



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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**Testimony of Todd Ambs on Behalf of Secretary Scott Hassett
Regarding the Proposed Audit of the Wetland Permitting Program
Joint Legislative Audit Committee
April 5, 2006**

My name is Todd Ambs, Water Division Administrator for the Wisconsin DNR. I am here on behalf of Secretary Hassett in support of an audit of Wisconsin's wetland permitting and mitigation programs. While we are proud of our record of successfully balancing development needs with our responsibility to conserve Wisconsin's valuable wetlands and regularly evaluate what we do, we welcome the opportunity to have the nonpartisan professionals of the Legislative Audit Bureau review these programs.

As the audit scoping document notes, wetlands are regulated under a comprehensive set of state, federal and local laws. We want to make sure that all programs work as effectively together as possible to save Wisconsin's remaining wetlands while assuring timely and consistent decisions for property owners.

Wetlands are critical, not only to our natural resources, but to our way of life and certainly to our economy. Wetlands serve many functions, including serving as a cushion to absorb flood waters. Recent analysis suggests that if Hurricane Katrina had occurred 25 years ago the impact to the city of New Orleans may well have been substantially reduced because that storm would have had to travel over nearly 200 miles of wetlands and land mass that is no longer there. While we don't have to worry about hurricanes in Wisconsin, closer to home we all remember the Mississippi River flood of 1993. Once again, computer modeling there now suggests that the impacts of that flood would have been considerably less had the flooding taken place in the 1940's. Loss of wetlands, buildings in floodplains and other impervious surfaces exacerbated the impacts of those high waters.

Fortunately, Wisconsin values its wetlands. Thanks to strong bipartisan leadership over the years, including by many elected officials still in this Legislature, Wisconsin has put in place wetland permitting and mitigation programs that are regarded as national models.

Our commitment to working upfront with thousands of property owners every year has enabled them to get their projects done while reducing wetland loss to one-quarter the level it was in 1990.

It is also the wetlands of Wisconsin that provide great hunting and fishing opportunities for citizens and visitors creating a strong foundation for our tourism industry. For these reasons and others this Legislature, led by elected officials like Senator Kedzie, Schultz and Cowles, responded quickly in 2001 to protect isolated wetlands left in limbo by the U.S. Supreme Court decision in the SWANCC case. Working in conjunction with builders, conservationists and the DNR, this body acted in a unanimous bipartisan fashion to approve Act 6, which restored state protection to isolated wetlands.

Working carefully with lawmakers in the late 1990's, we designed a wetland compensatory mitigation program that avoids the pitfalls and mistakes that other states and the federal government made with their programs. These problems, identified in a study by the National Academies of Science, are now being addressed as the U.S. Corps of Engineers changes their mitigation requirements to more closely reflect ours. Enacted in 2000, Act 147 was a carefully crafted law that balanced development needs with appropriate safeguards for the state's remaining 5.3 million acres of wetlands. In May of 2005, we delivered a report on the status of the compensatory mitigation program to the Legislature.

The scope of the audit looks appropriately identified. While not specifically listed in the scope, we anticipate that the auditors would include a review of the current laws that apply to wetlands at the federal, state and local levels as the basis for its evaluation of the implementation of the wetland laws.

Wetlands' are critical to our ecosystem, quality of life and to our economy. More than half of Wisconsin's adult residents say they watch wildlife, 1.4 million residents fish, and nearly three quarters of a million enjoy hunting. Wetlands provide important habitat for these fish and wildlife, and places for people to enjoy these activities. In short, they are the special places that enrich our lives and anchor Wisconsin's \$12 billion tourism industry.

Wetlands are critical to Wisconsin's economy and to taxpayers. They provide free flood storage, an increasingly important service. Recent studies by the U.S. Geological Survey and the Southeastern Wisconsin Regional Planning Commission show that parts of Wisconsin are flooding more frequently and that flood waters are covering more land and are higher.

We are proud of our performance to successfully balance protection of these valuable natural resources while enabling development to occur. We welcome a review and look forward to working with Janice Mueller and her staff to provide them with the information they need to produce a thorough assessment of our program.