



Dane County

Minutes - Final Unless Amended by Committee

Lakes & Watershed Commission - Executive Committee

Thursday, January 4, 2018

5:00 PM

City-County Building - Room 354
210 Martin Luther King Jr Blvd
Madison WI 53703

City-County Building - Room 354

A. Call To Order

Present 4 - REBECCA POWER, LYLE UPDIKE, SUSAN WEST, and CHUCK ERICKSON

Excused 1 - MAUREEN McCARVILLE

Staff Present: Sue Jones

*CARPC members of the Stormwater Volume Trading Work Group - Peter McKeever,
David Pfeiffer, Caryl Terrell*

*Others Present: Sally Jarosz (DNR), Mike Rupiper (CARCP staff), Forbes McIntosh
(Government Policy Solutions), Dea Larsen Converse (Clean Lakes Alliance), Nancy
Bogue, Marta Brigham*

Meeting called to order by Chair POWER at 5:05 pm.

B. Consideration of Minutes

[2017](#) 11-2-17_LWC-EXEC MINUTES
[MIN-382](#)

Attachments: [2017 MIN-382 11-2-17 LWC-Exec Minutes](#)

**A motion was made by UPDIKE, seconded by ERICKSON, that the November 2,
2017 minutes be approved. The motion carried by the following vote: 4/0**

Ayes: 4 - POWER, UPDIKE, WEST and ERICKSON

Excused: 1 - McCARVILLE

C. Presentations- None

D. Reports to Committee

1. Stormwater Volume Trading Program Work Group - discussion with members of the Capital Area Regional Planning Commission

a. Wisconsin Wetland Compensatory Mitigation Program - Sally Jarosz, WI DNR

Jarosz provided an overview of Wisconsin DNR wetland mitigation options: 1) wetland mitigation bank, 2) wetland in-lieu fee credits, and 3) permittee-responsible mitigation.

Wetland mitigation banks:

Banks are the preferred type of wetland mitigation in WI. Anyone can apply to the Corps of Engineers (COE) and DNR to create a bank. Bankers pay for wetland construction in advance to generate credits upfront. Bankers set their own fees for credits; currently one credit is sold for \$60,000-100,000.

Wetland in-lieu fee (ILF) credits:

There is only one of these in WI now, run by DNR. Credits are predetermined based on past wetland impacts. In this option, developers are allowed to fill wetlands today by paying a fee to DNR and then the DNR ILF program has three years to find partners through an RFP process to restore wetlands. The restoration partner doesn't benefit financially. Specific wetland types are prioritized to restore or enhance, guided by a Compensation Planning Framework. The COE and DNR prefer mitigation banks when available, and if not, they move to ILF.

Permittee-responsible mitigation:

The permittee-responsible option is rarely used (only 15-20 in the past decade), and then usually for large scale restorations.

Credits generated by mitigation banks, the ILF program, and permittee-responsible mitigation are regulated by DNR, COE and EPA. Five to 10 years of monitoring, and annual reporting, are required to ensure that the constructed wetlands are offsetting impacts. All sites must have conservation easements and long-term endowments.

Discussion:

-State wetlands legislation under discussion now is constantly changing and DNR is monitoring this for impacts to their mitigation programs.

-Counties and cities can create a bank, for example Shawano County operates a bank. The Dane County Airport owns one of oldest banks in WI.

-Wetland quality comes into play; all mitigation program options have performance standards, and a site must have at least 80 to 90% cover of native plants by the end of the monitoring period.

-Questions about hydrologic functions of filled/impacted wetlands are handled by DNR Water Management Specialists through the permitting process.

b. Discussion of mitigation program as a model:

-Our water volume program would have to match infiltration need to site availability. Capacity to evaluate how many banks are needed, bank location, scale of allowed projects, and affordability would need to be included in program administration budget planning.

-We could consider incentives for achieving more infiltration on existing sites.

-Our units would be cubic feet of water retained. If applicants built practices they would have to purchase fewer water volume credits, and they might even have credits to sell.

c. Next steps:

-Continue to monitor SB 640 and AB 770 for impacts on stormwater management and the work of this stormwater volume trading work group.

-Ask Rupiper and Balousek to evaluate the Green Team model at SEWRPC and recommend to the group if it is worth pursuing. Ask Rupiper and Balousek to also evaluate the Washington D.C. volume trading program (Center for Watershed Protection). If both are determined to have elements for the Work Group to consider, arrange for remote presentations about them at the February 1 meeting.

-Review learnings from presentations of program models, and review Stormwater Technical Advisory Committee report in developing core principles for a stormwater volume trading program.

2. Commission Work Groups Status:

Phosphorus - Healthy Farms Healthy Lakes Task Force continues to hear background presentations, and will begin to discuss recommendations after the March meeting.

Chlorides - This winter the application rate guidelines are being used and evaluated, and WI Salt Wise is focused on sharing messages about what individuals and businesses can do, including hiring certified applicators. The Chloride Work Group will meet soon to develop 2018 priorities.

Equity - Group has met recently and will be prepared to discuss their 2018 priorities at the Commission retreat.

E. Action Items

Approve January 11 and January 20 Commission agendas

The January 11th meeting has been cancelled. Members reviewed the detailed agenda for the January 20th retreat.

F. Announcements - None

G. Future Meeting Items and Dates

January 20 - Commission Retreat

February 1 - Executive (and Stormwater Volume Trading Work Group)

H. Public Comment on Items not on the Agenda - None

I. Such Other Business as Allowed by Law -None

J. Adjourn

A motion was made by UPDIKE, seconded by ERICKSON, that this meeting be adjourned. The motion carried by the following vote: 4/0

Ayes: 4 - POWER, UPDIKE, WEST and ERICKSON

Excused: 1 - McCARVILLE

Meeting adjourned at 7:01 pm.

Respectfully submitted by Sue Jones. Minutes are subject to committee approval.