



Tod Ohnstad

STATE REPRESENTATIVE

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Ohnstad-authored Bipartisan Wetlands Bill Signed Into Law

MADISON – Today bipartisan wetlands legislation co-authored by Representative Tod Ohnstad (D-Kenosha) with Representative Ron Tusler (R-Harrison) and Senators Van Wanggaard (R-Racine) and Robert Cowles (R-Green Bay) was signed into law. The bill had passed both the Assembly and Senate without opposition this fall and was sent to Governor Evers for approval.

The bill, Senate Bill 169, will require wetland mitigation to occur closer to the site of a development project in order to better protect against flooding and preserve local habitats and groundwater filtration.

“With a single stroke of a pen, Governor Evers was able to take action that benefits both the environment and economic development,” Representative Ohnstad said. “Our wetlands are fundamentally important for a number of environmental reasons and are critical to minimizing potentially disastrous issues like flooding. This bill builds on our state’s strong environmental tradition and will make current laws more impactful, benefitting land-owners, developers, and the public.”

The state’s existing wetland mitigation programs operate in in conjunction with United States Army Corp of Engineers under federal law to offset permitted development in a particular area with the creation of new wetlands or improvements to existing ones. However, currently that mitigation can often take place a great distance from the location of the initial project. While it is positive to offset losses to a particular wetland at another location, if the new wetland is too far from the area losing a wetland the benefits can be diminished. This can leave the initial area potentially more vulnerable to flooding or undermine the habitat and groundwater goals inherent to mitigation.

The proposal is designed to steer wetland mitigation closer to the site of a development project by requiring developers who elect to purchase mitigation bank credits to try to buy them near the site and within the same hydrologic unit or watershed where possible. In addition to trying to ensure mitigation takes place closer to the site of a redevelopment, the bill also makes changes to the schedule for the release of mitigation bank credits. This makes mitigation efforts more appealing to entities interested in doing this sort of work to expand activity in this field.

Representative Ohnstad worked closely on this proposal with S.R. Mills of Bear Development, a prominent and respected developer based in Kenosha, as well as the Department of Natural Resources.

“This issue is particularly important in a region of the state undergoing substantial development like the Greater Kenosha Area,” Rep. Ohnstad noted. “I was proud to work across the aisle and with impacted industry professionals from my district to get this bill through the legislature, and I am pleased that Governor Evers has signed this bill into law.”

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