

**Wisconsin Wildlife Federation**  
**Wetlands Committee Report**  
**December 9, 2007**

**Members:** Don Hammes (Chair), George Meyer, Jim Baldock, John Wetzel, Erin O'Brien  
Jeff Nania, Scott McAully

**1. Murphy Oil Refinery Expansion**

A letter to Dave Podratz, Superior Refinery Manager, Murphy Oil Company, was sent by Don Hammes on November 23, 2007. The letter alerted Mr. Podratz about the Federation's concern regarding the possible expansion of the Superior Murphy Oil refinery and the subsequent construction of an oil pipeline across Wisconsin to Chicago. Mr. Podratz was urged avoid wetlands and search for alternate sites for the refinery expansion and oil pipeline whenever it was possible.

**2. Embridge Pipeline**

The Embridge pipeline project crosses the state from the NW corner to the SW corner and impacts 342 rivers and more than 1200 areas of wetlands including 260 acres of wooded wetlands. Partially due to WWF Executive Director George Meyer's talk to Chief DNR Warden Randy Stark about widespread violations of wetland and river protection regulations, and the Wisconsin Wetland Association's efforts to call attention to these violations, DNR issued two Notices of Non-Compliance (January 26, 2007 and March 16, 2007) and a Notice of Violation on September 14, 2007. To date the case has not been referred by DNR to the Department of Justice for consideration of financial penalties.

**3. Legislative Audit Bureau DNR Wetlands Review**

In May 2007, the Legislative Audit Bureau (LAB) released their report on Wisconsin's DNR wetland permitting and mitigation programs. The report included recommendations focused on improving implementation and enforcement of existing state wetland protection laws. Analysis of the report shows that a significant number of permits were issued more rapidly in the past several years than the time it took previously. The number of alternative sites considered in permit reviews was far less than what was done previously. There appears to be an increasing preference to consider using general permits more frequently and to turn to compensatory mitigation for loss of wetlands early in the permitting process.

On December 18, 2007 DNR released their Wetland Audit Follow-up Report. In that report DNR Secretary Frank stated that permits to build in wetlands are provided in half the time they used to be provided in and only 4.4% of the development projects that involve wetlands are denied. In addition, the DNR estimates that the wetland permit program has cut annual wetland loss by two-thirds.

One result from this audit is that an effort is presently underway to try and create a wetland notification bill for sponsorship this legislative session. The bill would require notification about wetlands and wetland regulations in local zoning decisions and real estate transactions in an effort to try and reduce inadvertent unauthorized wetland fills.

Members of the WWF Wetlands Committee continue to work with the Wisconsin Wetlands Association and the Wisconsin Waterfowl Association as well as the DNR Wetlands Team on further improvements to wetland regulations in Wisconsin.

#### 4. **West Bend Airport**

The West Bend Airport Environmental Impact Statement (EIS) is still under preparation and it is not expected to be completed until sometime in 2008. Phase II of the EIS process is now underway and is proposed to take the project through the development of the purpose and need statement and alternatives analysis. Phase II includes three major components as follows:

- Preparation and Execution of Organizational Agreements (NEPA/Section 404 and Cooperating Agency Agreements),
- Definition of the Purpose and Need, and
- Identification and selection of the project alternatives, including those to be carried forward for detailed analysis

A public hearing is expected to be scheduled this spring. The Federation will work with the local Wetland Watchers group to provide any possible assistance and support in the effort to educate and organize local opposition to the airport expansion project.

#### 5. **New Farm Bill**

A proposed new Farm Bill has passed the House and the Senate and is now being debated in a joint House/Senate Conference Committee. The Theodore Roosevelt Conservation Partnership that formulated a pro-conservation position for the new Farm Bill is continuing to work with members of the Conference Committee. The Federation is in contact with the Wisconsin Congressional delegation to express our support of wildlife and wetland provisions of the Farm Bill. Some of the key provisions for wildlife are:

- **Wetlands Reserve Program:** The Senate passed bill reauthorizes the program. Senator Kohl has added an amendment that will change the land appraisal process that recently discouraged many landowners from participating in the program. The appraisal process for the Wetlands Reserve Program changed in 2006. The revised valuation process dramatically lowered offers to landowners. As a result of the 2006 decision to only use the "Yellow Book" appraisal process, Wisconsin enrollment in the WRP dropped from 3,000 acres in 2005, to only 30 in 2006. If the Kohl amendment is successful an alternate appraisal process may be used that will rejuvenate the program so that farmers can continue enrolling marginal cropland to help improve water quality, flood control, aquifer rehabilitation and wildlife habitat.
- **Sodsaver:** Provision added which would build on the House passed bill providing even stronger protection for the last native prairie remaining in America critical to waterfowl breeding.
- **Conservation Reserve Program:** The program will continue to protect 39.2 million acres.
- **Biomass Crop Transition Program:** Senate established this new program with safeguards in place for grasslands.
- **Open Fields:** Senate established a new grant program to encourage landowners to provide public hunting and fishing access on their conservation lands.
- **Grasslands Reserve Program:** The Senate reauthorizes program that provides grasslands for waterfowl breeding habitat.
- **Prairie Pothole Region:** Establishment of the region as a nationally recognized priority area

#### 6. **DNR Wetlands Team Meeting**

The DNR Wetlands Team is continuing work on a new seven year plan to protect and preserve wetlands in Wisconsin. The Wisconsin Wildlife Federation, the Wisconsin Wetlands Association and the Wisconsin Waterfowl Association are all assisting in the development of the new plan. The Federation will focus on the fact that highways, electric transmission lines and oil and gas pipelines account for more than half of the wetlands lost in the state each year.