



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

**Assembly Committee on Environment
Thursday, January 30, 2020**

Thank you for holding a hearing on Assembly Bill 793 and allowing me to testify in favor of this legislation.

Assembly Bill 793 revises language in Chapter NR 199 to allow for funding of a broader distribution of project types within the Municipal Flood Control Grant Program. Current rule requires the list of eligible projects to be considered in priority order. The first four eligible activities include land acquisition and removal of structures within a floodplain, which not only affect a municipality's tax base, but also lead to funding being directed away from other eligible activities like erosion control and construction of water collection and retention structures that may have additional positive impacts on water quality.

This bill removes "in priority order" from Chapter NR 199 and requires that cost-effectiveness and loss of tax base are considered when awarding grants. The bill does not change the list of eligible projects or the purpose of the grant, only the process by which funds are awarded.

Thank you for your time and attention and I ask that you support this legislation. I would be happy to answer any questions.



HOWARD MARKLEIN

STATE SENATOR • 17TH SENATE DISTRICT

January 30, 2010

**Assembly Committee on Environment
Testimony on Assembly Bill (AB) 793**

Good morning! Thank you Chair Kitchens and committee members for hearing Assembly Bill 793 (AB793), which makes changes to the priorities and criteria for the municipal flood control and riparian restoration program.

Rep. Brooks and I drafted AB 793 from the recommendations of the Speaker's Task Force on Water Quality. Members of the task force heard from hundreds of citizens, over 70 organizations, and traveled thousands of miles gathering information to address Wisconsin's water quality challenges.

AB 793 revises language in NR 199 to allow for funding a more broad distribution of project types as part of the Municipal Flood Control Grant Program. Current rule requires the list of eligible projects to be considered in priority order. The first four eligible activities include the acquisition and removal of structures which not only affect a municipality's tax base, but also lead to funding being directed away from other eligible activities like erosion control and construction of water collection and retention structures that may have additional positive impacts on water quality.

This bill removes "in priority order" from NR 199 and requires that cost-effectiveness and loss of tax base are considered when awarding grants. The bill does not change the list of eligible projects or the purpose of the grant, only the process by which funds are awarded.

Included on the list of eligible activities under the Municipal Flood Control Grant Program are many practices that would not only help local governments deal with high water, but also have a positive impact on water quality. The removal of language that requires prioritization of land acquisition and removal of structures will allow for conservation projects and hydrologic restoration activities such as streambank restoration, erosion control, and restoration of fish and native plant habitat to be considered alongside land acquisition.

The intent of this legislation is to allow for equal consideration of eligible projects under this program. Upstream projects have the ability to mitigate flooding downstream. Instead of acquisition and removal of property downstream, an upstream water management project may provide flood relief at a lower cost while also protecting the tax base.

AB 793 is supported by the American Council of Engineering Companies of Wisconsin (ACEC).

Thank you again for hearing AB 793, and your timely action on the bill.



Assembly Committee on Environment

2019 Assembly Bill 793

Priorities and criteria for the municipal flood control and riparian restoration program January 30, 2020

Good morning Chairman Kitchens and members of the Committee. My name is Ann Kipper, and I am the External Services Division Deputy Administrator with the Wisconsin Department of Natural Resources. I am representing our Community Financial Assistance and Waterways programs. Thank you for the opportunity to provide testimony and respectfully express the Department's opposition to Assembly Bill 793 (AB 793).

The Department cannot support this bill because it deprioritizes public health and safety. The municipal flood control grant prioritization has contributed to reduced risks to human life, health and property and lower National Flood Insurance Program rates and premiums for Wisconsin property owners.

The municipal flood control grant is an important flood mitigation tool. The current eligibility and scoring criteria put the highest value on protecting public health and safety, habitat restoration, and water quality, and establish the procedures and priorities necessary to administer a competitive grant with limited funds.

The Department opposes changing the eligibility and scoring criteria in current law because the current criteria and hierarchy mirror the Federal Emergency Management Administration (FEMA) and Wisconsin Emergency Management (WEM) hazard mitigation rankings, thereby making municipal projects efficient and straightforward to administer. The shared hierarchy make projects eligible for both state and federal financial assistance, which is often needed to carry out a project.

I would like to address the proposed cost effectiveness and tax base provisions. FEMA, WEM, and the Department have established that the projects funded by the municipal flood control and riparian restoration program are cost effective. In fact, FEMA studies have found that every \$1 invested in flood mitigation yields \$6 in return. Municipalities voluntarily apply for flood control grants, and we trust that the municipalities understand how projects will affect their tax base. The Department views the additional requirements for a municipality to prepare a cost-effective analysis for every grant application as well as a tax base analysis for grant applications that include acquisition and removal of structures as unnecessary regulatory burdens.

On behalf of the Community Financial Assistance and Waterway programs, thank you for your time today. My colleague, Rob Davis, DNR Dam Safety and Floodplain Zoning Section Chief, and I would be happy to answer any questions you may have.

American Council of Engineering Companies of Wisconsin (ACEC WI)**Testimony on Assembly Bill 793 -- January 30th, 2020****Presented by Steve Wurster, PE, CFM****ACEC WI Board Member and Member of ACEC WI's Water and Environment Committee**

Good morning Mr. Chairman and members of the Committee. My name is Steve Wurster - thank you for the opportunity to testify on Assembly Bill 793. I am a registered professional water resources engineer and also the Chief Operating Officer at Ruekert & Mielke, a Wisconsin based municipal engineering firm. In that capacity, I have 20 years of experience working with Wisconsin communities of all sizes regarding a variety of flood-related issues. I am a Certified Floodplain Manager and the former chairperson of the Wisconsin Association for Floodplain, Stormwater and Coastal Management (WAFSCM).

I am here today on behalf of the American Council of Engineering Companies of Wisconsin (ACEC WI). The Wisconsin Chapter is comprised of 85 independent member firms, 168 member firm offices throughout Wisconsin and 3,800 Wisconsinites employed by those member firms. I am the former chairperson of ACEC's Water and Environment Committee and a current Board member. It is in that capacity that I offer my comments regarding this bill.

As you are all likely aware, Wisconsin has had numerous flooding events in the recent past, impacting people and property owners in both rural and urban parts of the state. In 2018 alone, flood damages totaled more than \$200 million and impacted over 1,500 properties.

The Municipal Flood Control Grant program has historically provided funding to local communities to proactively mitigate flood related risks. Per current statutes, 9 different project types are eligible to receive grant funding. These 9 activities are ranked in priority order in NR199.05, with variations of structure acquisition and removal holding the top 4 spots on the list. Construction of flood control facilities and flood mapping projects is on the bottom of the list. The last priority, flood mapping projects, has never been funded even though the use of innovative flood mapping and modeling technologies on the local level would allow communities to better prioritize use of their limited funds.

Given this statute-imposed priority ranking, funding is distributed by DNR in a top-down manner, directly following the priority ranking. This results in the grant funding being largely expended each cycle by structure acquisition and removal projects, leaving extremely limited funding available for other necessary flood control projects. While structure acquisition and removal can certainly at times be the most cost-effective way to solve a given flooding problem, it is not a one-size-fits-all approach. Often local communities grapple with the other impacts of removing a home or business – it can be emotional for the parties involved, historic properties can be impacted and there is a loss of municipal tax base.

Given the historic use of funding within the Municipal Flood Control Grant program, other alternatives such as construction of upstream flood control facilities are not typically funded even though they would have a similar impact of removing flood-prone structures from high risk areas.

In my role at Ruekert & Mielke, I've worked with dozens of local communities to solve flooding concerns. These efforts typically include an initial analysis to determine the most cost-effective solution, considering options such as acquisition and removal, floodproofing, construction of upstream flood mitigation facilities,

etc. Unfortunately, if the most appropriate, cost effective solution for the given area of concern is anything other than structure acquisition and removal, my recommendation typically also includes telling those communities to not bother applying for a Municipal Flood Control grant -- as even though their project would be eligible, it almost surely would not be funded. That lack of available grant funds for all eligible projects transfers an excessively large burden of flood mitigation costs to the local taxpayer.

The proposed changes before you today do not impact the eligible or ineligible projects. Structure acquisition and removal will still be a viable and fundable flood mitigation solution. The proposed changes simply remove the limitation of directing a large proportion of funding to structure removal and acquisition projects. These changes give DNR the ability to help local communities fund and implement the right solution for the given area of concern – be it structure acquisition and removal, floodproofing, construction of upstream flood mitigation facilities or something else.

When this program was being developed, DNR’s 2001 report to the legislature stated “Applications would be ranked based on avoided flood damages, restoration or protection of natural and beneficial functions of water bodies, use of natural flood storage techniques or environmentally sensitive detention ponds, and enhanced recreational opportunities.” We wholeheartedly agree with that original program intent and note that structure acquisition and removal is not specifically mentioned. These proposed changes give the DNR the necessary flexibility to move the program closer to their original mission.

The Municipal Flood Control Grant program has been funding and prioritizing property removals for 20 years. Now is the time to modernize the program and give creative, innovative engineering solutions an equal chance at funding. These innovative solutions can often be win-win – reducing the flood risk to the property owner while preserving the property and corresponding tax base for the municipality.

Thank you for your consideration.



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Environment

FROM: Daniel Bahr, WCA Government Affairs Associate

DATE: January 30, 2020

SUBJECT: Support for Assembly Bill 793

The Wisconsin Counties Association (WCA) supports AB 793 relating to priorities and criteria for the municipal flood control and riparian restoration program and amending administrative rules. This bill provides that any of the activities listed in DNR's rules are eligible for municipal flood control grants and clarifies that the listed activities are not in priority order. The bill also requires DNR, when scoring applications for municipal flood control grants, to consider the cost-effectiveness of the proposed activity. In addition, if an application proposes to acquire and remove structures, the bill requires DNR, when scoring the application, to consider the loss of tax base to be an adverse impact.

Established in 2001, the Municipal Flood Control Grant Program is a DNR program that offers competitive grants for municipalities seeking financial assistance related to flood control. The grant program was established to provide Wisconsin communities with a state-funded source to minimize flooding and flood-related damages. Prior to the creation of this grant, Wisconsin communities were dependent on federal mitigation funds, which are only made available after a Presidential Flood Disaster declaration.

AB 793 revises language in NR 199 that will allow funding to a broader distribution of project types as part of the Municipal Flood Control Grant Program. The bill does not change the eligible projects listed under NR 199, but requires that all eligible projects currently part of the program receive equal consideration and that loss of tax base and cost effectiveness is considered.

Included on the list of eligible activities under the Municipal Flood Control Grant Program are many practices that would not only help local governments deal with high water, but also have a positive impact on water quality. The removal of language that requires prioritization of land acquisition and removal of structures will allow for conservation projects and hydrologic restoration activities such as streambank restoration,

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erosion control, and restoration of fish and native plant habitat to be considered alongside land acquisition.

WCA respectfully requests that the Committee support AB 793.

Please feel free to contact WCA if you need additional information.