

Summary of Public Comments Received About Updates to the
Municipal Dam Grant Application Scoring Criteria

A. Overview

On February 16, 2015, the Department of Natural Resources (DNR) solicited comments about its revised *Municipal Dam Grant Application Scoring Criteria*. The deadline for comments was March 6, 2015. Two public comment responses were received.

B. Summary of Comments

Criteria	Public Comment	Response
	1) From Peter Jensen February 25, 2015	
Section III. Proactive Safety Measures	<p>Suggested additional criteria that would: 1) evaluate if the plan had been reviewed and updated within the last 18 months; 2) include points for if the EAP has been tested or exercised in any way to assure that the plan is actually up-to-date and functional.</p> <p>Strongly support the inclusion of additional points for an applicant having an Emergency Action Plan (EAP).</p>	The revised criteria address these comments by adding points for and EAP that has been updated or tested within the past 24 months.
	<p>Suggest that clarification be added to have check lists submitted since most recent approval of the IOM or for the last two years.</p> <p>Support the inclusion of extra points for an Inspection Operation and Maintenance Plan and the submission of associated check lists.</p>	The revised criteria address these comments.
Section IV. Financial Considerations	<p>Suggest changing the evaluation tool to make it more representative of the financial condition of the governmental entity taxing and responsibilities undertaken with grant funds.</p> <p>Noted this isn't a change and that it is acceptable for cities, towns and villages but is difficult to apply with any meaning when a taxing Lake or Sanitary District is involved.</p>	Evaluation tool is based on per capita income as a percent of the State per capita income using Department of Revenue data. For Lake Districts the point totals are to equal the weighted average of the income for the individual municipalities making up the district, based on the percent of the district lying within each municipality. This is considered acceptable practice and is used by many other grant programs.

Section V. Public Interest—Navigability of the stream, stream classification, and the type of project.	Obtaining the information necessary to complete this section is hardly easy. The DNR data viewer crashed twice and it is not user friendly. This section must be re-worked to make it much more user friendly.	We will add screen shots with step-by-step guidance to clarify how to obtain the information.
Section VII. Ability to Proceed	Support the addition of added points for projects that are ready to proceed upon receiving priority funding notification.	No response required.
Section VIII. Other Considerations, A	Disagree with the inclusion of extra points for first time applicants. Some municipalities may have multiple structures that they are working to maintain and they should not be penalized for using all available tools and financial programs to complete that mission.	We agree. Criteria 'A' was mis-stated. The correct wording is: A. This project would represent a first time award of a Municipal Dam Grant for the dam.
	2) From Jeanne Johnson February 26, 2015	
Section III. Proactive Safety Measures	The presence of an emergency plan does not guarantee or possibly even impact public safety measures. Our dam has one that was prepared years ago but I have no idea how it works and my husband who is a member of the volunteer fire department of North has never heard of it. This seems to be a paper requirement that has little reference to reality and should be dropped.	Requirement per State administrative codes: s. NR 335.09(4)(j); s. NR 335.09(4)(L); s. NR 333.07(3)(c); s. NR 333.07(3)(a). EAP and IOM are critical to effective management and safety of dams. It is the responsibility of the Dam owners and operators to ensure that the EAP/IOM are in place and to be familiar with them.
Section IV. Financial Considerations	Suggest that you consider looking at the equalized value of the sanitary districts, compare those percentages to the general county figures or some other reasonable baseline. This way you are looking at the financial condition of the government body that has to pay for the repairs vs. something that really does not have a possible financial interest in the dam. The financial condition of our Sanitary District which operates our dam has no relevance to any other government	Financial considerations calculation is based on generally accepted governmental accounting principles. Also see s. NR 333.09; s. NR 335.09(4)(c) and s. 31.14(1) and s. 31.14(2)(a), Wis. Adm. Code.

	<p>element. The Sanitary District makes its own budget, issues its own bonds, and taxes a specific subsection of the town for special services. To evaluate our financial condition based on what the town taxes and liabilities are is absurd as the two are not comingled in any way.</p>	
Section V. Public Interest	<p>I tried to look into this and gave up as I cannot find the information that is needed.</p> <p>The point rating value is almost 60% of all categories which is extreme. I find it hard to think that this section is more important than public safety.</p> <p>Suggest cutting the total point value to no more than 50 points.</p>	<p>We will add screen shots with step-by-step guidance to clarify how to obtain the information.</p> <p>There are multiple criteria related to public safety balancing out the public interest requirements.</p> <p>The point values for sections II, III, IV, and V have been adjusted to take out the significant disparity between areas that should have similar value.</p>
Section VIII. Other Considerations A & B	<p>Suggest dropping this Section.</p> <p>A. Is this the first time your municipality has applied for a NR 335 dam grant?</p> <p>An applicant should not be penalized for having received a grant before.</p> <p>B. Is the total eligible project cost estimated to be greater than \$500,000?</p> <p>If we already evaluated financial conditions of the applicant elsewhere (in the criteria) why go back and revisit financial issues again here.</p>	<p>We agree. Criteria 'A' was misstated. The correct wording is: This project would represent a first time award of a Municipal Dam Grant for the dam. This is to help the department assess the level of funding needed.</p> <p>This is separate from the financial considerations.</p>

Kb/CF April 2015

Final, CF & WT June 2, 2015

From: jeanne7386@aol.com
Sent: Thursday, February 26, 2015 7:19 PM
To: Beetham, Kari - DNR
Subject: Comments

Dear Ms. Beetham:

I am offering the following comments on the proposed changes to the municipal dam grant program.

I have no issues the Section I & II of the proposed application.

I do wish to point out that for Section III, Proactive Safety Measures, the presence of an emergency plan does not guarantee or possibly even impact public safety measures. I know our dam has one that was prepared years ago but I have no idea how it works and my husband who is a member of the volunteer fire department up North has never heard of it. This seems to be a paper requirement that has little reference to reality and should be dropped.

On Section IV, Financial Considerations, this whole section is misguided. The financial condition of our Sanitary District which operates our dam has no relevance to any other government element. The reason the Sanitary District was established was to enable a taxing authority for a specific purpose outside of the town government. The Sanitary District makes its own budget, issues its own bonds, and taxes a specific subsection of the town for special services. To evaluate our financial condition based on what the town taxes and liabilities are is absurd as the two are not comingled in any way.

I would suggest that you perhaps consider looking at the equalized value of the sanitary districts, the percentage of liability based on their budgets, and perhaps compare those percentages to the general county figures or some other reasonable baseline. Like all taxing districts any increases in taxes are limited by state levee limits and just going out and raising taxes to pay for dam repairs may not be practical. At least with this system you are looking at the financial condition of the government body that has to pay for the repairs vs. something that really does not have a possible financial interest in the dam.

Section V, Public Interest, is a mess. I have no idea how anyone would complete this section. I tried to look into this and gave up as I cannot find the information that is needed to fill this out. Also to give this a point rating value that is almost 60 percent of all categories is extreme. I find it hard to think that this section is more important than public safety. I would suggest cutting the total point value of this to no more than 50 points.

Section VI & VII are fine with me.

Section VIII, Other Considerations, should be dropped. A county or municipality or whatever should not be penalized for getting grant money before that was deserved and met the evaluation elements at that time. And if you have already evaluated the financial conditions of the applicants elsewhere, why go back and revisit financial issues again here.

Jeanne Johnson
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From: Peter Jensen <p.jensen@eagleweather.com>
Sent: Wednesday, February 25, 2015 10:06 AM
To: Beetham, Kari - DNR
Cc: Hase, Michelle M - DNR
Subject: Re: Proposed Muni Dam Grant Comments.

Thank you for allowing us the opportunity to comment on the proposed changes to the Municipal Dam Grant program.

We have reviewed the proposed document and wish to offer the following comments for your consideration during the revision process.

We strongly support the inclusion of additional points for an applicant having an Emergency Action Plan (EAP). However, we offer these additional comments for your consideration. Our first comment is how old is that plan and is it kept up to date? A plan that may have been approved and submitted years ago would appear to qualify for extra points if the evaluation is based solely on the approval letter. We would suggest there be additional criteria that would evaluate if the plan had been reviewed and updated within the last 18 months or so. Otherwise the applicant may have a plan but it is so out of date as to be of limited value. We believe the intent of this section is to assure a functional plan is present and this extra step works effectively towards that goal.

In addition, we would suggest that a category be added that would give added points if the EAP were to be tested or exercised in any way. There may be a plan but unless it moves from being a paper document to a functional program it is of little value. Even a simple exercise that would test the call down system, provide an orientation to the plan to local responders, and other basic orientation and evaluation tools would go a long way to assuring that the plan actually is up to date and functional.

We support the inclusion of extra points for an Inspection Operation and Maintenance plan and the submission of associated check lists. However, to limit the amount of paperwork submitted we would clarify this to have checklists submitted since the approval of the IOM or for the last two years (the time between grant programs) whichever is more appropriate.

While it is not a change, we do wish to comment on the Financial Considerations section. While this may be perfectly valid for Cities, Towns and Villages, it is difficult to apply this section with any meaning when a taxing Lake or Sanitary District is involved. In those cases the taxing and financial structure may be considerably different than that of the surrounding governmental units. We feel some consideration should be given to changing this evaluation tool to make it more representative of the financial condition of the governmental entity taxing and responsible for the activities undertaken with grant funds.

We support the addition of added points for those projects that are ready to proceed upon grant approval.

The proposed Public Interest section is somewhat problematic to us. While we think we know the reasoning behind this inclusion, obtaining information to complete this section is hardly easy. We have attempted to use the referenced DNR database and have tried to use the DNR data viewer (which crashed twice) and for the uninformed user it is not particularly user friendly and the information we found does not relate to the evaluation criteria that are listed. For example, in our case the Mukwonago River downstream of our dam is identified by the Fishery Section of the DNR as a Class III Trout Stream. That designation does not appear on your evaluation tool.

And we have found conflicting information on whether this is "navigable." Waukesha County considers it non-navigable but in reading one definition of what a navigable waterway is as defined by the DNR it may be.

This section must be reworked to make it much more user friendly. DNR personnel may know exactly how to determine this information but the average user would be lost to accurately complete this section.

Finally, we disagree with the inclusion of extra points for first time applicants. We believe the purpose of the program is to help municipalities make sure that they have safe dam structures or to remove them if they don't. Some municipalities may have multiple⁷ structures that they are working to maintain and they should not be penalized for using all available tools and financial programs to complete that mission. However, we understand that funds are limited and it is likely the desire of the DNR to "spread the money around." Therefore perhaps this item could be rewritten to inquire if an applicant received funding from the last one or two Municipal Dam Grant programs which would in our option meet the need to spread funding around without penalizing anyone for trying to keep their facilities in good maintenance and operating safely or owners of multiple dam structures and sites.

Again, we appreciate the opportunity to offer comments on these proposed regulations and look forward to seeing the final document.

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