

**DNR LTE assigned to USACE to provide federal wetland approved jurisdictional determinations**

**BRIEF DESCRIPTION OF REQUEST:** The Wetland Study Council is considering recommending authority and funding for one DNR limited term employee (LTE) to be assigned to USACE through an Intergovernmental Personnel Act agreement to increase USACE capacity to fulfill customers' requests for federal wetland approved determinations.

Federal wetland approved jurisdictional determinations are regulated by the Clean Water Act, 33 CFR part 328. <https://www.mvp.usace.army.mil/Missions/Regulatory/Delineation/>

Customers seek a federal wetland jurisdictional determination to determine if the customer qualifies for a state of Wisconsin non-federal wetland exemption. <https://dnr.wi.gov/topic/wetlands/permitExemptions.html>

2017 Wisconsin Act 183 created the Wetland Study Council which can research and make recommendations on wetland issues. <https://docs.legis.wisconsin.gov/2017/related/acts/183>

The Council has considered stakeholders' concerns about USACE response times on federal wetland jurisdictional determinations, federal wetland authority, USACE staffing levels, DNR authority and staffing levels, a range of alternatives and recommends new authority and funding for a DNR LTE and Intergovernmental Personnel Act (IPA) agreement to increase USACE capacity.

An Intergovernmental Personnel Act (IPA), 5 CFR part 334, agreement allows temporary assignments to or from state and local governments, institutions of higher education, Indian tribal governments and other eligible organizations to facilitate cooperation between the Federal Government and the non-Federal entity. <https://www.govinfo.gov/app/details/CFR-2012-title5-vol1/CFR-2012-title5-vol1-part334>

- CONSTITUENCY GROUP(S) IMPACTED BY REQUEST:**
- Customers requesting federal approved jurisdictional determinations.
  - Wetland property owners, stakeholders, consultants, contractors, developers, municipalities, utilities and other interest groups.

**HOW WILL THE SUCCESS OF THIS REQUEST BE MEASURED AND BY WHAT METRICS?** Number of federal wetland jurisdictional determination requests completed within 30 days.

COST or REDUCTION ESTIMATE:	FY 2022	FY 2023
	Dollars:	\$50,000
LTE:	One LTE, 1040 hours per year	One LTE, 1040 hours per year

**Pilot Project:** This concept could be piloted using authorized re-prioritized funds, gift account, contract or other alternatives that may be developed to assess value.

The concept could be proposed as a future budget item if the pilot is successful.