

Wetland Regulatory Tensions Heat Up – WWA Responds

Last year, a Kewaunee County landowner obtained local and county building permits to construct a shed on his property and commenced to clear and grade his land for the project. He also poured a 40' x 80' concrete slab. He did all of this before he learned that permits were also required from the Wisconsin Department of Natural Resources (WDNR) and U.S. Army Corps of Engineers (COE) due to the presence of wetlands on the building site—high quality cedar swamp to be specific.



Wooded wetlands such as this illegally filled cedar swamp are threatened by misunderstanding. People do not recognize them as wetlands.

Though unfortunate, we're learning that this scenario repeats itself with some regularity throughout the state. An incomplete understanding of wetlands and the wetland regulatory process by some landowners and local officials partially drives this problem. Gaps in the state's wetland mapping inventory and the lack of notification requirements for the purchase and sale of real estate containing wetlands exacerbate it.

Under most circumstances, these unintentional violations can be peaceably resolved through WDNR/COE initiated enforcement conferences and voluntary compliance on the part of the landowner. Occasionally, the resolution process escalates to formal enforcement proceedings and referral to the Department of Justice. In the case described above, the enforcement/compliance process is underway, but the case is simultaneously being touted by some legislators as evidence of an overzealous WDNR.

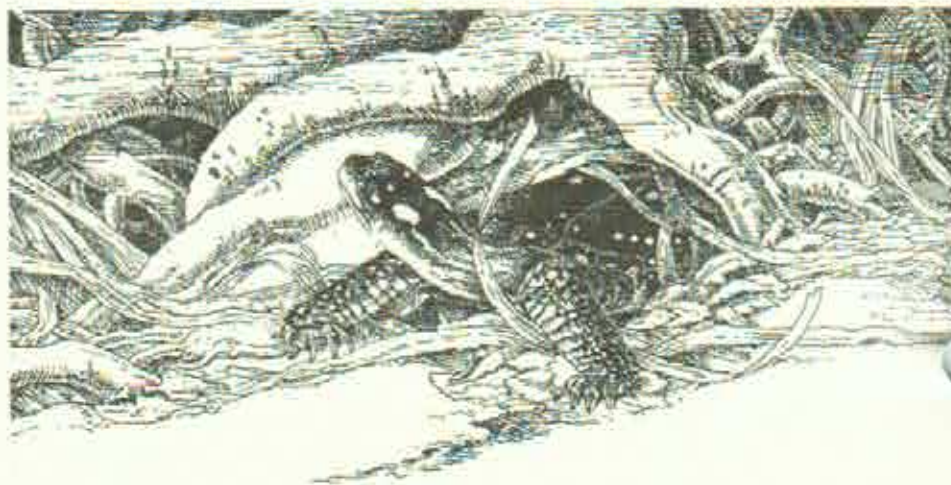
This legislative consternation has

set off a barnstorm of activity aimed at reforming WDNR's regulatory program that includes the creation of a Senate Select Committee on WDNR Regulatory Reform, public hearings, the posting of a web-site to collect complaints about WDNR's wrong-doing, the introduction of legislation to exempt the illegal Kewaunee County fill from state water quality standards for wetlands, and a call for a legislative audit of Wisconsin's Wetland regulatory program.

The legislation (Senate Bill 551 and Assembly Bill 1041) seeking special exemption for the Kewaunee landowner who illegally filled a wetland is especially troubling because it undermines the authority delegated to the natural resources agencies, is unfair to those who abide by the law, and further, it creates an incentive to break the law. It does nothing to address the problems that led to the illegal fill of a high quality irreplaceable cedar swamp—namely, lack of understanding about and miscommunication of wetland regulations.

The Wisconsin Wetlands Association has followed these developments closely and responded swiftly to the immediate threats these activities pose to the integrity of Wisconsin's wetland protection program. (See sidebar for how WWA members have helped.) Simultaneously, we've initiated investigations to better understand the root causes of common wetland regulatory tensions and will be working in the coming months to develop a proactive strategy to diffuse these tensions.

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Thank you to our Member Advocates

Thanks to all WWA members and other Wetland Alert subscribers who testified and submitted comments to the Senate Select Committee on DNR Regulatory Reform. Nearly 100 people visited Senator Lasee's web-site by clicking on the links provided in WWA alerts and your efforts made a HUGE difference. Web-site comments were reported as 3-1 in support of WDNR's consistent and effective implementation of natural resource regulations. These comments helped alert media and committee members to the pro-conservation preferences of Wisconsin citizens and led to fair and balanced coverage of a less than balanced initiative.

We know that many of our members also attended hearings around the state. We recognize that these hearings can be long, discouraging, and, in many cases, confrontational. We cannot thank our members enough for braving the anti-wetland sentiment of the hearings and speaking up for Wisconsin's valuable wetlands.

Tensions...

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Highlights of WWA's response efforts as of 3/6/06 include:

Wetland Alerts: On December 21, January 3, and February 9, WWA sent e-mail announcements to more than 2,000 Wetland Alert subscribers providing details on regulatory reform committee activities, hearing dates, talking points for testimony and written comments, and links to pertinent web-sites and documents.

Public Testimony: On January 5, WWA Executive Director Becky Abel and Board Chair Alice Thompson testified before the Committee on WDNR Regulatory Reform to promote the benefits of maintaining a strong wetland regulatory protection program in the state and to share their professional perspectives on the root causes of, and possible remedies for, wetland regulatory tensions.

On February 15, and again on March 1, Becky Abel testified before the Committee on Regulatory Reform, and Assembly Natural Resources Committee, respectively, in opposition to Senate Bill 551/ Assembly Bill 1041, which proposed to exempt the activities of the landowner described in paragraph one of this article from the state's water quality for wetlands standards.



SB 551/AB 1041 seeks to exempt the landowner of this property from filling a wetland without a permit. This sets a dangerous precedent that encourages blatant disregard for wetland regulations.

General lobbying: On numerous occasions since this story broke last December, WWA staff and board members have met with legislators and WDNR staff to seek information and provide input on regulatory reform activities as they unfold.

Working Group on Wetland Regulatory Concerns: Thirty-five Wetland Science Forum attendees gathered on February 3 for a working group led by WWA Policy and Conservation Specialist Erin O'Brien to discuss the root causes of wetland regulatory tensions and to share perspectives on strategies to address them. Participants included representatives from consulting firms, non-profit organizations, academia and regulatory agencies. WWA has begun to evaluate the feasibility of the suggestions received and in the coming months plans to solicit additional member feedback and identify partners and donors to assist with high priority initiatives.

You can help. WWA will continue to use our electronic Wetland Alerts and Wetland News systems to update our members and invite their involvement in these and other wetland issues. To subscribe visit: <http://www.wiscwetlands.org/alerts.htm>.

A Wetlands Calendar



Field Trips, Workshops, Events & More!

We're still planning our spring and summer wetland events. Stay tuned to www.wiscwetlands.org for more events and for program and field trip details.

April

- 4- **Nightdance of the Woodcock**, Dane County at UW Arboretum.
- 13- **Frogs Night Out**, Dane County. Field trip leader: Bob Hay. With Madison Audubon Society.
- 22- **Earth Day**. Celebrate wetland protection at an Earth Day event in your area.
- 23- **Prince's Point and Bluff Creek Springs**, Jefferson/Walworth County. Field trip leader: Galen Smith.
- 25 & 27- **Wetlands in the Context of Stormwater Management**, Milwaukee & Green Bay. Workshop details on back cover.

May

May is American Wetlands Month. Celebrate by getting your feet wet at one of our field trips or by organizing a wetland event in your area.

- 3- **Northern Pike Rearing at Six-Mile Marsh***, Dane County. Field trip leader: Kurt Welke.
- 7- **Wetlands of the Pewaukee River**, Waukesha County. Field trip and boardwalk dedication. With Pewaukee River Partnership.
- 7- **Frogs of the Cedarburg Bog**, Ozaukee County. Field trip leaders: Jim Reinartz and Gary Casper. With Natural Resources Foundation of Wisconsin.
- 8- **International Migratory Bird Day**. For information and events, visit www.birdday.org.
- 10- **Cherokee Marsh at Yahara Heights County Park***, Dane County. Field trip leader: Nancy Schlimgen.
- 11 & 25- **Chronicling Wisconsin Wetlands: Discovering Inspiration, Refuge & Renewal**, a presentation, nature journaling activity and book signing by author Laurie Lawlor. Milwaukee & Madison. See insert for workshop details.
- 27- **Chiwaukee Prairie**, Kenosha County. With Natural Resources Foundation of Wisconsin and Chiwaukee Prairie Preservation Fund.
- 31- **Last Lake Wetland Restoration at Saint Benedict Center***, Dane County. Field trip leaders: Nancy Schlimgen and Paul Bourwell.

June

June is Invasive Species Awareness Month. For more info, visit www.ipaw.org.

- 3- **Monona Wetlands Bike Tour**, Dane County. Co-hosted with Bike Federation of Wisconsin.
- 10- **Pontoon Tour of Mississippi River Backwaters**, Crawford County near Wyalusing.
- 11- **Turtle Valley Wetland Restoration Tour**, Rock/Walworth Counties. Field trip leader: Jim Jackley.
- 17- **Beulah Bog Boardwalk Tour**, Walworth County. Field trip leader: Nell Sawyer.
- 22- **Invasion of the Giant Reed (Phragmites)**. Leader: Gary Fewless and Pat Robinson.
- 24- **Paddling Trip at Dwight's Point & Polcegama Wetlands**, Douglas County. Leader: Bob Craigan. With Natural Resources Foundation of Wisconsin.

* Part of Watershed Walk series hosted by Saint Benedict Center. For whole series listing, visit www.sbcenter.org/nature.htm.