



**STATE OF WISCONSIN
DEPARTMENT OF JUSTICE**

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SUPREME COURT**

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February 1, 2024

VIA ELECTRONIC FILING NOTICE

Samuel A. Christensen
Clerk of the Supreme Court and Court of Appeals
110 East Main Street, Suite 215
Post Office Box 1688
Madison, WI 53701-1688

Re: *Evers, et al. v. Marklein, et al.*
Case No. 2023AP2020-OA

Dear Mr. Christensen:

I write to respond to Respondents' letter dated January 29, 2024, which discusses a development regarding the Pelican River Forest project. That project is one of the many Knowles-Nelson Stewardship Program projects affected by a Joint Committee on Finance veto, a veto power that is the subject of Claim 1 of the Petition in this matter. (Pet. ¶¶ 20–30, 88–93.)

Respondents' letter asserts that the recent success of the Department of Natural Resources, after long efforts and perseverance, to make alternative plans for the Pelican River project shows there is no exigency regarding Petitioners' claims.

DNR's efforts demonstrate just the opposite. They illustrate the types of harm that occur once JCF vetoes an important project. Rather than simply spending Knowles-Nelson Program monies appropriated to DNR and moving forward with the project, DNR instead had to dedicate significant time and resources to make that project a reality in other ways.

And the harms from JCF interference are not limited to extra time and resources. As of the date of the Petition, the Pelican River project was one of almost 30 projects affected by JCF's veto power since 2019. (Pet. ¶ 29.) For many projects,

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feasible alternatives will be less beneficial to the public or not possible at all. And the universe of affected projects will continue to grow so long as the law is in effect. This Court's intervention remains urgently needed.

Obviously, the Pelican River project also has no effect on Petitioners' other claims: legislative committee vetoes over critical administrative rulemaking (*see* Pet. ¶¶ 43–87, 100–05), and legislative committee power to veto statutory pay raises for University of Wisconsin employees (Pet. ¶¶ 31–42, 94–99). As Petitioners discussed in their December 19, 2023, correspondence, these issues remain live and in need of prompt resolution by this Court.

Petitioners urge the Court to take jurisdiction of their Petition.

Sincerely,

Electronically signed by Charlotte Gibson
Charlotte Gibson
Assistant Attorney General

CG:jrs

cc: parties via-efile