



# DANE COUNTY

**Joe Parisi**  
County Executive

January 8, 2015

Secretary Cathy Stepp  
Wisconsin Department of Natural Resources  
Post Office Box 7921  
Madison, Wisconsin 53707-7921

Re: CARPC's Decision Regarding the Proposed Amendment To Dane County's Water Quality Plan

Dear Secretary Stepp:

Recent events have once again called into question the role that the Capital Area Regional Planning Commission ("CARPC") plays when conducting its contractual services regarding water quality planning. Accordingly, I write to request that the Department of Natural Resources ("DNR") formally set forth the procedures that a municipality must follow when pursuing an amendment to Dane County's Water Quality Plan, and to officially reject the City of Fitchburg's attempt to avoid those procedures.

On November 13, 2014, CARPC recommended the denial of a proposed amendment to the Dane County Water Quality Plan which would have revised the Central Urban Service Area Boundary and Environmental Corridors in the City of Fitchburg. By past practice, if an aggrieved party wanted to challenge a denial, the party would send a formal request to the DNR and ask for further review.

A recent news article in the Wisconsin State Journal, however, has exposed the fact that the City of Fitchburg is attempting to evade a formal request to the DNR by having its City Administrator informally lobby the agency to conduct an independent review of CARPC's decision. If DNR bows to the City of Fitchburg's pressure, it would throw into question the process by which a municipality needs to follow in order to obtain a meaningful review of its proposal. It would also further erode the value that Dane County citizens receive by funding its regional planning commission.

Since 2008, CARPC has recommended the approval of approximately 46 out of 48 amendments to Dane County's Water Quality Plan. Each time, DNR's response to CARPC's recommendations have been to issue a brief letter affirming the recommendation. Of the two amendments that CARPC ultimately did not recommend approval, the aggrieved municipality officially requested DNR to review CARPC's decision by setting forth with specificity where it believes the decision was erroneous. This process has served the regional planning commission,

the DNR and the municipalities in Dane County well by allowing transparency and fairness to govern how Dane County's water quality plan is amended.

The City of Fitchburg's plan to avoid a formal challenge to the CARPC decision by secretly pressuring the agency to conduct an independent review would upend the work and effort that Dane County's communities have put into CARPC's review process. Essentially, the City of Fitchburg is trying to make the level of scrutiny that the DNR applies to CARPC decisions a political tool.

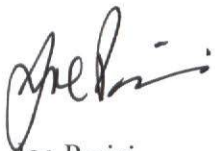
If the DNR is going to conduct independent reviews of CARPC's recommendations even without an applicant making a formal request to do so, it must conduct such reviews on all amendments – even those that CARPC has approved. It cannot pick and choose which amendments require the appropriate review under Wis. Admin. Code § NR 121 based upon political expediency.

Accordingly, I ask that DNR confirm that under its agreement with CARPC, any municipality that is aggrieved by a CARPC recommendation regarding an amendment to Dane County's Water Quality Plan must formally request that the DNR review such a decision. I further request that the DNR formally reject the City of Fitchburg's attempt to bypass such procedures by officially informing the City of Fitchburg's Common Council and Mayor that a formal request to review needs to be filed with your agency prior to DNR review.

Dane County's citizens spend approximately \$800,000 on CARPC's operation, and at a minimum, they are entitled to a transparent and fair process when it comes to amending, sometimes in radical ways, its Water Quality Plan. Without clarity in process, municipalities could utilize the DNR to avoid public scrutiny of controversial amendments to Dane County's Water Quality Plan.

I'm sure you agree, that wouldn't serve either the DNR or the citizens of Dane County well.

Sincerely,



Joe Parisi  
Dane County Executive

Cc: Susan Sylvester, Bureau Director, Division of Water Quality