Response Summary on Public Comments Received on the proposed WI Wetland Conservation Trust Grant Program

A. Overview

a. Thank you to everyone who provided comments. There were thirteen total comments submitted by five separate parties. Comments ranged widely in topic and some focused on areas outside of the scope of the new proposed grant program guidance while others provided comment on the function or operation of elements of the grant program itself. Below is a brief synopsis of the commonly identified areas of the proposed guidance along with the associated comment:

   i. Technical Review Team - In general the idea of a Technical Review Team was supported with comments focusing on the structure of the proposed team along with how it will interact with the WWCT Scoring Criteria used as the Prioritization Strategy in selecting submitted applications for funding.

   ii. Grant Program Priorities – In general comments were submitted seeking greater emphasis on utilizing a watershed approach. Additionally, commenters sought a strong linkage between this new grant and the WI Wetland Conservation Trust approved Program Instrument goals and objectives.

   iii. Local Share – In general comments supported this new grant program utilizing "local share" matching funding to leverage potential project in order to achieve increased results. There were concerns over how these additional funding sources may impact the generation of credits and how their ability to provide benefits above those being credited would be tracked.

B. Status of Recommendations

a. After careful consideration of all the received comments the Department's proposed guidance has been modified as follows:

   i. The Technical Review Team concept will be kept as part of this new grant program.

   ii. Under Project Sponsor Responsibilities, F. on page 5, the following language from the approved WI Wetland Conservation Trust Program Instrument was added to clarify how local share (non-credit) funding could be used: These local share funds may be used to purchase additional land surrounding a project mitigation site or to otherwise enhance the area surrounding a planned or existing project mitigation site provided that the local share (non-credit monies) used do not contribute to the mitigation site plan in any way and are in no way incorporated into the planning, design, construction or maintenance of a given mitigation site. Essentially, an applicant may collect and use local share funds (non-credit funds) so long as they are not used in any way to fund any part of, or generate any mitigation credits.

iii. Under the Grant Program Priorities section on page 3, as well as under the Application Review section on page 5, further reference to making decisions in accordance with a watershed approach was added.

C. Additional Clarification

a. While funding cycles under this new grant program may not be announced on a standard reoccurring basis, it is anticipated that at least one funding cycle per year will be announced based on the requirements of the WI Wetland Conservation Trust Program. Applications submitted in between announced funding cycles will not be accepted.

b. Under the Introduction, on page 2, reference to the Guidelines for Wetland Compensatory Mitigation in Wisconsin was added so applicants could better determine how credits are generated from a mitigation site.

D. Other Comments Received

a. The Department received additional comments on aspects of this new grant program which do not related to the specifics of this draft guidance. These comments may be considered in future guidance, policy development of program implementation.

E. Further Contacts

a. Questions on this matter should be forwarded to Matt Matrise via email at Matthew.Matrise@Wisconsin.gov.

b. Final guidance is posted on

The following pages contain a full compilation of the comments received by the Department on the proposed guidance:

Wisconsin Wetlands Association

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December 28, 2015

Matt Matrise, Wetland In Lieu Fee Coordinator
Wisc. Department of Natural Resources
141 NW Barstow St.
Waukesha, WI 53188

Dear Mr. Matrise,

Thank you for the opportunity to provide comments on the Program Guidance of the Wisconsin Wetland Conservation Trust (WWCT) grant program.

Because the deadline for comments was set during the holiday break, I did not have adequate time to submit detailed comments. My comments therefore will be brief, and concentrate on general process issues. I understand that there may be some urgency in developing and publishing a Request for Proposals (RFP) this spring. I will be happy to meet with you in January to help with any specific edits to this Guidance necessary to facilitate the development of an RFP. I have over 20 years of experience working on an interagency team developing, implementing, and monitoring all aspects of a large habitat mitigation program under the Federal Northwest Power Act in the Columbia River Basin of the Pacific Northwest. This program provided more than $17 million per year of funding for the protection and restoration of hundreds of thousands of acres of wetland, riparian, and upland wildlife habitat to compensate for the construction and operation of the Columbia Basin Federal Hydropower System.

General comments:

Program Priorities and Eligible Service Areas - First of all, I appreciate the work that has gone into the development of the WWCT program. Its strength lies in its ability to efficiently direct wetland restoration activities to the locations needed to promote wetland-based watershed benefits. By identifying the Service Areas (SA) for which projects proposals are being sought, the guidance helps direct restoration funds to the appropriate watersheds. In light of this, *it is important to make sure that the grant program priorities, project review, and funding decisions are very closely linked to the Goals and Objectives developed in the Compensation Planning Frameworks (CPF) for each SA*. These links are generally not evident in the guidance and need to be strengthened or added.

COMMUNITY SHARES OF WISCONSIN

Local Share Costs – The guidance document states that priority will be given to proposals that request less than 100% of eligible project costs, and include a "local share" component in their application. This is an issue that is not addressed in the WWCT Instrument, and can be very difficult to address. Because the WWCT is a program compensating for wetland loss, provisions requiring or prioritizing projects with matched funds raises many concerns.

The use of matched funds to generate creditable mitigation activities is nearly always inappropriate. The WWCT program must generate the funds necessary to replace the permitted wetland impacts. Match funds are only appropriate when used to provide benefits above those being credited, or to add value by allowing the project to be incorporated into a larger restoration effort. Use of program versus match funds must be carefully and separately tracked to ensure regulatory compliance. I recommend removing any mention of local share or matching funds until this issue can be reviewed by state and federal attorneys and addressed.

Core Requirements - Core Requirements should not be included in the WWCT Scoring Criteria of Table 2, but treated as mandatory criteria. Any proposed projects not meeting the Core Requirements should be rejected at the beginning of the review process.

Application Review – I cannot adequately address the scoring criteria outlined in Table 2 in a short comment letter such as this. The Table 2 criteria should be closely aligned with CPF Goals and Objectives, clearly measurable, and well defined. I recommend that Table 2 be removed from the Guidance and that the technical review team mentioned in the Application Review section of the Guidance be assembled as soon as possible to help develop criteria and scoring strategies for project review. Wisconsin Wetlands Association would like to participate on this team. Because the work involved in developing the necessary criteria and scoring strategy cannot be completed in the short time necessary for a spring RFP, I suggest that the prioritization and scoring of projects for the first RFP use the reviewers' best professional judgement, based on each project proponent's ability to address the CPF Goals and Objectives of the SA of their proposed project.

Thank you again for the opportunity to provide comments on this very important guidance document. I know this program will help bring a well-needed watershed approach to wetland mitigation in Wisconsin. I would like to meet with you to provide more specific comments on the development of this Guidance so that an RFP can be published as soon as possible. I look forward to the development over the next several years of a WWCT program that effectively and efficiently directs wetland restoration to the locations needed to provide watershed benefits.

Sincerely,

Tracy Hames
Executive Director

Matrise, Matthew J - DNR

From: Nicholas Miller <nmiller@TNC.ORG>
Sent: Monday, December 28, 2015 4:17 PM
To: Matrise, Matthew J - DNR
Cc: Michele Kille; Paul Heinen
Subject: TNC comments on WWCT guidance

Dear Mr. Matrise,

Please accept the following comments from The Nature Conservancy in Wisconsin on DNR's Wisconsin Wetland Conservation Trust grant program guidance:

We are fully supportive of the assembly of a Technical Team to review proposed projects.

We recommend that the Technical Team's first task be to establish and refine the prioritization strategy you've outlined in Table 2, including criteria, scoring, and weighting. While Table 2 contains the fundamental components of a good scoring rubric, there are areas that are in need of improvement. If this task does not fall to the Technical Team, we recommend revisiting Table 2. We are available to discuss more detailed recommendations.

We recommend that 'watershed approach' language (e.g., AWP, ecosystem services, watershed needs, etc.) be built into the 'grant program priorities' section, beginning on page 3. This would be in keeping with the Instrument and its Compensation Planning Frameworks, would be consistent with the 2008 mitigation rule, and would flow well with later portions of the guidance that do mention AWP. Overall, in ranking projects we recommend greater emphasis – in guidance language as well as the scoring rubric – on watershed functional needs and associated priorities rather than, for example, relative amount of potentially restorable wetlands, which might not guide WWCT funding toward projects or areas with the greatest potential conservation outcomes.

Under 'project sponsor responsibilities,' E and F get at the potential for additive conservation value through matched funds and 'local share,' and this is also discussed elsewhere in the document. We agree that it is legitimate and desirable to leverage greater conservation outcomes from WWCT funds, but we recommend including language that provides greater clarity and specificity around how (and which) funds may be applied toward generation of mitigation credits. By doing so, applicants will, in turn, be able to submit proposals with greater clarity and certainty.

Throughout the document, great emphasis is placed on the 'potentially restorable wetlands' data layer. While this serves as an excellent planning and screening tool, it is not 100% accurate. Field-generated information may verify, correct, and supplement this GIS-generated dataset; project scoring should factor in this type of on-the-ground information, where available.

Based on the quality of the WWCT instrument, and the potential to link WWCT funding to watershed plans and priorities, we look forward to a successful program with excellent conservation outcomes. Thank you very much for considering the above comments, and please don't hesitate to contact us for further details or to continue this conversation.

Best regards,
Nick Miller

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Matrise, Matthew J - DNR

From: Patricia Randolph <madravenspeak@gmail.com>
Sent: Monday, December 14, 2015 3:35 PM
To: Matrise, Matthew J - DNR
Subject: wetlands

Hi,

I am responding to the DNR guidance email I received. I would like to speak to you about this. If you want to protect wetlands and watersheds, STOP KILLING BEAVERS. I have written about this here:

http://host.madison.com/ct/news/opinion/column/patricia-randolph-s-madravenspeak-life-giving-beavers-deserve-respect/article_912b4437-01cf-5c2f-aa2e-1a2b7463ecf4.html

and here:

http://host.madison.com/ct/news/opinion/column/patricia-randolph-s-madravenspeak-rather-than-slaughtering-beaver-we-should/article_9b982d3c-3c47-5f07-9cbd-e4e948653112.html

608-981-2287

Can protecting beavers be part of your plan since they CREATE habitat for half of the rare and endangered species on earth and are water keepers?

Thanks.

Patricia Randolph
State Journalist
Madravenspeak living wildlife column
Capital Times newspaper
www.wiwildlifeethic.org
608-981-2287

Matrise, Matthew J - DNR

From: Pam LaBine <fczone@co.forest.wi.us>
Sent: Friday, December 04, 2015 9:30 AM
To: Matrise, Matthew J - DNR
Subject: wetland bank grants

There is no reason to put the Fox and Wolf River basins together...Or is there?
Looks like money funneling. Wetland mitigation is supposed to be within the water shed.

Pamela J. LaBine
Forest County Land and Water Resources
200 E. Madison Street
Crandon, WI. 54520
715-478-1387

There exists a limit to the force even the most powerful may apply without destroying themselves. Judging this limit is the true artistry of government. Misuse of power is the fatal sin. The law cannot be a tool of vengeance, never a hostage, not a fortification against the martyrs it has created. You cannot threaten any individual and escape the consequences. F Herbert

Matrise, Matthew J - DNR

From: Patrick, Keith A - DNR
Sent: Friday, December 04, 2015 7:54 AM
To: Matrise, Matthew J - DNR
Subject: WWCT draft guidance document

Hi Matthew,

On the first page under A. Why are we making this change? There are a coupe words switched around. It should read "This is a new grant program". I'll continue to go through the document as time allows.

http://dnr.wi.gov/news/input/documents/guidance/WWCTGuidance.pdf

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