

An update on the Wisconsin Wetlands Destruction Bill

Recently, I [wrote a piece](#) outlining the environmental insecurity that [Assembly Bill \(AB\) 547/Senate Bill \(SB\) 600](#) would bring to Wisconsin. Republicans are now trying to amend the bill to bring Ducks Unlimited and other hunting groups on board with destroying the very wetland habitats that are vital to ducks, pheasants and many other creatures important to Wisconsin's sporting heritage.

I wanted to provide you with a quick update of where things were at, and what has changed.

What was the rationale for the original bill, AB 547/SB 600?

The original bill exempted any non-federal (isolated) wetlands from Department of Natural Resources (DNR) permitting requirements. The authors claimed they were looking to allow development of low-quality wetlands, such as wet spots in farm fields and weedy ponds in urban areas. Builders were required to restore wetlands elsewhere (a process called mitigation) at a 1.2 to 1 ratio to ensure that the end result would be the creation of high-quality wetlands. They claimed that, in the end, the state would have more wetland acreage, and of a higher quality than before the bill was introduced.

What would the bill actually do?

AB 547/SB 600 would open the door for any isolated wetland in the state to be filled, regardless of its quality or function in the area it is located. Mitigation did not have to take place anywhere near the wetlands that were destroyed. It would have opened approximately one million acres of wetlands in the state to indiscriminate, unpermitted filling. It would have had devastating consequences for habitat for ducks, trout, furbearers, and pike. Without these isolated wetlands to store water, flooding would be exacerbated throughout the state and water quality hurt through erosion and loss of the water filtration that wetlands provide.

What would Assembly Substitute Amendment 1 to AB 547 (ASA1-AB547) do?

The amendment would exempt wetlands located in agricultural landscapes from wetland permitting requirements if the discharge into the wetland does not affect more than three acres of wetlands per parcel, no "high-quality" wetlands would be affected, and if the project is for an agricultural structure such as a building, driveway, road, etc. In these cases, mitigation would only be required for wetland impacts above 1.5 acres

[ASA1-AB547](#) would also exempt wetlands in an urban area from the permitting requirements, but the definition of "urban area" is incredibly broad. It includes any incorporated area (villages, cities), any wetlands within a one-mile radius of that "urban area," and towns that are served by a sewage system (approximately 300 towns throughout the state). Under this definition, La Pointe on Madeline Island in Bayfield County, with a population of around 300, would be considered an urban area.

Without mitigation for destroyed wetlands in these "urban areas," the state will, over time, see an overall net loss in wetland acreage. Finally, ASA1-AB547 also provides a definition of "high quality wetland," but it excludes wetlands that are critical for wildlife as part of the definition.

Why exclude any of these important wetlands from the mitigation requirement?

The authors of the bill are not technical experts in this area, and they did not take advice from those who are. They do not know what a high quality isolated wetland is, what it does, or even what it looks like. Their list of exceptions does nothing for the wetlands that are most important for ducks, trout, furbearers, and northern pike

nor does it do anything for the wetlands that reduce floods, recharge groundwater, and protect water quality such as shallow emergent marshes, ephemeral ponds, sedge meadows, springs, seeps, etc.

What will this bill mean for development in our communities?

This bill is a sprawl bill. It allows destruction of wetlands within a one-mile radius of every city and village in Wisconsin plus the nearly 300 rural towns with sanitary districts. And do not forget that these boundaries are continually expanding as communities grow.

What is the problem with filling in isolated wetlands in areas where people live and work?

It will allow unfettered wetland loss in the areas of the state that need wetlands most. Our urban and rural population centers that already grapple with flooding, water quality concerns, and other water issues.

Haven't the bill's authors said the most important part of their bill was mitigation to create more and better wetlands?

Despite some marketing assuring the public their bill would result in no net loss of wetlands, this bill still leaves many acres of wetlands vulnerable to development in all of the areas we need them most.

Even with their best efforts to try and make their rich, campaign-investing, developer friends happy while not upsetting the hunting community too much, this is still a terrible bill. Once these vital wetlands are paved over and developed, they will be lost. I am voting against this bill, and I urge you to contact your legislator and let them know how you feel about the newest version of the Wisconsin Wetlands Destruction Bill.

Wisconsin State Representative Jonathan Brostoff represents Wisconsin's 19th Assembly District – which includes Milwaukee's east side, downtown, Riverwest, and Bay View.