

Wisconsin Wetland Study Council

ANNUAL REPORT

July 2020 – July 2021

Background

The Wetland Study Council (WSC) was created in 2017 Act 183 and met for the first time in June 2019. [Section 15.347 \(22\), Wis. Stats.](#), details WSC membership, terms, and charge. For full information on Council recommendations and meeting materials, visit [Wisconsin Wetland Study Council](#).

Current Membership

Tim Andryk, *Ducks Unlimited, Policy Staff*

Karen Gefvert, *Wisconsin Farm Bureau Federation, Executive Director of Governmental Relations*

Tracy Hames, Vice-Chair, *Wisconsin Wetlands Association, Executive Director*

Matt Howard, *The Water Council, Vice President*

Stacy Jepson, *Cedar Corporation, Environmental Projects Manager*

Paul Kent, *Stafford Rosenbaum LLP, Attorney*

Thomas Larson, *Wisconsin Realtors Association, Senior Vice President of Legal and Public Affairs*

Carol McCoy, *Stantec, Senior Environmental Project Manager*

Amanda Minks, *Wisconsin Department of Natural Resources, Public Trust and Zoning Section Supervisor*

Recommendations

From July 2020 to July 2021, the WSC made three formal recommendations:

1. In May, the WSC recommended to approve the NR 350 rule proposal with changes put forward by the Mitigation Committee, and to testify at the June 23rd Natural Resources Board meeting in support of the rule proposal (Appendix A).
2. In July, the WSC adopted a recommendation from the Wetland Identification and Delineation Committee to endorse codification of the successful pilot DNR Assured Delineator Program (Appendix B).
3. In July, the WSC approved a set of recommendations to improve the mitigation program, which were developed with input from mitigation bank sponsors, the U.S. Army Corps of Engineers-St. Paul District, DNR mitigation staff, and the Mitigation Committee. Note that many of these recommendations are already in progress and being implemented (Appendix C).

Committee Activities

Wetland Identification and Delineation Committee

- Jurisdictional Determination “Assured” program exploration
- Jurisdictional Determination training strategy planning with DNR, USACE
- DNR Assured Delineator Program overview presentation to Council
- DNR Assured Delineator Program statutory support recommendation

Wetland Data Dashboard Committee

- Committee agreed that DNR should proceed with an online wetland data dashboard as reflected in the February 2021 DNR IT Charter (Appendix C)
- Concept mapping

- Draft design ideas shared with WSC members
- Support for an EPA exchange grant that was awarded to DNR for database development and wetland dashboard

Integrated Watershed Management Committee

- Scoping for policy and project opportunities
- Connections with other DNR programs (stormwater, etc.)
- Ecology and policy overview presentations to WSC members

Mitigation Committee

- Mitigation program issue identification with mitigation bank sponsors, DNR, and USACE
- Mitigation program improvement recommendations discussed and prioritized with DNR, USACE
- NR 350 rule proposal review and language drafting over several meetings
- NR 350 rule proposal final drafting ahead of the 6/23/2021 Natural Resources Board (NRB) meeting
- WSC testimony in support of NR 350 rule proposal at the 6/23/2021 NRB meeting

Other Activities

- Jurisdictional determination process discussions with the USACE
- Concept for an intergovernmental agreement for DNR staff working on jurisdictional determinations for the USACE
- Input provided to DNR for the DNR 404 Assumption Feasibility Study report

Appendix A – Recommendation to Adopt and Support NR 350 Rule Proposal

At the 5/20/21 WSC meeting, the Council adopted the following and testified in support of the rule proposal and the close partnership in developing rule language.

“[The] Council approve[s] the NR 350 recommendations from the Council Mitigation Committee and the Department responses, and express[es] overall support of the proposed Ch.NR 350 rule proposal, with the caveat that the ongoing discussion between the Department and Council continue through further review of the rule proposal, by the Governor's Office and Legislature, and continue through the drafting of guidance and templates for rule implementation.”

Appendix B – Recommendation to Improve the DNR Assured Delineator Program

With input from the WSC at the 7/15/2021 meeting, the following Wetland Identification and Delineation recommendation for statutory language for the Assured Delineator Program was approved:

“The legislature stipulated that an action of the Wetland Study Council is to review and make recommendations on the Department of Natural Resources’ wetland delineation professional assurance initiative (also referred to as the “Assured Delineator Program”) (s. 15.347(22)(b)9, Wis. Stats.). This recommendation is a first step to improve the Assured Delineator Program.

The goal of the Assured Delineator Program is to provide consistent and accurate wetland boundary determinations for project planning while saving time in state review and oversight of these determinations. This private-public partnership is rooted in private delineators providing consistent, high-quality wetland delineations that are consistent with applicable state and federal standards, and DNR providing technical advice and oversight to those private delineators to maintain program integrity.

The Wetland Study Council finds that the Assured Delineator Program has been a successful partnership. Statutory authority would be beneficial to maintain the advantages of the program and to provide transparency and consistency for program expectations and eligibility. For these reasons, the Wetland Study Council recommends that the DNR maintain the Assured Delineator Program and continue to maintain the eligibility standards and expectations of this program.

The Wetlands Study Council also recommends that the Assured Delineator Program be codified in Wisconsin Statutes and be transitioned from a pilot program to a permanent program to ensure that DNR continues to manage this program.”

Appendix C – Recommendations to Improve the Wetland Mitigation Program

CATEGORY	ISSUE	RECOMMENDATIONS
Bank and ILF Site Development	1. Mitigation project design process should have more flexibility	<ol style="list-style-type: none"> 1. DNR should work with USACE and EPA to develop guidance to promote multi-market options at mitigation sites (e.g., wetland, stream, nutrient trading); 2. DNR should develop ILF site search strategy to find project sites quickly enough to meet 3-growing season timelines (<i>In progress</i>); 3. DNR should develop a strategy for identifying and funding smaller or alternative ILF mitigation projects due to forecasted low credit sales and small project budgets (<i>In progress</i>); 4. DNR should work with USACE to develop guidance for, and explore opportunities for flexibility in, project design, evaluating site performance, and long-term management requirements for small on-site permittee-responsible mitigation sites; 5. DNR should develop guidelines for site selection and project design for sites in the Lake Superior red clay plain area (<i>In progress</i>).
	2. Mitigation credits are heavily reliant on vegetation diversity, need to measure additional wetland functions to determine site crediting	<ol style="list-style-type: none"> 1. DNR should update the Level 2 wetland functional assessment method (currently the Wisconsin Rapid Assessment Method / WRAM) to quantitatively measure wetland functional loss from permitted or exempted impacts and the functional lift at mitigation sites, such as water quality, wildlife and aquatic species habitat, flood control, etc. (<i>In progress</i>); 2. DNR should work with applicants to identify opportunities for on-site mitigation credit for larger/comprehensive stormwater solution projects that include wetlands and/or waterways in the overall design (<i>In progress</i>).
	3. Performance standards should be flexible and realistic to fit site conditions	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to draft guidance on performance standards (<i>In progress</i>); 2. DNR should update the WRAM to develop metrics that can be written into performance standards (<i>In progress</i>).
	4. Monitoring requirements are at times burdensome or unreasonable on mitigation sites	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to update guidance for vegetation monitoring (<i>In progress</i>); 2. DNR should coordinate with USACE to update guidance on hydrology monitoring (<i>In progress</i>).

	5. Need guidance for long term management funding requirements	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to develop guidance on LTM funding requirements and set clear expectations with sponsors (<i>In progress</i>); 2. DNR should include new language in NR 350 that establishes long term management requirements (<i>Included in the rule proposal</i>); 3. DNR should work with USACE to develop a long-term management template for use in mitigation bank instrument proposals (<i>In progress</i>).
Bank and ILF Site Approval	6. Delays in mitigation project approval process	<ol style="list-style-type: none"> 1. DNR should continue to encourage pre-prospectus meetings with mitigation bank sponsors to eliminate sites with low potential or other issues; 2. DNR should coordinate with USACE to implement a joint MBI tracking log to collect data on the phases of the submittal process and set clear expectations for bank sponsors on their timelines.
Bank and ILF Site Operation	7. Delays in response to credit release requests	<ol style="list-style-type: none"> 1. DNR should coordinate with mitigation bank sponsors and USACE to: <ol style="list-style-type: none"> a. plan necessary site visits ahead of credit requests; b. implement a joint tracking system to respond to monitoring report and credit release submittals; c. conduct outreach efforts to provide sponsors with clear expectations on the process for requesting credits and IRT releases.
	8. Need more specific criteria for accelerated initial credit approval and criteria for credit releases	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to develop guidance for credit release schedules and initial credit approval (<i>In progress</i>); 2. DNR should include language in NR 350 addressing criteria for accelerated credit release schedules (<i>Included in the rule proposal</i>).
	9. Need clear guidance on bank instrument modification and adaptive management for established banks	<ol style="list-style-type: none"> 1. DNR should coordinate with USACE to develop guidance that differentiates actions that are considered adaptive management from actions that would require an instrument modification (<i>Included in the NR 350 rule proposal</i>).
Agency Communication	10. DNR and USACE guidance for bank development and	<ol style="list-style-type: none"> 1. DNR should work with USACE to make sure established outlines and checklists are up to date;

	<p>operation needs to be consistent</p>	<p>2. DNR should coordinate all guidance and rulemaking efforts with USACE to avoid conflicting process and operations in its mitigation program.</p>
	<p>11. DNR's role on the IRT needs to be clearly described in rulemaking and guidance</p>	<p>1. DNR should describe its role and authority as an IRT member in reviewing and approving mitigation bank projects, including mitigation bank instruments, construction and as-built reports, financial assurances credit release schedules and requests, site protection mechanisms, and long-term management requirements and oversight (<i>Included in the NR 350 rule proposal</i>).</p>
	<p>12. Public and stakeholder misunderstanding of mitigation program policies and procedures</p>	<p>1. DNR should coordinate with USACE and mitigation bank sponsors to improve and increase public outreach through annual listening sessions, newsletters, and conferences (<i>In progress</i>).</p>
<p>Staffing</p>	<p>13. Additional staff and consistency in decision-making between DNR and USACE staff</p>	<ol style="list-style-type: none"> 1. Establish a restoration engineer position at DNR to assist in mitigation site review; 2. Establish position authority for the DNR ILF Program for three positions; 3. Add mitigation staff to improve program efficiency and reduce delays in project approval and implementation; 4. DNR should keep up to date a set of standard operating procedures for mitigation so that new and existing staff can be trained quickly on process and problem-solving.

Appendix D – DNR Wetland Dashboard IT Project Charter

Wetland Dashboard IT Project Charter

Updated 02/05/21

Mission Statement

“Provide current and historical wetland data through a user friendly, web-based platform to aid in wetland education and inform comprehensive natural resource management”

1.1 Business Needs

The Wisconsin Wetland Study Council (the Council) is an appointed body created in DNR pursuant to s. 15.347(22), Wis. Stats., charged with studying and recommending solutions and policy alternatives to address wetland related problems in state government. The Council represents nearly all wetland stakeholders in Wisconsin, including the municipal, real estate, and agricultural sectors, as well as representatives from the business community and natural resource groups, including a DNR appointee. Since the Council’s inception in 2018 they have identified external data sharing as a fundamental need to further sound, collective decision making as it relates to wetland management. The bulk of Wisconsin’s wetland dataset is currently housed in the Waterways Program at DNR, with no efficient means of querying and conveying this data outside of the agency. Development of a wetland dashboard would not only arm the Council with critical data to guide their efforts but is also in alignment with multiple elements of the DNR Waterways Program Strategic Direction Plan for 2020-22.

1.2 Project Scope

The Council has formed a subcommittee for the dashboard development and made a recommendation that wetland data be shared with externals via a web-based platform, easily accessed from the DNR website. The Waterways Program supports this recommendation, and proposes the dashboard be housed on a new DNR webpage(s) that can be navigated to from the current wetland landing page. The ultimate goal is to utilize an application programming interface to link a web-based dashboard to the new Waterways database being developed as an ongoing IT project charter, but this charter is limited to the development of a platform to share data that Waterways staff manually query from the existing Waterways database, compile, and post on the web. Target date for completion is October 1, 2021 and the project team is summarized in Table 1.

Table 1. Project team

<i>Name</i>	<i>Affiliation</i>	<i>Email</i>	<i>Phone</i>
James Brodzeller (Project Manager, Sponsor)	DNR	James.Brodzeller@wisconsin.gov	(608) 574-0573
Amanda Minks	DNR	Amanda.Minks@wisconsin.gov	(608) 220-0368
Tom Pearce	DNR	Thomas.Pearce@wisconsin.gov	(608) 800-1643
Brian Yulga	DNR	Brian.Yulga@wisconsin.gov	(608) 381-9564
Margie Damgaard	DNR	Marjorie.Damgaard@wisconsin.gov	(608) 219-8053
Matt Howard	WI Water Council	mhoward@thewatercouncil.com	(414) 988-8749
Tracy Hames	WI Wetlands Association	wwa222@wisconsinwetlands.org	(608) 250-9971
Jennifer Western Hauser	WI Wetlands Association	Jennifer.WesternHauser@wisconsinwetlands.org	(608) 692-8640

1.3 Goals and Objectives

Goal: Increase transparency in reporting wetland loss and restoration metrics to the general public

Objectives:

- Develop space on the web to share basic wetland permitting and mitigation data by 10/01/21
- Utilize Gov Delivery to distribute survey links and other feedback mechanisms by 03/01/22 to gauge user satisfaction with the dashboard format and metrics being reported
- Incorporate public feedback and adjust dashboard format and reporting metrics as needed

Goal: Support the Wetland Study Council in accordance with the Waterways Strategic Direction Plan

Objectives:

- Update dashboard biannually in 2021
 - Promote public engagement through a “dashboard road show” to highlight the collaborative effort between DNR and the Council
 - Wisconsin Wetlands Association Spring Science Conference (February 2022)
 - Critical Methods in Wetland Delineation Workshop (March 2022)
 - Wisconsin Land and Water Conservation Association Conference (March 2022)

1.4 Success Measures

Progress and success will be measured through stakeholder feedback obtained at bi-monthly Wetland Study Council meetings and achieving the milestones listed in Table 2.

Table 2.

<i>Project milestones. Description</i>	<i>Target Date</i>	<i>Completion Date</i>
Metric list and mockup finalized	04/01/21	
Begin work with DNR IT staff	06/01/21	
Complete draft webpage mockup and updates SOP	09/01/21	
Web rollout, fall reporting	11/01/21	
Gather practitioner feedback	03/01/22	
Incorporate public feedback, spring reporting	04/01/22	

1.5 Constraints

Dashboard development is not mandated by statute to be completed by a certain date, but the Council is tasked with providing regular reports to the legislature. With the Council’s next legislative report anticipated in 2021 and objectives in the Waterways program Strategic Direction Plan relating to wetland data reporting having target completion dates of no later than 01/01/22, it is the strong preference of the project team to have the dashboard completed by 11/01/21.

1.6 Strategy

Work planning and tracking of expended DNR staff time will be accomplished through use of Azure DevOps/Azure Boards, with non-DNR employees only being granted stakeholder functionality.

1.7 Risks and Assumptions

The cost estimate in Section 1.9 assumes no external IT contractors will be needed.

1.8 Staff Roles and Resource Needs

Estimated time commitments and team member roles are summarized in Table 3.

Table 3.

<i>Team member roles and estimated time commitments. Name</i>	<i>Role</i>	<i>Total Time Commitment (Hours)</i>
James Brodzeller	Project Manager	100
Amanda Minks	Project Sponsor	25
Matt Howard	Business Expert	25
Tracy Hames	Business Expert	25
Jennifer Western Hauser	Business Expert	25
Brian Yulga	Developer	100
Tom Pearce	Developer	25
Margie Damgaard	Business Expert	10