



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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December 11, 2008

Mr. Kamran Mesbah, Deputy Director
Capital Area Regional Planning Commission
City County Building, Room 362
210 Martin Luther King Jr. Blvd.
Madison, WI 53703



DNR File No. DC-0118

Subject: Amendment to the *Dane County Water Quality Plan*, Revising the Policies and Procedures Related to Urban and Limited Service Area Expansions and Environmental Corridors

Dear Mr. Mesbah:

We have completed our review of the subject plan amendment that was submitted to the Department on May 7, 2008 by the Capital Area Regional Planning Commission. The Department hereby approves the Amendment to the Dane County Water Quality Plan.

The proposed amendment was adopted by the Capital Area Regional Planning Commission per Resolution CARPC No. 2008-1 on February 28, 2008. The specific plan revisions are as contained in the document entitled: "CARPC – Urban and Limited Service Area Policies, Environmental Corridors Policies, and Criteria for the Review of Urban and Limited Service Area Amendments – CARPC Redline Review Draft 12/14/07 as Amended and adopted on 2/28/08."

The Department has determined that CARPC followed an acceptable public participation process in accordance with ch. NR 121, Wis. Am. Code, and adequately analyzed and addressed the received comments. We recognize that there were a number of comments and objections expressed by local citizens, communities, and community associations. In consideration of this, the Department wishes to emphasize that our approval is, in part, premised on the expectation that an advisory group and various other efforts will be initiated to study and possibly further revise certain plan policies and procedures. A number of possible initiatives were mentioned in the "Staff Analysis of Comments" document and referred to further development and possible adoption of policies and procedures as a result of the Future Urban Development Area (FUDA) process. We also view the implementation of an advisory group, as it was adopted in the CARPC Resolution No. 2008-1, as an important and necessary step.

In general, we strongly encourage CARPC to consider some of the more controversial aspects of the newly adopted policies and procedures as short-term measures that should be subjected to additional study in conjunction with the developing FUDA process and advisory group with additional outreach and educational efforts, as warranted.

As you know, the Department is still awaiting the submittal of additional information before proceeding with the process to recommend designation of CARPC as the areawide water quality

planning agency for Dane County. One important aspect of this recommendation, per s. NR 121.06(2)(b), Wis. Adm. Code, is that there is a demonstration of “substantial local support” for the designation.

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department’s decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

Sincerely,



Todd L. Ambs, Administrator
Division of Water

cc: Tom Gilbert – WT/3
Ken Johnson - SCR - Fitchburg