

# Wisconsin Wetland Study Council (WSC)

## MEETING MINUTES

Thursday, September 14th, 2023 | 10:00 am – 2:00 pm | Zoom and in-person

<u>Agenda Topic</u>	<u>Notes/Follow-up</u>
<b>Call to Order</b>	WSC Attendees: <ul style="list-style-type: none"><li>- Tracy Hames</li><li>- Ben Callan</li><li>- Tim Andryk</li><li>- Stacy Jepson</li><li>- Carol McCoy</li><li>- Tom Larson</li><li>- Paul Kent</li></ul> Other participants: <ul style="list-style-type: none"><li>- Jason Mugnaini</li><li>- Tom Nedland</li><li>- Tom Pearce</li><li>- Jenny Western Hauser</li><li>- Erin O'Brien</li></ul>
<b>Public Comment</b>	Comments received from Fay Amerson regarding wetland general permit eligibility and ADID wetlands designated by SEWRPC and about improving permit search function in DNR permitting system.
<b>Agenda Approval</b>	<b>Decision:</b> Agenda approved
<b>Board Minutes Approval</b>	<b>Decision:</b> Minutes approved
<b>Council Membership Update</b>	<ul style="list-style-type: none"><li>• Governor's Office still debating on a member appointment for statewide agricultural interests.</li></ul>
<b>Council Member Interests and Priorities for 2024</b>	<ul style="list-style-type: none"><li>• <b>Tim Andryk</b> – working through Act 183 exemption issues prior to legislative discussions; net wetland restoration statewide; interested in meeting a little more often.</li><li>• <b>Carol McCoy</b> – permitting assessment and wetland mitigation.</li><li>• <b>Paul Kent</b> – comprehensive regulations and partnerships for municipal water projects; increase using the Council as a forum to discuss policy issues when regulations don't fit project needs.</li><li>• <b>Tracy Hames</b> – restoration opportunities and regulating with watersheds in mind.</li><li>• <b>Tom Larson</b> – use this as a forum to discuss wetland issues outside of the legislature; continue to raise legislator awareness of Council as a resource.</li></ul>

	<ul style="list-style-type: none"> <li>• <b>Discussion</b> – AJD requests moving slow due to WOTUS changes, reminders of our previous idea to fund a half time LTE with USACE for AJDs; some permitting issues that will be discussed later with DNR prior to coming to the full Council.</li> <li>• <b>2024 Meetings</b> – decided to keep every other month in odd months, 10:00 am – noon, have an in-person option.</li> <li>• <b>Chair/Vice Chair</b> – brief discussion of filling the Chair role or swapping roles. Tracy willing to continue as Vice Chair.</li> </ul>
<p><b>General Updates</b></p>	<ul style="list-style-type: none"> <li>• <b>Assured Delineator bill</b> <ul style="list-style-type: none"> <li>○ Senate Committee hearing in June, a complaint timeline was recommended, Senate amendment expected.</li> </ul> </li> <li>• <b>ILF Access bill</b> <ul style="list-style-type: none"> <li>○ Passed Committees in June, scheduled for full Assembly.</li> <li>○ Noted that DNR can send a 1-pager regarding Council support for both bills.</li> </ul> </li> <li>• <b>DNR Waterways Program reorganization update</b> <ul style="list-style-type: none"> <li>○ Training implemented since May for Water Management Specialists new to wetland permitting.</li> <li>○ The Waterways Program lost two positions per the 2023-2025 Biennial Budget.</li> </ul> </li> <li>• <b>Comments on DNR Third Party Waterway Determinations</b> <ul style="list-style-type: none"> <li>○ DNR shared a request for public comment regarding new proposed guidance for third parties to complete and submit waterway navigability and ordinary high water mark determinations for review. This service is planned to be offered online for a fee to interested customer.</li> </ul> </li> </ul>
<p><b>Integrated Watershed Committee</b></p>	<ul style="list-style-type: none"> <li>• Recommendation items were shared and adopted by the Council.</li> <li>• Work tasks in the near term are identifying pilot projects to test integrated watershed principles with regulatory flexibility and DNR Waterways collaboration with DNR storm water staff on process for working through pilot projects.</li> </ul>
<p><b>DNR Wetland Exemption Memo</b></p>	<ul style="list-style-type: none"> <li>• <b>Presentation Notes</b> <ul style="list-style-type: none"> <li>○ Statutes mandate a 15-day review timeline for exemption requests, and Act 183 did not provide authority for DNR to collect fees for these requests.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Exemption review can take several hours and requires technical expertise.</li> <li>○ DNR has found that over 4 years, the lost fee revenue that would have been collected through permit applications instead of wetland exemptions is estimated at \$230,000 annually.</li> <li>● <b>Discussion</b> <ul style="list-style-type: none"> <li>○ DNR shared that they have not previously made a budget request on this issue.</li> <li>○ DNR shared that typically with exemption requests, a wetland delineation is made, and there is a list of rare and high quality wetland types that are not eligible for the exemptions. DNR has guidance and a crosswalk for identifying these rare and high quality wetlands.</li> <li>○ Typically there are more wetland exemption requests in urban areas, following population and development patterns. Discussion of whether these urban wetlands have typical characteristics, but no conclusions could be made without reviewing data submitted with a sample of requests.</li> <li>○ Council determined that more information is needed prior to making any recommendations. Committee formed with Tim, Carol, Tom, Paul, Allison Willman to continue researching this issue.</li> </ul> </li> </ul> <p><b>Action Item</b></p> <ul style="list-style-type: none"> <li>● <i>Exemptions Committee collect more information</i></li> </ul>
<p><b>WOTUS Update</b></p>	<ul style="list-style-type: none"> <li>● DNR shared that EPA has finalized the WOTUS conforming rule.</li> <li>● DNR shared that there were no changes to WI wetland statutes or regulations due to the WOTUS rule changes.</li> <li>● Discussion about the likelihood of increased requests for nonfederal wetland exemptions going forward.</li> </ul>
<p><b>Hydrologic Restoration General Permit</b></p>	<ul style="list-style-type: none"> <li>● 2022 statute update mandates that the DNR create a general permit for hydrologic restoration projects.</li> <li>● DNR has general permit options that cover habitat projects, but this permit is intended to cover projects with a primary purpose of hydrology improvements.</li> <li>● Permitted activities to include floodplain restoration, channel reestablishment, wetland restoration, flow and resedimentation, and vegetation enhancement activities.</li> <li>● Projects that would not be eligible include stream mechanics restoration, large dams, artificial wetland construction, mitigation, and habitat-only projects.</li> </ul>

	<ul style="list-style-type: none"><li>• No proposed impact thresholds for wetlands or stream length.</li><li>• This new GP is almost to a final draft and then DNR will start the public comment and input process before issuance.</li></ul>
<b>New Business</b>	<ul style="list-style-type: none"><li>• None</li></ul>
<b>Future business</b>	<ul style="list-style-type: none"><li>• Next meeting – November 9, 2023 at 10:00 am.</li></ul>