

2019 AB 917 PROPOSED LEGISLATION

- "This bill would eliminate the changes to the laws regulating shoreland zoning that were made under the 2015 biennial budget act, 2015 Wisconsin Act 55."

2019 WI ACT 145 [TWO PARTS]

- Clarifies – this is not new
- Current law allows a town to enact a zoning ordinance that applies in shorelands. This bill specifies that a town may enact a zoning ordinance affecting the same shorelands as a county shoreland zoning ordinance. Both the current law authorization and the bill's authorization are subject to a restriction that, generally**, such a town ordinance may not impose restrictions or requirements in shorelands with respect to matters regulated by a county shoreland zoning ordinance affecting the same shorelands, regardless of whether the county shoreland zoning ordinance was enacted separately from, or together with, a zoning ordinance**.

2019 WI ACT 145

- Under current law, a county board may enact a zoning ordinance that applies to towns that are located within the county. This bill specifies that a county board may enact a zoning ordinance that applies in all **or part of a town's territory, and may apply in all of the territory of some towns, and in only part of the territory of other towns.** Such an ordinance, however, is not effective in a town until the ordinance is approved by that town board.

WATERWAYS PROGRAM GOALS

GOALS
The Waterways Bureau believes in the following goals and will align its work efforts according to the following:

Public Health and Safety
We will collaborate with landowners and communities to safeguard life, health and property.

Balance
We will balance public and private rights and interests.

Staff
We will create and maintain a purposeful, professional work environment for all staff.

Nature
We will protect and enhance diverse recreational opportunities, natural and scenic beauty, water quality & quantity and habitat in Wisconsin's waterways, wetlands, shorelands and floodplains.

Relationships
We will ensure public trust and support, to enhance, protect and promote the wise use of Wisconsin's water resources

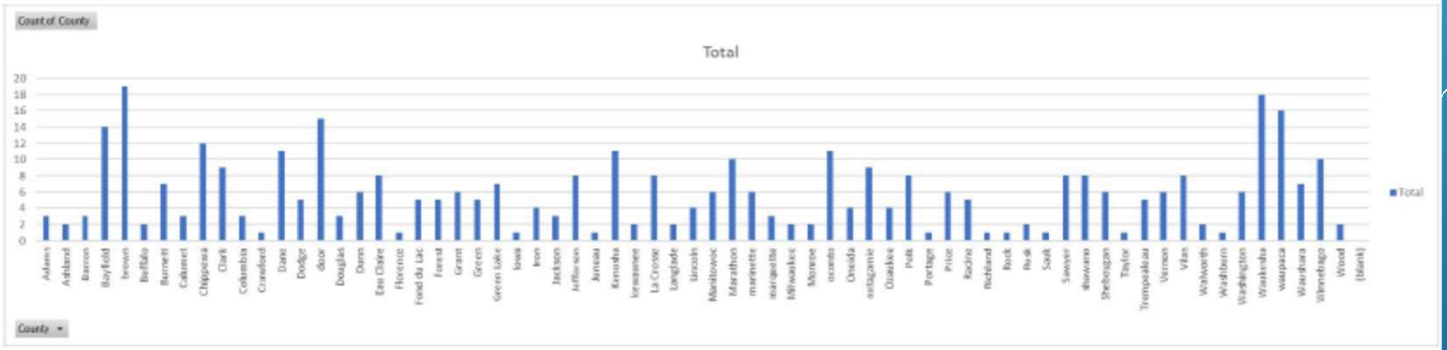
COMPLIANCE TEAM 2019

- #

I. Number and Nature of Complaints

Narrative: The Compliance Team began tracking all complaints in an Excel spreadsheet on July 1, 2019. From July 1-December 31, 2019, the Compliance Team handled 394 complaints.

Count of WMS Assigned	Column Labels							
Row Labels	Ch. 281-Drain Tile	Ch. 281-General	Ch. 281-Mechanized Land Clearing	Ch. 30	Ch. 31	No Jurisdiction	(blank)	Grand Total
Jenny Murphy		29	1	47	3	3	3	86
Scott Koehnke	1	58	4	45	6	11		125
Erin Cox	3	41	2	41		2	6	95
Emily Pedersen	4	17		20	2	9		52
Dale Rezabek		3				8		11
David Hon	1	9	1	7		5		23
Other		1			1			2
Grand Total	**9**	**158**	**8**	**160**	**12**	**38**	**9**	**394**



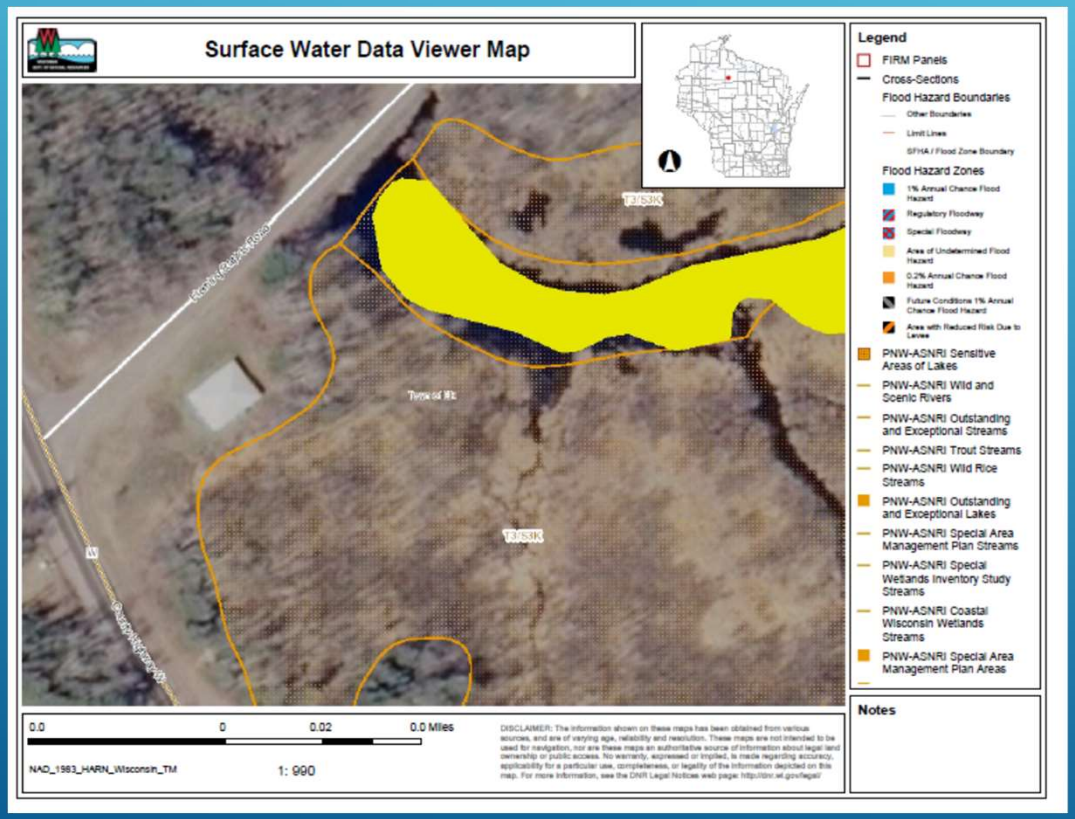
COMPLIANCE TEAM PRIORITIZATION

- This year, in tune with program goals, the team is focusing on:
  - High priority complaints
  - Assisting WMEs on dam safety and flooding issues
  - Outreach

HIGH PRIORITY

- Risks to public health, safety, and property
- Risk to sensitive resources (ASNRI, PNW, shoreland/floodplain/wetlands)
- In-progress violation
- Significant environmental or recreational harm
- Directed as a high priority

HIGH PRIORITY EXAMPLE



HIGH PRIORITY CASE EXAMPLE

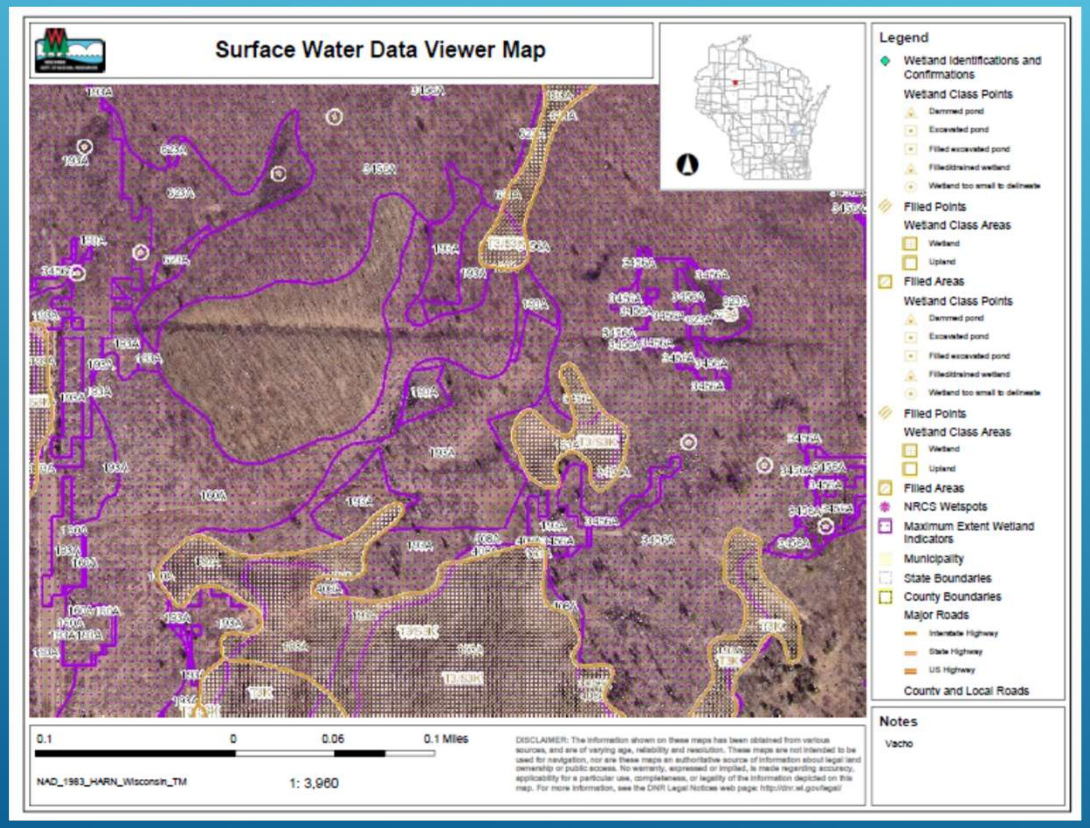
Case: Wetland fill in an L-shaped area around building in the mapped wetland area. High Priority complaint. Why is it High Priority?

- High quality shoreland wetland
- Priority Navigable Waterway (PNW) – designated Musky Area
- Adjacent to floodplain
- In progress – Contacted by warden who halted the dump truck
- Contractor is a repeat violator
- Approx 6,000 sq ft of fill

MEDIUM PRIORITY

- High visibility
- Future violations can occur
- Concealment of violation
- Culpable conduct, repeat violator
- Already happened, but recent
- Notable environmental harm

MEDIUM PRIORITY EXAMPLE



MEDIUM PRIORITY CASE

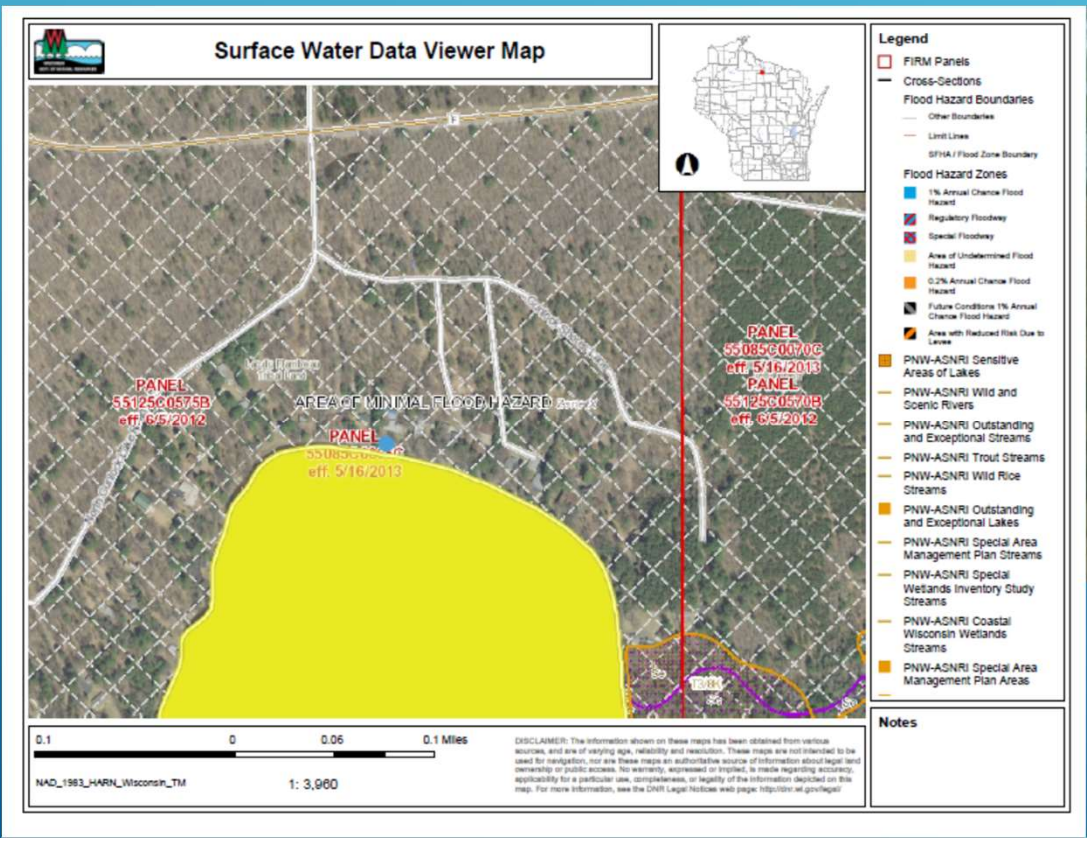
Case: Activity occurred in areas outside SWDV mapped wetlands, however wetland indicators present (purple layer) – see fence line in attached SWDV aerial. Why is it Medium Priority?

- Non shoreland/non floodplain wetland
- Large complex of mosaic wetlands that could provide flood storage for nearby community (identified after inspection)
- Violation in progress, however owner was immediately cooperative with warden and WMS (high probability of voluntary compliance)
- Multiple jurisdictions (WW & Stormwater)
- Area of disturbance was large, however it was a previously cleared area (no historic fill)
- No outside fill brought in – only land clearing and minor areas of dirt pushing into wetlands (identified after inspection)
- Silviculture exemption ruled out
- No repeat violators

LOW PRIORITY

- Potentially exempt or ATF permittable violation
- Procedural violation
- Unintentional and minor
- Neighbor disputes
- Happened a long time ago
- High effort/low environmental benefit
- Low environmental impact

LOW PRIORITY EXAMPLE



LOW PRIORITY CASE EXAMPLE

Email from warden re: riprap without a permit. Riprap included a railroad tie. Blue dot on attached SWDV shows location of riprap. Why is it Low Priority?

- Waterway was not an Area of Special Natural Resource Interest (ASNRI)
- Rock riprap is exempt for all non-ASNRI waterways if installed according to exemption standards
- Waterway is a Priority Navigable waterway (PNW), however statute dictates no permit is required. Riprap complaint prioritization on PNWs is low.
- No shoreland/wetland/floodplain fill/grading or dredging associated with placement of rock.

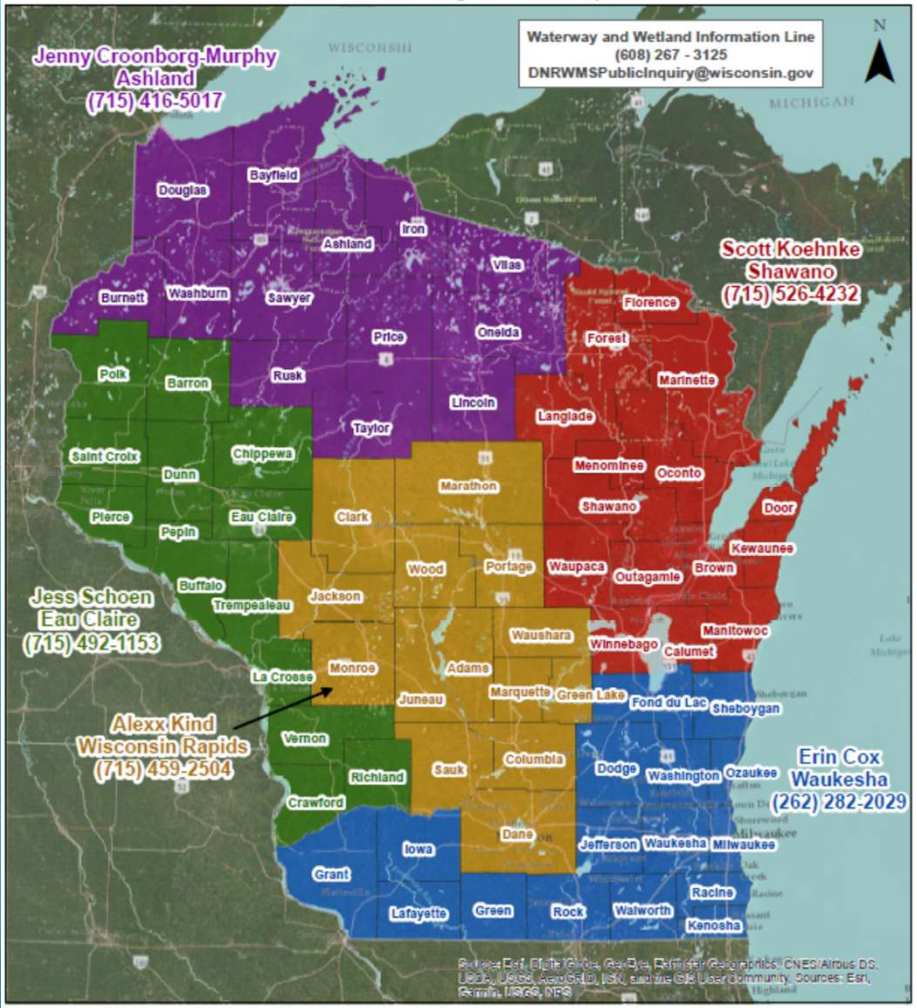
REGIONAL DIFFERENCE IN PRIORITIES

- Areas with mostly ASNRI (Northern counties)
- Areas with fewer ASNRI (Southeastern counties)

SUMMARY SLIDE

- DNR and Counties are partners
- Waterways, wetlands, floodplain, dam safety
- Hired 2 more staff
- 2020 field season and moving forward
- Addressing issues, dam safety/flooding, and outreach
- Continual improvement and program development

COMPLIANCE TEAM
Water Management Specialist
2020 Coverage Area Map



This map should not be used for navigation or legal purposes. It is intended for general reference only. Conclusions drawn are the responsibility of the user.

By: Jessica Schoen, WDNR
Check: Emily Pedersen, WDNR
Date: March 2, 2020

THANK YOU!

Contact Information:

- Kay Lutze, Shoreland Policy Coordinator [920-360-0472]
- Dale Rezabek, Shoreland Specialist [920-303-5440]
- For General Questions Regarding Waterways and Wetlands, Please Contact or Direct the Public to the Waterways Call intake Staff:
- Phone: 608-267-3125
- Email: DNRWMSPublicInquiry@wisconsin.gov