

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** INFORMATION ITEM: Update on Wetland Legislation Implementation

**FOR:** JULY 2012 **BOARD MEETING**

**TO BE PRESENTED BY / TITLE:** Ken Johnson, Water Division Administrator

**SUMMARY:**

2011 Wisconsin Act 118 - known as the State Wetland and Mitigation Program Act - revised the state wetland regulations. The new procedures and standards in Act 118 apply to permit applications received by DNR beginning on July 1, 2012.

Department staff have been preparing to implement the the wetland law changes by developing guidance and tools, as well as gathering stakeholders input. Attached is a brief summary of the implementation plan and progress to-date. Guidance documents will be made available to the Natural Resources Board as they are finalized.

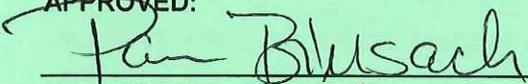
**RECOMMENDATION:** Informational - no action needed

**LIST OF ATTACHED MATERIALS:**

- No  Fiscal Estimate Required
- No  Environmental Assessment or Impact Statement Required
- No  Background Memo

- Yes  Attached
- Yes  Attached
- Yes  Attached

**APPROVED:**

  
Bureau Director, Watershed Management

6-18-12  
Date

  
Administrator, Water Division

6/18/12  
Date

  
Secretary, Cathy Stepp

7/5/12  
Date

cc: NRB Liaison  
DNR Rules Coordinator

Liesa Lehmann - WT/3

**2011 Wisconsin Act 118 – Wetland Legislation**  
**Overview of DNR Implementation Plan and Progress**  
**June 18, 2012**

Act 118 goes into effect on July 1, 2012

New procedures and standards apply to applications submitted on or after July 1

**A. Wetland Individual Permits (IPs)**

- Developed Staff Guidance on IP Process steps, Practicable Alternatives review, Functional Values assessment, Decision-making process and documentation
- Business and conservation stakeholders consulted for their comments on proposed guidance; Governor's Office of Regulatory Compliance reviewing final guidance
- Update Pre-application Meeting Checklist, Application Materials and Web Pages

**B. Compensatory Mitigation**

- Update Staff Guidance on Mitigation Plan requirements, Review steps, Coordination with IP processing
- Update Application Materials related to mitigation requirements
- Coordinate with US Army Corps of Engineers, US EPA, US Fish and Wildlife Service and Natural Resource Conservation Service to update "Guidelines for Wetland Compensatory Mitigation" and interagency MOU
- Business and conservation stakeholders will be invited to review and comment on "Guidelines" update; final document expected in September

**C. Wetland General Permits (GPs)**

- Developing first GPs - Commercial/Residential/Industrial; Utilities; Municipal Roads
- Business and conservation stakeholders consulted for their comments on proposed GP
- Preparing Environmental Decision document to support first GPs
- Developing Staff Guidance on GP Process steps
- Developing Application Materials
- July 1 publish notice on first GP, 30-day comment, issue first GP in mid-August
- Continue developing other GPs with similar stakeholder involvement

DNR field staff will be training on the Individual Permit process and Mitigation on June 21, and subsequent training will be held on General Permits once the first General Permit is issued. Informational brochures and web pages will continue to be updated or created to help property owners understand and follow the new wetlands laws. We are also doing planning outreach and training for consultants, businesses, and the general public.