

Wisconsin Wetland Study Council

Recommendations and Strategic Direction Report

Prepared by:

Conservation Project Permitting Committee

Prepared for:

Wisconsin Wetland Study Council

Purpose:

Proposed Recommendations to the Wisconsin Department of Natural Resources

Date: April 17, 2026

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1. Field Visit Decision Matrix
2. Stakeholder Project Examples of Permit Challenges

I. Introduction

The Conservation Project Permitting Committee was established by the Wisconsin Wetland Study Council (WSC) to address concerns raised by conservation practitioners about the permitting process for conservation-focused projects in wetlands and hydric soil areas. The Committee's charge is to recommend steps to the Wisconsin Department of Natural Resources (WDNR) applicable regulatory programs to improve clarity, consistency, and timeliness in the review and approval of conservation and agricultural conservation practices that offer water quality or habitat benefits over existing site conditions.

Our objective is to identify opportunities that WDNR can take to simplify and streamline the permit review process while ensuring the protection of Wisconsin's wetland resources. This effort recognizes that the current regulatory framework often subjects beneficial conservation projects to the same level of scrutiny as commercial development proposals, leading to unnecessary delays and increased costs.

This document outlines the Committee's progress to date, summarizes stakeholder feedback, identifies priority issues, and presents the Committee's strategic framework for final recommendations.

Mission Statement: Identify and advance practical, transparent, and collaborative improvements to WDNR wetland and waterway permitting processes that reduce unnecessary regulatory barriers for conservation-focused projects while maintaining environmental protection and statutory integrity.

II. Stakeholder Engagement and Identified Challenges

On March 11, 2025, the Committee convened a listening session with a diverse group of conservation practitioners and regulatory stakeholders. Participants included representatives from:

- Native Range Ecological - Restoration Consultant
- Penny Shackelford - Private landowner/practitioner
- Mike Engel – U.S. Fish and Wildlife Service (USFWS)
- Tally Hamilton – Ducks Unlimited (DU)
- Jessica Schultz – Fox/Wolf Watershed Alliance
- Zach Mohr – Wisconsin Land + Water Conservation Association (WI Land+Water)
- Beth Peterson – Natural Resources Conservation Service (NRCS)
- Peter Ziegler – Wisconsin Waterfowl Association (WWA)
- Erin O'Brien – Wisconsin Wetlands Association (WWA)

- Chad Casper and Matt Hanewall – Local/county conservation staff

These participants shared detailed and candid input on the common regulatory obstacles they encounter when implementing conservation projects. Their feedback coalesced into the following six general challenge areas:

1. **Communication between Staff and Conservation Partners:** Delays caused by staffing shortages, difficulty coordinating field visits, and inefficient communication styles among regulatory staff. Lengthy delays in department staff response to communications from our conservation partners.
2. **WMS/WME Experience Levels and Consistency Concerns:** A lack of program knowledge among newer staff and inconsistencies in permitting guidance and approvals between DNR Water Management Specialists (WMS) and Water Management Engineers (WME) and DNR Resource Managers. Including lack of consistency as it pertains to requiring wetland delineations.
3. **WMS/WME Review Process:** Siloed internal reviews and divisions, unnecessary requests for additional information that is inconsistent with statutory requirements, and a general lack of efficiency in review timelines. Lack of internal communication between department programs on project proposals from conservation partners.
4. **Perception of Conservation Projects:** Conservation efforts being evaluated as though they are development projects, credibility of project designers not consistently accounted for, resulting in unneeded steps and diminished trust.
5. **Permit Submittal Requirements:** Burdensome and expensive technical requirements (e.g., H&H studies, wetland delineations), coupled with an outdated and inefficient e-permitting system and fee structures that disincentivize voluntary restoration.
6. **Regulatory Interpretations of Waterways and Watercourses:** Confusion around navigability, watercourse versus waterway designations, and unclear thresholds for what constitutes a regulated dam or structure

Committee Actions and Proposed Solutions

To ensure a more strategic and stakeholder-informed approach, the Committee has developed a structured prioritization matrix to organize and evaluate the identified action steps. Each action step is evaluated based on specific attributes, including implementation difficulty, expected regulatory benefit, and level of cross-program or stakeholder support, allowing for weighted prioritization and transparent decision-making.

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With stakeholder input, the Committee outlined 15 priority actions and solutions, which were then prioritized to guide implementation and support future Council recommendations to WDNR.

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Action Item Table 4/14/2026							
Priority Ranking	Action Step Summary	Primary Challenge Theme(s)	Difficulty Level	Priority Level	Task Owner	Committee Status	Implementation Recommendations
1	Schedule dam/safety personnel and Water Management Engineers (WMEs) to talk with Committee and WSC to clarify regulatory interpretations.	Regulatory Interpretations	Easy	High	Committee / WDNR	DONE	Completed. Committee coordinated expert meeting to clarify regulatory interpretations. Continue monitoring recurring implementation issues raised by conservation partners.
2	Initiate discussions aimed at clarifying requirements and processes associated with H&H analyses.	Permit Submittal Requirements; Regulatory Interpretations	Easy	High	Committee / WWA	DONE	Completed. Committee coordinated expert discussion to improve understanding of H&H expectations. Continue monitoring recurring technical barriers and streamline future coordination as needed.
3	Develop processes to encourage and promote field visits and preapplication meetings between DNR staff and conservation partners.	Communication; Review Process	Easy	High	WSC Recommendation to WDNR	DONE	Field Visit Decision Matrix completed and attached. Carry forward as a final WSC recommendation that WDNR formalize this decision-support tool for WMS guidance and early coordination practices that encourages field visits.
4	Pursue additional DNR staff to help address workload issues that are affecting conservation project timelines.	Communication; Review Process	Difficult	High	WSC Recommendation to WDNR	In Progress	Carry forward to final WSC recommendation package supporting WDNR evaluation of staffing and WMS classification, workload reduction strategies, and potential liaison or specialized conservation review roles.

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5	Develop and distribute clear fact sheets and guidance documents explaining regulations governing watercourses and waterways.	Regulatory Interpretations	Easy	High	WDNR Waterways Program	In Progress	HRGP fact sheet completed. Carry forward as a recommendation for WDNR to continue development of additional waterway and watercourse guidance documents relevant to conservation projects. Committee to monitor progress
6	Create internal job aids and training focused specifically on wetland determinations for conservation projects, similar to NRCS WEPS, to enhance consistency among WMS staff.	Experience / Consistency	Easy	High	DNR	In Progress	Immediate (July/August) Committee Recommendation. DNR has initiated this discussion program-wide, and case by case as needed, but no formal job aid has been developed.
7	Explore and communicate potential exemptions applicable to common conservation practices. Get input from DNR legal counsel.	Regulatory Interpretations; Review Process	Easy	High	DNR Legal + Waterways	In Progress	Committee coordinated discussion of WDNR legal and program perspective. Continue monitoring project examples where exemption applicability may warrant future clarification or refinement.
8	Develop comprehensive internal training and supporting job aids tailored to conservation projects.	Experience / Consistency; Review Process	Easy	High	DNR	In Progress	Carry forward as a recommendation for WDNR to continue development of internal conservation project training modules and supporting job aids.
9	Work with technical experts (e.g., NRCS, DATCP) to create fact sheets for various conservation practices with clear environmental outcomes.	Permit Submittal Requirements; Project Perception	Easy	High	DNR w/ DATCP/ Land + Water & partners	In Progress	Carry forward as a recommendation for WDNR and conservation partners to develop practice-specific fact sheets describing common conservation practices and expected environmental outcomes.

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10	Organize training sessions for DNR WMS staff and Resource Managers in collaboration with conservation practitioners to ensure alignment in project review standards and expectations. (e.g. example permit package)	Experience / Consistency	Easy	High	DNR / NRCS / Land+Water / DATCP	In Progress	Carry forward as a recommendation for WDNR and conservation partners to continue joint training sessions and example permit package reviews to improve alignment and consistency.
11	Develop guidelines, with stakeholder input, differentiating review standards for conservation vs. commercial projects.	Project Perception; Review Process	Easy	High	DNR	In Progress	PAA job aid and HRGP examples provide initial framework. Continue monitoring whether additional guidance is needed to further distinguish conservation project review pathways from commercial development review standards.
12	Conduct feasibility study for forming specialized conservation project review teams.	Review Process; Experience / Consistency	Difficult	High	WDNR Waterways Program	In Progress	Carry forward as a recommendation for WDNR to evaluate the feasibility of specialized conservation project review teams, liaison roles, or other staffing models that improve consistency and efficiency.
13	Request stakeholders provide real-life project examples and identify where permitting issues emerged.	Review Process; Communication	Easy	Medium	Stakeholders	DONE	Stakeholder project examples were collected, summarized, and incorporated into Section III.C and supporting attachments. Continue soliciting additional examples to inform future refinement of guidance, training, and implementation tools.
14	Consider MOU development with conservation partners to address coordination and review issues.	Communication; Review Process	Difficult	High	DNR - DATCP w/ partners	In Progress	Carry forward as a recommendation for WDNR, DATCP, and conservation partners to evaluate whether formal coordination agreements or MOUs could improve project review consistency and interagency communication.

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15	Explore the requirements and feasibility for an "Assured Conservation Practitioner" program to streamline permit review or exemption process. This program could provide a path for qualified practitioners to receive expedited review for common, low-impact conservation practices. The existing NRCS/DATCP engineering job approval system could qualify as an "Assured Conservation Practitioner" program.	Experience / Consistency; Permit Submittal Requirements	Difficult	Medium	Stakeholder Partners + NRCS + DATCP + WSC	Future Committee Evaluation	Carry forward as a long-term strategic recommendation to evaluate existing NRCS and DATCP engineering approval systems, or similar practitioner qualification pathways, as a potential model for streamlined WDNR review of common low-impact conservation practices.
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Implementation Strategy

The Committee recommends the following phased approach to implementing the identified solutions:

- **Immediate Implementation:** Prioritize high-impact, easy-to-implement actions to generate momentum, build trust among stakeholders, and deliver tangible improvements rapidly.
- **Concurrent and Parallel Initiatives:** Begin addressing complex yet strategically critical actions such as exploring specialized review teams, an “Assured Conservation Practitioner” program, and formalizing Memoranda of Understanding (MOUs) with partner organizations. Identify parallel initiatives that WDNR and/or conservation partners are already pursuing (e.g., WWA's review of regulatory requirements for restoration in mapped floodplains).
- **Subsequent Phases:** Address medium and lower-priority actions sequentially, ensuring each phase builds logically upon foundational improvements established earlier.

Next Steps

- Finalize this progress report for Wisconsin Wetland Study Council review and action as a formal recommendation to WDNR regarding continued implementation of the identified priority actions.
- Continue Committee meetings, generally on a quarterly basis, to monitor WDNR progress, maintain accountability, provide implementation feedback, and refine recommendations as needed.
- Sustain active stakeholder engagement through regular consultation and structured feedback mechanisms.
- Continue updating this progress report as action items are addressed, implementation advances, or additional matters are identified.

The Conservation Project Permitting Committee remains committed to working collaboratively with WDNR and conservation partners to improve the efficiency, consistency, and practical implementation of permitting pathways for conservation projects across Wisconsin. Continued stakeholder participation remains essential to ensuring that process improvements remain aligned with field realities, conservation objectives, and statutory requirements.

III. Technical and Regulatory Insights Supporting Committee Objectives

This section captures key input provided to the Committee by technical and regulatory experts, ensuring that deliberations are informed by the most relevant expertise and grounded in real-world regulatory experiences. Each subsection provides a narrative summary of discussions with agency staff, conservation practitioners, and regulatory specialists whose knowledge helps identify constraints and opportunities for improving the approval process for conservation and agricultural projects.

A. Committee Session on Dam Regulations and Floodplain Zoning

On July 17, 2025, the Committee along with stakeholders convened to examine regulatory challenges related to Chapter 31 dam regulations and floodplain zoning requirements. The session was facilitated by Tom Nedland (DNR), with presentations by Uriah Monday (DNR State Dam Safety Engineer), Jennifer Western Hauser (Wisconsin Wetlands Association), and Chris Olds (DNR State Floodplain Engineer). The purpose was to better understand how these regulatory frameworks affect wetland, floodplain, and waterway conservation projects.

1. Dam Regulations (Chapter 31)

- **Applicability:** Chapter 31 applies to both navigable and non-navigable waters, including some agricultural ditches. It was clarified that some conservation general permits can authorize certain small dams and so in many cases projects already receive streamlined review without applicants realizing it. WMEs generally provide additional comments when the proposed dams do not meet the criteria outlined in the GP
- **Definitions and Gray Areas:** Conservation practitioners often face uncertainty distinguishing between ditch plugs, ditch fills, and regulated dam structures. Length of fill, presence of impoundment, and stream history complicate determinations.
- **Consistency in Application:** Participants noted variability in how DNR WMS and WME staff interpret when Chapter 31 applies. DNR would like examples of variable outcomes. Clearer guidance and training were identified as needed.

2. Floodplain Zoning Regulations (NR 116 & NFIP Standards)

- **Regulatory Context:** Wisconsin floodplain regulations implement FEMA's National Flood Insurance Program (NFIP) standards, primarily through NR

116 and local ordinances. Restoration projects are not currently differentiated from development projects, which can impose significant hurdles.

- **Zone AE vs. Zone A:**
 - **Zone AE (base flood elevation available):** Restoration projects are rarely attempted because of the high cost of H&H analyses and fees associated with FEMA Conditional Letters of Map Revision (CLOMRs) and LOMRs.
 - **Zone A (defined areas, but no base flood elevation available):** Confusion persists around when flexibility is available. The Zone A Conservation Practice No-Rise Checklist (developed in 2022) was created to provide predictability and reduce unnecessary analysis but is not widely known or consistently applied by conservation practitioners.
 - **Hydrologic & Hydraulic (H&H) Analysis:** While smaller projects are generally covered under streamlined processes, larger or more complex structures may trigger H&H analysis requirements, which can add cost and time to the project schedule.
- **Capacity and Disparities:** Urban municipalities often have better access to engineers and greater technical capacity to navigate floodplain requirements, while rural areas lack these resources, resulting in lost opportunities for restoration.
- **Legislative Opportunities:** The proposed Floodplain Enhancement and Recovery Act (S.1564) would:
 - Define ecosystem restoration projects separately from development.
 - Exempt such projects from FEMA review fees (currently \$6,000–\$9,000).
 - Allow limited increases in flood elevation where no insurable structures exist.
 - Scale H&H requirements to the scope of restoration projects. Participants expressed strong interest in tracking and supporting this legislation, while also recognizing that Wisconsin would need to adjust its rules to take advantage of these flexibilities.
- **Examples and Evidence:** The stakeholder group emphasized the importance of gathering case studies of stalled or abandoned floodplain projects to illustrate barriers and strengthen the case for reform.

3. Action Items

- Integrate the insights from this session into the Committee's progress report and final recommendation framework.
- Continue coordination with WDNR staff and conservation partners to refine guidance on Chapter 31 and floodplain permitting pathways relevant to conservation projects.
- Support continued outreach on the Zone A checklist and monitor relevant federal legislative developments that may improve restoration flexibility.
- Continue documenting real-world examples of stalled, delayed, or abandoned floodplain and dam-related conservation projects to support future guidance refinement and WDNR implementation improvements.
- Use this session's findings to support continued WDNR development of Action Item #5, "Develop and distribute clear fact sheets and guidance documents explaining regulations governing watercourses and waterways," as well as other applicable prioritized action steps identified in Table 1.

B. WDNR Legal Opinion on Agricultural Exemption for Conservation Projects

On November 7, 2025, the Committee discussed the possible application of the agricultural exemption to wetland conservation projects. The session was facilitated by Allissa Reynolds (DNR), with an explanation of the DNR legal interpretation provided by Tom Nedland (DNR). The purpose was to better understand how this exemption is currently interpreted by WDNR and whether it may apply to wetland conservation projects.

- Stakeholders have asked whether the exemption for "normal farming...activities" under state law encompasses conservation practices in wetlands. Similar questions have also been raised regarding corresponding federal exemptions. WDNR's current legal interpretation is that conservation projects occurring in wetlands generally do not qualify under either the state or corresponding federal agricultural exemption pathways.
- The corresponding federal regulation provides that "upland soil and water conservation practices" are included among the "normal farming, silviculture and ranching activities" exempt from federal wetland permitting requirements. 40 CFR 323.4(a)(1)(i). The regulation does not define the term "upland soil and water conservation practices," and WDNR's legal interpretation is that a straightforward reading does not support inclusion of conservation practices occurring within wetlands.

- Federal and state courts narrowly construe exemptions, and it remains the applicant's burden to demonstrate qualification for an exemption. Under a narrow interpretation of "upland soil and water conservation practices," WDNR concluded that conservation projects located within wetlands are generally not supported under this exemption pathway.
- It is also important to consider the additional exemption criteria that would apply to these practices. A discharge that is otherwise exempt under s. 281.36(4), Wis. Stats., does not qualify if it brings a wetland into a new use and impairs the flow or reduces the reach of any wetland. s. 281.36(5), Wis. Stats. The federal regulation contains similar provisions and explains that converting a wetland to upland is a "change in use." 40 CFR 323.4(c). The federal regulation also requires exempt discharges to be part of an established (i.e., ongoing) farming operation.
- Existing regulatory pathways remain available to accomplish conservation projects in wetlands, including the Wetland Conservation General Permit, reissued in 2023. The Committee noted the importance of continuing to evaluate project examples where stakeholders believe existing permit pathways may not adequately address common conservation practices.

C. Conservation Partner and Stakeholder Project-Specific Permitting Challenges

As part of implementing Action Item #13 – "Request stakeholders provide real-life project examples and identify where permitting issues emerged," the Committee dedicated a session on December 5, 2025, to hearing detailed, project-specific examples directly from conservation partners and county practitioners. The purpose of this discussion was to move beyond general observations and identify concrete points in the permitting process where delays, uncertainty, or breakdowns occur, particularly for conservation projects intended to improve water quality, habitat, or flood resilience.

Participants from county land and water conservation departments, nonprofit conservation organizations, and agency partners shared a range of examples spanning agricultural conservation practices, wetland restoration, stream and ditch maintenance, and infrastructure-related conservation work. While the projects varied in scale and setting, several consistent themes emerged regarding how and where permitting challenges arise.

Types of Projects Discussed

Stakeholders provided project examples from multiple counties across Wisconsin, including Iowa, Shawano, Marathon, Calumet, Outagamie, Green Lake, and other

northeastern Wisconsin counties, illustrating that the permitting challenges described are not isolated to a single region or regulatory office, but occur across a range of geographic and administrative contexts. Examples spanned multiple conservation contexts including:

- Abandonment or remediation of legacy agricultural infrastructure.
 - Example involved an unused manure storage pit that had existed long enough to be mapped as a pond in WDNR surface water datasets.
 - Despite being a constructed feature and a resource concern, the project was required to pursue a wetland exemption permit solely due to mapping and vegetation indicators (e.g., duckweed).
- Grassed waterways and erosion control practices located in hydric soils.
 - Projects were located in hydric soils but not mapped wetlands and were intended to address active erosion issues.
 - In one case, a proposed tile component to aid grass establishment triggered additional permitting concerns, resulting in design changes or scope reduction rather than implementation as intended.
- Spring development and pasture management projects.
 - Qualified NRCS soil scientists evaluated site conditions and concluded that the proposed design would not dewater or negatively affect wetlands.
 - Despite this, projects experienced extended back-and-forth review, driven largely by questions regarding trust in partner assessments rather than new technical findings.
- Streambank stabilization and livestock exclusion projects.
 - The project had already received WDNR and U.S. Army Corps approvals under applicable general permits.
 - A zoning setback requirement was raised after permitting approvals, requiring a variance and associated fee, which ultimately resulted in project abandonment.
- Maintenance or clean-out of long-established agricultural waterways.
 - Examples involved long-established waterways (30+ years) with no mapped wetlands.
 - Projects were treated as new impacts, requiring full wetland delineations, historic documentation, and repeated resubmittals before reviewers recognized the limited scope.
- Wetland restoration and scrape projects, including efforts to restore degraded or previously farmed wetlands that shifted from anticipated general permits to individual permits.

- Several examples involved actively farmed or degraded sites transitioning toward restoration.
 - Projects anticipated to qualify for general permits were reclassified as individual permits, adding time, cost, and in some cases limiting restoration design features.
- Large-scale conservation projects involving impoundments or water control structures.
 - Projects required coordination among Water Management, Dam Safety, facilities engineers, and biologists.
 - Stakeholders described receiving conflicting guidance across programs, complicating design and delaying implementation.

In addition to the verbal examples shared during the meeting, several conservation partners submitted written project summaries and permitting concerns in advance of and following the session; these materials are referenced for context and are included as attachments to this report.

Where Permitting Issues Emerged

Across these examples, stakeholders consistently identified specific stages in the permitting process where challenges arose:

- Early project screening and classification, particularly when desktop mapping or hydric soil layers were treated as determinative without sufficient consideration of on-the-ground conditions.
- Permit pathway determination, where projects expected to qualify for general permits were reclassified as individual permits, triggering additional requirements such as delineations, mitigation, or extended review timelines.
- Communication and coordination, including delayed responses to questions, difficulty reaching assigned reviewers, and inconsistent messaging between DNR programs or between DNR and federal agencies.
- Late-stage issue identification, where zoning setbacks, floodplain constraints, or other regulatory considerations were raised only after significant design and coordination work had already occurred.
- Reliance on mapping over site conditions, with multiple participants emphasizing that site visits or practitioner documentation could have clarified project conditions and avoided unnecessary escalation.
- Uncertainty around authority and discretion, where reviewers appeared hesitant to exercise judgment or make determinations in the field, leading to internal escalation and prolonged decision-making.

Key Themes and Observations

While stakeholders acknowledged that many of the projects discussed do require some level of regulatory review, the dominant concern was not the existence of regulation itself, but rather how it is applied in practice to conservation-driven projects. Common observations included:

- A perceived shift from historically collaborative, outcome-focused review toward a more process-driven, checklist-based approach.
- Erosion of trust between conservation practitioners and regulatory staff, particularly when prior approvals or interpretations were reversed due to staff turnover.
- Disproportionate costs and delays for relatively small or routine conservation practices, sometimes resulting in project cancellation or significant scope reduction.
- Missed opportunities to achieve greater ecological benefit when design flexibility was constrained by rigid application of standards or interpretations.

Consideration Towards Achieving Committee Objectives

This discussion directly advances the Committee's broader objectives by grounding its work in real-world experience. The project examples:

- Validate and contextualize the priority issues identified elsewhere in the progress report, including communication gaps, consistency concerns, and the need for early coordination.
- Inform development of related action items, particularly those addressing field visits, pre-application engagement, staff training, and clarification of permit thresholds.
- Provide a factual basis for future refinement of guidance, checklists, and decision-support tools intended to better align permitting processes with conservation outcomes.

The Committee views this stakeholder input as an ongoing and essential component of its work. Additional examples and documentation will continue to be solicited and incorporated as the Committee refines its recommendations and supports implementation by the Wisconsin Wetland Study Council and WDNR.

D. Field Visit Decision Matrix Supporting Early Coordination and Efficient Review

As part of addressing Action Item #3 from Table 1, the Committee developed a Field Visit Decision Matrix intended to support WDNR Waterways Regulatory staff in determining when a field visit is most beneficial during review of conservation and

agricultural conservation projects. The matrix was informed by Committee discussion, stakeholder input, and agency participation, and reflects a shared interest in improving early coordination, communication, and efficiency in the permitting process.

The matrix identifies key considerations across multiple categories, including project complexity and scale, regulatory jurisdiction, timing and stage in the review process, staffing and resource constraints, experience and working relationships, and resource quality. Rather than serving as a prescriptive checklist, the matrix is designed as a decision-support tool to help prioritize field visits where on-site evaluation, relationship building, or multi-party coordination is likely to add the greatest value.

The Committee recommends that the Wetland Study Council formally recommend WDNR implementation and internal use of this matrix as guidance for Water Management Specialists and related review staff to promote consistency, transparency, and early issue identification, while recognizing staffing and resource limitations.

The Field Visit Decision Matrix is included as the first attachment to this report for reference and implementation consideration by WDNR.

IV. Summary, Recommendations, and Path Forward

The Conservation Project Permitting Committee was established by the Wisconsin Wetland Study Council to identify and address regulatory challenges encountered by conservation practitioners implementing projects that improve water quality, habitat, and flood resilience. Through structured stakeholder engagement, technical and regulatory briefings, and targeted committee discussions, the Committee has worked to move beyond generalized concerns and develop a fact-based understanding of where permitting processes create unnecessary barriers to conservation outcomes.

This progress report documents that effort. It summarizes stakeholder input from conservation partners across the state, outlines priority challenges identified through direct engagement, and presents a set of prioritized action items intended to improve clarity, consistency, and efficiency in the review of conservation and agricultural conservation projects. The report also captures technical and regulatory insights provided by subject-matter experts and agency staff, grounding the Committee's work in current regulatory practice and implementation realities.

Based on this work, the Committee is finalizing this document for Wisconsin Wetland Study Council review and approval, with the intent that it serve as a formal recommendation from the Council to the Wisconsin Department of Natural Resources. Specifically, the Committee recommends that WDNR consider addressing and implementing the priority action items identified in this report that have not yet been completed, using the documented stakeholder experiences and technical input as background and justification to guide those efforts.

The Committee recognizes that some actions are already underway within WDNR or in coordination with conservation partners, while others will require additional discussion, resource commitment, or policy development. This report is therefore intended to function as both a snapshot of progress to date and a roadmap for continued improvement.

The Conservation Project Permitting Committee will remain intact following completion of this report. The Committee anticipates meeting on a generally quarterly basis to:

- Monitor progress on priority action items,
- Support accountability and transparency,
- Provide feedback and technical input as needed, and
- Identify additional issues or opportunities as conservation practices and regulatory frameworks continue to evolve.

The Committee views this work as an ongoing, collaborative effort. Continued engagement among WDNR, conservation partners, and the Wisconsin Wetland Study Council will be essential to ensuring that permitting processes effectively support conservation goals while maintaining the protection of Wisconsin's wetland and water resources.

V. Requested Wetland Study Council Actions

The Conservation Project Permitting Committee respectfully requests that the Wisconsin Wetland Study Council review, discuss, and consider formal adoption of the following actions based on this Progress Report:

1. Accept this Strategic Direction Report as the Committee's final work product to date, documenting stakeholder engagement, identified permitting challenges, technical and regulatory insights, and the prioritized action framework developed over the course of the Committee's work.

2. Formally recommend that WDNR continue implementation of the incomplete priority action items identified in Table 1, with emphasis on actions that improve early coordination, consistency of review, staff training, internal guidance development, stakeholder communication, and conservation project review efficiency.
3. Formally recommend WDNR implementation and internal use of the attached Field Visit Decision Matrix as internal guidance for Water Management Specialists and related review staff to promote consistency, transparency, and early issue identification for conservation and agricultural conservation projects.
4. Direct the Conservation Project Permitting Committee to remain active as a standing implementation and feedback body, meeting generally on a quarterly basis to monitor WDNR progress, provide technical and stakeholder-informed input, and recommend refinements as needed.
5. Authorize the Committee to return future phased recommendations to the Council, including any recommendations related to staffing support, training resources, additional guidance tools, interagency coordination mechanisms, or other implementation needs identified through continued Committee oversight.

These requested actions are intended to ensure that the substantial stakeholder and agency work captured in this report results in continued measurable progress toward a more efficient, consistent, and conservation-supportive WDNR permitting framework.

Field Visit Decision Matrix			
This matrix is intended to be used by WDNR Waterways Regulatory staff as a tool to help identify projects where a field visit should be prioritized. It is not meant to be a definitive checklist, but a guide for prioritizing field visits when benefits are substantial, or on site coordination is critical to project and partner success. Examples and suggested criteria have been provided and reviewed by conservation professionals and agency partners in the spirit of collaboration and shared goals for resource protection and enhancement.			
Considerations	Field Visit Most Needed	Field Visit Least Needed	Notes
1. Project Complexity and Scale			
	Large-scale restorations, projects with significant footprint, or those using novel/innovative approaches requiring site-specific evaluation.	Small-scale, routine practices using standard BMPs with well-documented designs.	
	Large scale dam repair, small dam across watercourse, lake bed structure e.g. Breakwall	Simple restorations with no impoundments (ditch fill/tile break/scrape)	
	Stream re-meander/restorations	Embankment not across watercourse	
	High public interest	Low public interest	
	Large number of partners involved in a relatively complex project - ensures consistent communication and opportunity to relay expectations/responsibilities	Small number of partners where engagement and information sharing may be able to occur virtually	
2. Regulatory Jurisdiction			
	Navigability/watercourse/ OHWM uncertainty	Navigable waterway determination clear (defined bed and banks, flow/recurring use) and OHWM is obvious	
Consider joint visits with other DNR and County	Floodplain projects	Not floodplain	
Consider joint visits with other DNR and County	Dams present or proposed	No dams involved	
	Individual permit	General Permit	
	Navigable (or likely)	No stream history, or Artificial	
3. Timing and Stage in Process			
	Early Stage/ pre- application - determine needed documentation, permit qualifications, address questions upfront	Late-stage with complete documentation, or virtual meeting may suffice, or project underway without any deviations from permit	
4. Staffing/Resource Constraints			
	Data is limited or insufficient to describe project impact/benefit	Photos, delineations or other data can provide adequate information	
	Site visit can be combined with others	Travel/ budget restrictions/ Capacity challenges	
5. Experience/ Relationship			
	New relationship, or past challenges. Relationship building opportunity (trust factor).	Established relationship with strong mutual trust and understanding of operations	
	One or both parties has limited experience with the wetland permitting process and overall implementation	Both parties have extensive experience with the wetland permitting process and overall implementation	
6. Resource Quality (Pre-project)			
	Rare or high quality, for example adjacent to a trout stream or any of the following wetland types: Alder thicket, Calcareous fen, Coniferous swamp, Coniferous bog, Floodplain forest, Hardwood swamp, Interdunal wetland, Open bog, Ridge and swail complex, Deep marsh, or Sedge meadow. (per 281.36(4n))	Monoculture invasive habitat that restoration/enhancement will only benefit or improve	
	Natural/ undisturbed , for example: Highly susceptible wetlands: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. (per NR 151)	Cropland conversions where existing resources are extremely limited or poor quality (small scale)	
	Native vegetation could be temporarily adversely impacted, with the intent of long-term benefit (addition by subtraction)	Project site largely consists of non-native/invasive vegetation	
7. Others			
	Congressional representative requests information or a site visit about a specific project (may occur on high profile or locally contentious projects)	No interest or need for congressional or local representative involvement	
	Field visit can be combined with other field work	Isolated, logistically challenging to combine with other site visits	
	Project completion is dependent on time-limited funding sources (e.g., federal programs and competitive grants), received a field visit request from lead conservation partner.	Project completion is not constrained by the funding source, no field visit has been requested by lead conservation partner.	
	Landowner request for wetland determination and that work would require a permit - creation vs. enhancement scenario	Landowner has no need for a field visit, wetland/waterway determinations clear, and/or landowner received assistance/guidance from conservation professional outside DNR.	

Examples- Conservation Permit Challenges

Notes for WSC-Conservation Committee 1/16/2026 Meeting

DU engineering examples:

- TNC Restoration – Plan to fill ditches to restore unnamed creek to original channel while restoring surrounding wet meadow habitat. Several fish ponds also restored to shallow wetlands. Permit process took 6-9 months as DNR was unsure what permits to even use and recommended DU wait to use the new HRGP. DU completed the HRGP but then DNR also required an individual permit, required dam safety, WMS and fisheries out site.
 - **Unclear permit pathway led to delays**
- WRE Restoration – Design to restore cropland to wetland. WMS suggested completely new design at meeting rather than giving feedback on proposed design and permit. Proposed design had been put together by DU and reviewed and signed off on by NRCS State Engineer.
 - **DU/NRCS approved design rejected without feedback**
- DNR WA Enhancement – Replacing a water control structure and embankment repair at an impoundment. Delayed by 6 months due to a new dam engineer requiring an anti-seep/filter diaphragm that would not have been feasible. The permit was taken over by another dam engineer and then permitted within 2 weeks. The process delayed bidding and construction which resulted in a rushed construction timeline as DNR had a hard NAWCA grant deadline that could not be extended.
 - **Delayed and inconsistent permitting, nearly compromised grant funding**
- DNR WA Restoration - Navigability determination on a dug ag ditch that intermittently holds water and dam safety asking in depth details about UWFWS funding in order to have a berm as part of the design delayed the permitting. Restrictions given to avoid construction during black tern nesting season despite the fact work is occurring on crop land where black terns would not be present due to lack of habitat.
 - **Permit delays for extraneous (funding) details and inappropriate construction limits (T&E- habitat not present)**

- DNR Enhancement – Permit submitted June 2025 for water control structure replacement. Dam engineer has acknowledged receipt of permit application but has not reviewed.
 - **Delayed WME permit review > 6 months**

USFWS Examples:

- Recurring challenges in the wetland permitting process, specifically related to communication, clarity of guidance, and agency capacity. These issues have led to project delays, increased landowner/stakeholder costs, and frustration among landowners, partners, and consultants.
 - Wetland scrape in Waupaca Co- Change in WMS created confusion and delay from inconsistent standards.
 - Perceived as extraneous information requests.
 - Confusion over upland included in 1 acre disturbance for stormwater permit
 - Wildlife pond in a wetland. WMS/ Intake rejected as a stormwater pond, and communication delays have stalled project progress.
 - WMS site visit desired, but not available.
 - Ambiguity in the DNR's 'Do I Need a Permit' walkthrough, particularly regarding definitions.
 - Adjusted plans multiple times but struggle to get feedback to proceed, resulting in project delays and additional costs.

Permitting Roadblocks to Conservation: Experiences from Northeast Wisconsin Land Conservation Department Staff

Introduction:

On the following pages, you will read experiences of permitting roadblocks shared from Conservation Staff across multiple Northeast Wisconsin Land Conservation Departments. These are just a small number of stories that have been pulled together to showcase the difficulties of permitting conservation work.

Through sharing these experiences, it is our hope that we can partner with leaders within DNR and elected officials to advance solutions that will allow for further streamlining of the permitting of practices that are implemented by Conservation Staff for the main goal of protection or restoration of our natural resources on-site or downstream, provided that environmental benefit is documented and the project is being funded through state or federal conservation funding. We understand that this is a complex issue. It is important that solutions advanced for streamlining the permitting of conservation work are done so without jeopardizing the integrity of the wetland and waterway rules that protect our valuable resources.

Project: Wetland Scrape

Goals: After working with Conservation Staff to identify potential conservation projects on his property. Property owner was interested in restoring a degraded piece of land (an area dominated by Reed Canary and dead ash trees) to an area that provided more ecosystem services that he could properly manage for duck hunting and deer management.

Background: Conservation Staff was working with a landowner on a wetland scrape. This project would meet the goals of the property owner and also provide water storage and improve downstream water quality. Conservation Staff were aware that the project area had hydric soils and that a portion of the project area was mapped DNR wetlands.

Steps to advance restoration project:

- Staff consulted with DNR on the project right away.
- It was determined by the original WMS that the DNR wetlands were not mapped correctly. The hydric area identified was a wooded area with dead ash trees, dominated by reed canary grass.
- WMS told the landowner to move forward with a Conservation GP and that the spoils could be hauled to the uplands. The project was moving forward and a permit request was drafted.
- Meanwhile, WMS was relocated and a new WMS put a halt on the project.
- The new WMS determined a wetland delineation was needed due to the site being a high-quality wetland with trees (dead trees.) A wetland delineation was completed at a cost to the landowner of \$2,500.

- Following the delineation, the WMS denied the permit. The landowner is no longer pursuing restoration.

Current Status: The Conservation Staff supported the landowner through this process with DNR that took close to a year because they saw value in the conservation work proposed that would have enhanced a natural area. In the end, this project ended with a frustrated landowner, wasted time from Conservation Staff and worst of all a missed opportunity for conservation work that would have provided water quality benefit and enhanced wildlife habitat.

Project: Wetland Restoration Projects (particularly excavated wetlands)

Not specific project example – overview of process from the Conservation Staff perspective

Goals: Conservation Staff promote wetland restoration with landowners for a variety of reasons, all of which are intended to improve environmental conditions from current land use. Much of the time, Conservation Staff are working to:

1. Transition active agricultural land that is either mapped wetland or potential wetland out of active production (tilled, cropped) into restoration. This effort has tremendous water quality impacts, reducing phosphorus and sediment loss from the farm field while increasing water storage capacity and filtering functionality back into the soils and providing habitat benefits.
2. Improve the quality of existing mapped wetlands or potential wetland. Many existing natural areas have not been managed and are degraded – often overtaken by reed canary grass. If Conservation Staff have a landowner interested in investing in and maintaining a higher quality conservation wetland, they will assist the landowner in the design and permitting process. Improving the quality of wetland increases the ecosystem service benefits that the wetland provides (water storage, pollution filtering, habitat and more).

Background: When planning for wetland restorations Conservation Staff look for areas of hydric soils where water will pond if excavations are made. Typically, these areas are in mapped wetlands, partially in mapped wetlands or directly adjacent to wetlands and in wetland indicator soils.

Historically, Conservation Staff and DNR have worked efficiently together to advance these projects. The Conservation Staff would meet with WMS, provide a basic plan and photos or show them the site. After discussion of the plan for excavation or the scrape, the WMS would provide an email that a wetland determination and delineation was not required for the excavation of the wetland as long as the spoils were out of any area of concern. A costly wetland delineation/determination was not required because the end goal was wetland restoration. It was not needed to determine if an area was a wetland if the goal was that the project would end with a wetland in that place.

Current Process:

Today, the experience from the Conservation Staff's perspective is different. For wetland restoration projects within mapped wetlands or on land with wetland indicator soils, in some counties, staff are required to have a wetland delineation done. Staff are not disputing it is a wetland, the project is wetland restoration. Because the project is planned and designed for the wetland area, the delineation has no impact on the design or permit request.

If spoils are being brought to areas that are not mapped wetland or shown to have wetland indicator soils, why is a wetland determination delineation needed to complete a wetland restoration project? This results in additional time and money expended by the landowner and County for a project with clear environmental benefit.

Project: Restore natural stream

Goals: Naturalize a stream and restore 3.5-acre active farmland to floodplain and wetland.

Benefits: Reduced phosphorus and sediment erosion from farm field, increased floodplain storage, habitat quantity and quality improvement.

Background: Decades ago a natural stream was channelized into right angles around a farm field. County was working with willing land owner to put the stream back to where it would naturally flow which was right through the field. The 3.5-acre field, which is currently actively farmed (tilled and planted), would be restored to wetland. The field (currently farmed) is not mapped wetland but has wetland indicator (pink) soils.

Steps to advance restoration project:

- County Conservation Staff reached out to WMS in June 2022 about the proposed project.
- Staff received no feedback until September when they were instructed the project would need a Wetland Delineation to move forward. Staff did not want to have to have the landowner pay for a wetland delineation when the goal of the project was to turn active farmland into wetlands on the property.
- Email correspondence with WMS resulted in the approval to pay to have a wetland ID completed in lieu of determination. The Conservation Staff worked with the landowner to have the wetland ID process advance.
- Meanwhile, a staffing change resulted in a new WMS.
- In May of 2023, the new WMS asked for a wetland delineation.
- Conservation Staff worked with new WMS, who ultimately determined that a wetland delineation would not be needed, however did require the project to go through an Individual Permit instead of qualifying the conservation project for the General Permit. This again, increased the time it took to advance the project and another construction season was lost.
- DNR issued permit in September 2023 – more than a full year after the project was initiated.

Current Status: While the project will get done. Two construction seasons were missed. A lot of staff time was utilized over the past two years with little to show for it. The landowner is frustrated.

Additional notes from this project:

- WMS wanted to make sure that no spoils from the new channel went into the current farm. This is because pink soils were identified on the field. However, in order to create the best restoration project and diverse habitat, the addition of topography can be beneficial.
- WMS offered suggestions of how the project could be done, however, the proposed site design already considered the best approach for the restoration project and took into consideration what was best for the wetland restoration. The plan had engineered components. While the WMS recommendations had valid points from one perspective, they did not take into account the whole picture, which the engineered plan already did.

Additional Considerations for Conservation Work:

Understanding rules are in place to protect wetlands and protecting wetlands are important, shouldn't there be a different type of scrutiny for permitting for development projects than wetland restoration projects that are intended to provide an overall benefit to ecosystem services?

If the main goal of the overall project is conservation, should there be allowances for spoil placement within the project or on neighboring active farm fields that are actively managed ag lands instead of making implementation of that project more difficult and costly?

Project: Riverbank Restoration

Goals: Stop actively eroding riverbank erosion in a high traffic river system to reduce sediment and phosphorus loading to the waterway and prevent loss of land for the property owner.

Background: Landowner approached land Conservation Staff with severe erosion issues. He had already lost approximately 5'-10' of the entire length of his 1100' Shoreline in the last approximate 10-15 years. The property was elevated non-wetland. There were chunks of land breaking off and falling into the water that were the size of large tables yearly. This area is a high traffic boat area. This unnatural chewing of the shoreline was the main cause of most of the erosion.

Steps to advance restoration project:

- Conservation Staff consulted with DNR and came up with a plan to do a standard riprap up to 2' above the ordinary high-water mark following design criteria from NRCS Standards.
- Staff worked on getting a permit for 2 years with the water regs DNR Staff at the time.
 - DNR were concerned with mussels so staff and landowner were prepared to do a mussel relocation. DNR were concerned with Catfish habitat so staff and landowner were prepared to add tubes to replace lost habitat.
 - Staff met with the DNR mussel expert to discuss options for how the project could be constructed to disturb less habitat. The answer was to use no rock, which wasn't a realistic solution for this high traffic system.
- Upon submission, the permit application was denied.
- Conservation Staff tried to work with WMS to come up with a plan of targeting the riprap to protect the landowner's property in certain areas, but still save some habitat for wildlife. Staff felt like no guidance was provided by DNR and the Conservation Staff was told to just submit another plan to be considered. Conservation Staff asked for an allowed length that might be able to riprapped and was told to just submit another plan without any guidance.
- Conservation Staff contacted the WMS' supervisor for help and did not make progress.
- Conservation Staff scheduled sit down meetings with multiple DNR water regs staff to come up with solutions, however, never got any further towards a permit issuance.
- Meanwhile the landowner was losing more of his property and was very angry about the whole process. After battling for 2 years, the landowner & contractor partnered together and determined that working with land conservation was the problem with them not getting the permit so they cut land conservation out of the project.
- At the same time, the WMS who was working on the project relocated and a new WMS reviewed the permit request submitted by the landowner and contractor (a permit request for the same project as the original request.)
- The permit was granted for the entire 1100' shoreline immediately without any need for mussel relocation or catfish habitat.

Current Status: The project did move forward without the Land Conservation Department. Conservation Staff is happy that the landowner's property was finally protected, however is frustrated with the process. There was a lot of wasted time spent on this project by County and DNR Staff. The quick advancement of the project through the private contractor has led to a mistrust of the County Staff by the land owner and the contractor and a frustration with DNR. Due to the extended time the permitting process took, the property owner lost more land and sediment and phosphorus that should have been kept out of our waterways was not.

Project: Streambank Restoration

Goals: Stop actively eroding streambank erosion to reduce sediment and phosphorus loading to the waterway and prevent loss of land for the property owner.

Background: Streambank erosion occurring on public park property. Restoration project would be a showcase piece to show area residents the importance of conservation work.

Steps to advance restoration project:

- Conservation Staff had been working on advancing the streambank restoration project with their WMS. A permit was secured and restoration was advancing.
- During the construction of the project, a head cut was found that was not found during the initial survey and project design. To completely fix and prevent the problem from recurring, it was determined that a riffle structure could be designed and put in place.
- Conservation Staff reached out to the WMS who had originally permitted the project. This WMS said that he thought the concept could fit within the original permits that were applied for the project but he was no longer the WMS as he was assigned to a new role at DNR.
- The original WMS sent an email to the new WMS explaining the situation and how the Conservation Staff would like to move forward.
- The new WMS decided it didn't fit within the original permit and that we'd have to apply for a new individual permit (extremely tedious and long process) if we wanted to do anything. No discussion or suggestions of alternatives.
- Conservation Staff attempted to work with new WMS and consulted with Eric Evensen to figure out a way to fix the problem while not having to apply for new permits.
- After several months, new WMS finally concluded that we could put in some woody structures similar to what was originally done in other areas of the park to fix the problem.

Current Status: Conservation Staff now have approval to move forward as they had hoped, but a full season has passed. Conservation concerns that should have been addressed last fall are still not fixed.

Related Issue not from this project but a similar project:

Conservation Staff was working on a streambank restoration project to reduce erosion. Staff was installing root wads in place of riprap, which is a common practice that has been done in the area over the past 3-5 years. Staff applied for a General Permit for the project. The GP has been issued for this practice in similar circumstances many times before. Part of the process for the GP issuance is to get approval for the practice from WDNR Fisheries Staff.

New Fisheries Staff told Conservation Staff that they were not familiar with the type of practice and would need to see some that had been previously installed to determine if they would work. This is a very simple and common practice that Conservation Staff feels Fisheries Staff who are hired and in charge of making stream decisions should understand. Conservation Staff was able to get approval from a higher up Fisheries Staff to continue to move forward with the permit application process but if not, there are concerns from Conservation Staff that permits for common sense practices are held up due to inexperience.

Additional notes from this project:

We understand that there is a learning curve for new staff in any position. We understand that a new WMS can't be experts in every type of situation in their first few years on the job. We would expect a new WMS to allow a project to advance under the recommendation of the WMS who was working on the project so as to not delay conservation work. We would also expect a WMS to consider Conservation Staff partners in protecting and restoring the environment instead of adversaries.

Project: Agricultural Streambank Restoration

Goals: Stop actively eroding stream bank erosion on agricultural land to reduce sediment and phosphorus loading to the waterway and prevent loss of land for the property owner.

History: In years past, it was understood that any project work done above the ordinary high water mark Conservation Staff would not need to get a permit to do work through DNR and would only need to work through their local zoning department. If construction went into or below the ordinary high-water mark, then you would work with the DNR.

Project Plan: Conservation Staff had a design plan to regrade the streambanks above the ordinary high-water mark that were currently at a 1:1 grade. Conservation Staff was going to regrade those banks above the high-water mark to an 8:1 grade. Regrading would allow the farmer to manage vegetation and will offer more filtration and bank stabilization.

Confusion: Conservation Staff was informed by WMS that any work in a navigable channel will require a DNR permit and that the project would fall under stream realignment. Conservation Staff was also informed that any work that was conducted on a navigable channel above or below the ordinary high would require a DNR permit from them. Confused by what seemed to be a change in rules, Conservation Staff reached out to a WMS from a different area to ask if the information provided by the current WMS was valid who confirmed that rules had not changed and based on what was told, a DNR permit should not be required. Conservation Staff, respectfully disagreed with their WMS who stood firm in the original decision and refused to seek guidance from others in the department.

Result: The project was stalled while Conservation Staff advanced a 90-day individual permit with a public hearing that was required by the WMS. The construction was unable to happen in time for revegetation before winter so the project was delayed a whole year resulting in continued erosion of the streambank. Beyond delaying the project, additional expenses were incurred.

Concern: This project should have been able to advance without DNR permit because it was work done above the ordinary high-water mark. Additionally, this was an agricultural project, which should have also fallen under the agriculture exemption.

Understanding that there is a learning curve for new WMS, mistakes, misunderstandings and misinterpretations of the rules are anticipated. However, when respectfully confronted about a finding from experienced Conservation Staff who should be considered partners working to advance conservation work in support of WDNR's ultimate mission of Preserving and enhancing the natural resources of Wisconsin, it would be anticipated to be met with a spirit of collaboration instead of opposition.

Additional Concern: While DNR does not have jurisdiction above the ordinary high-water mark, the WMS is responsible for determining the ordinary high-water mark. Consistent and comprehensive training of new WMS is important.

Project: Agricultural Runoff Treatment System (ARTS) (Sediment Basin and Constructed Wetland)

Goals: ARTS are implemented to serve two purposes: 1. Capture runoff from agricultural fields and allow pollutants (sediment and nutrients) to settle and cleaner water leave the pond either through the outlet or through infiltration and 2. Capture water during storm events to reduce the volume of water causing downstream streambank erosion and/or potential flooding.

Background: County Staff have worked with property owner to identify sites for ARTS that would have downstream water quality benefits. Project funding has been secured through a Great Lakes Restoration Initiative grant.

Steps to advance restoration project:

- Conservation Staff started conversations with DNR in early 2023. Staff met with the WMS for an on-site visit to review the project goals and make some initial determinations. During this meeting, the WMS marked a location as the point of navigability for the system. This point was to be used to determine where Chapter 30 permitting started (going towards the Creek) for the project and where Chapter 31 permitting would occur.
- Conversation continued in regards to permitting and we got the Ch 31 Staff involved. We had a meeting with DNR Ch 31 Staff on-site to discuss the project.
- After our on-site with the Ch 31 Staff, a virtual meeting was held with both the Ch 30 and Ch 31 Staff. Conservation Staff discussed the project further to make sure that everyone was on the same page and the correct permits were being requested. At this point, the WMS had made a decision to deem the project location that we were working on a “ravine” which is exempt from Ch 31 permitting. This was discussed with both the Ch 30 and Ch 31 Staff on the zoom call. Conservation Staff received an email stating the ravine determination and what permits would be needed to apply for in regards to the rest of the project.
- The following day, Conservation Staff received an email stating that they needed to hold off and that internal discussion was occurring regarding the decisions made. From what conservation Staff understand, the Ch 31 Staff was not comfortable with the decisions made by the WMS (someone who has held his position for many years and made countless determinations) and went to a higher up Water Regulations Staff for additional review. During this review, it was immediately determined that all the original determinations were incorrect and that they’d have to restart. At this point, about 7 months passed since the initial meeting with Ch 30 Staff.
- Conservation Staff held another meeting with the higher up Water Regs Staff and the Ch 31 Staff on-site to discuss. The Water Regs Staff made new navigability determinations and also refuted the concept of a ravine because in his words “ravines don’t exist in this part of the state.”
- Meanwhile, the original WMS was relocated to a different part of the state and our project was handed off to the new staff. This new staff has far less seniority and experience than the original which has thrown even more complications into the project.
- A meeting was set up for the original WMS to explain his thoughts and determinations for the new WMS to understand. Instead of going with his determinations, she has now decided that she needs to do her own reviews of the project.

Current Status: It’s almost a year later and we still don’t have an exact answer as to what permits need to be applied for. This is a grant funded project that needs to be complete by the end of the year in order to meet the funding requirements. We have real concerns that this conservation project and the great momentum it is producing the community will be lost.

Recent Update: Conservation Staff report that permits were received.

Project: Agricultural Runoff Treatment System (ARTS) (Sediment Basin and Constructed Wetland)

Goals: ARTS are implemented to serve two purposes: 1. Capture runoff from agricultural fields and allow pollutants (sediment and nutrients) to settle and cleaner water leave the pond either through the outlet or through infiltration and 2. Capture water during storm events to reduce the volume of water causing downstream streambank erosion and/or potential flooding.

Background: County Staff have worked with property owner to identify sites for ARTS that would have downstream water quality benefits. Project funding has been secured through a Great Lakes Commission grant.

Steps to advance restoration project:

- The steps to advance this project have been similar to the previous ARTS story. All of the same meeting regarding this site were held. During the meeting with the new WMS Staff, the original WMS explained his thoughts on navigability but said ultimately it was up to the new staff to make their own determination or agree with what had originally been done (again, the prior WMS had 10+ years of experience and the new WMS is within the first year or 2).
- The new WMS sent an email saying that a desktop review was performed and a new navigability determination was made stating that the entire mapped line (which was previously determined to be non-nav by the original WMS) is now navigable and we'll have to go through Ch 31 permitting.

Additional Considerations for Conservation Work:

Understanding rules are in place to ensure protection of our natural areas and downstream property owners and not wanting to jeopardize the importance of those rules, we do believe that if the main goal of the entire project is conservation to protect and/or restore degraded ecosystems and the project is being funded by grant funding set aside by the state or federal government to advance conservation work that the scrutiny of that work for permit issuance should not need to be to the same degree of projects that have the main goal of development or private benefit.

Project: Restore previous flow to waterways

Goals: Restore flow to a waterway to reduce erosion from neighboring field.

Background: Conservation Staff was working with a landowner to regrade a short section of non-navigable waterway, visible in aerial photos back to the 1950's. This section of the waterway has historically been and is continued to be used as drainage passage for fields upstream. Sediment has deposited in the waterway causing overflow and severe erosion in the adjacent field. This waterway is located in a mapped wetland area. The quality of the portion of mapped wetland that is not farmed, is degraded – the wetland consists of a monotypic stand of reed canary mowed yearly for marsh hay.

Steps to advance restoration project:

- Conservation Staff worked with the property owner to design a solution which included re-grading a short section of the non-navigable waterway.
- Conservation Staff reached out to WMS to explain the project, why it was necessary and receive guidance on advancing through the permit process.
- WMS informed the Staff that a permit would not be issued since a better way to not impact the wetland was to seed the farmland down into permanent vegetation. The conservation Staff would have agreed if they were trying to create a new waterway, however, they were trying to work with the landowner to fix an issue on an existing waterway.

Current Status: Project has stopped in its tracks.

Concerns:

The WMS's recommendation to seed the farmland down into permanent vegetation was not a realistic solution to the problem the landowner was facing. While permanent vegetation on all fields would be best for the environment, we still have an agricultural system that must be supported. Until we have a continuous cover system as part of our agriculture system, sedimentation of ditches and channels is part of agriculture. If sediment is not removed from watercourses it can lead to a lot of larger problems with out of bank flow taking sediment from the fields and depositing back into the channels. It can also lead to flooding and ponding issues.

In reality, the majority of property owners are not going to let ditches or waterways fill in, flood and erode their property without taking action.

Conservation Staff and DNR can either be a resource and help guide them to the best course of action that protects their land while delivering the best outcome for the health of the surrounding land and waters or we can offer solutions that do not work in the reality of the situation. If we choose to go that way, property owners will likely not ask the next time and a potential partner in conservation is lost.

If we are actively working with farmers to promote conservation practices across their farm, and we are asking them to have flexibility and manage their land in a way that is beneficial for the downstream ecosystem, we also need to acknowledge improvements and not require perfection.

Project: Agricultural Ditch Maintenance

Not specific project example – overview of process from the Conservation Staff perspective

Background: Current state rules allow for a certain amount of soil to runoff of farm fields each year. As long as soil is allowed to leave the fields, we can anticipate sedimentation of ditches. Without proper maintenance of drainage systems that collect agricultural runoff, larger problems including out of bank flow causing additional field erosion and flooding may occur.

Experience: While dredging of ditches is allowable under agriculture exemptions, the action of dredging, if done through the proper channels, requires a significant amount of red tape and expense which often results in landowners not conducting necessary maintenance or landowners not seeking assistance for the practice which could result in negative environmental impacts. Property owners that have sought the assistance of Conservation Staff to dredge their ditch have been required to secure:

- FSA Certification: AD-1026 form Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification
- County permit
- DNR permit

One of the largest hurdles that farmers experience when attempting to get approval to dredge a ditch located adjacent to a farm field is determining where the dredge material can be placed. If the field adjacent to the ditch has wetland indicator soils, even if it is being actively plowed for agricultural use and the dredged material likely came from the fields, the dredged material cannot be reapplied to the fields as this would be considered wetland fill.

Concerns:

Until we have a continuous cover system as part of our agriculture system, sedimentation of ditches and channels is part of agriculture. If sediment is not removed from watercourses it can lead to a lot of larger problems with out of bank flow taking sediment from the fields and depositing back into the channels. It can also lead to flooding and ponding issues.

If we make working with Conservation Staff to properly maintain ditches too difficult, property owners will either not maintain (leading to larger conservation problems) or maintain them without direction of Conservation Staff (potentially leading to additional conservation problems.)

Understanding that wetland fill rules are important for the protection of the valuable ecosystem services that wetlands offer and that we do not want to lose potential wetlands to development, to not allow sediment that has runoff agricultural fields to be placed back on to agricultural fields that continue to be managed for agricultural seems to be adding complexity and cost to a relatively simple conservation practice.

Could the context of what is being done and why it is being done allow for sediment dredged from ditches or spoils from a conservation practice happening on or adjacent to a farm field be justification for allowing fill from agricultural fields to be place on agricultural fields with wetland indicators without jeopardizing the integrity of the wetland fill rules for development purposes?

**Project: Multiple – looking for support from WMS on
Not specific project example – overview of process from the Conservation Staff perspective**

Background: In the past, County Conservation Staff have been able to invite a WMS to an onsite premeeting to discuss a project and develop a plan for how to advance a conservation project permit application. The WMS would provide the needed wetland identification so that an expensive delineation would not be needed for projects that are being implemented in a severely degraded wetland or active agricultural field.

Current Experience: County Conservation Staff recently invited their WMS to do a few onsite visits after much back and forth through email to try to advance conservation projects. The County staff believed if the WMS came out on site and actually saw the condition of the sites in person, the WMS would be able to do a field determination and the applications would finally be able to advance. Following the invite, the response from the WMS was “I have already made jurisdictional determinations and we are told that we cannot make field determinations as we have WDNR Delineators to do this.”

The WMS was invited multiple times to come out to the project sites to see what the reality of the agricultural fields actually looked like but WMS relied solely on desktop reviews to make the jurisdictional determination. This experience followed a meeting in which the Supervisor said that WMS staff are being directed to do field visits.

Current Status of Projects: County Conservation Staff is assisting private landowners in sending in the permit applications, paying the application fee and hoping that if the application comes directly from the property owner and not tied to the County Conservation Staff that the permit will be issued. Conservation Staff is frustrated that they spend so much time back and forth with DNR and still have to have landowners submit permit applications that they are not confident will be approved. Landowners are frustrated with the process and the expense.

Concerns:

Since the WMS does not come out into the field to visit actual projects sites, months are spent with back-and-forth communication and often unnecessary determination are required that add extra cost for landowner or stop projects in their tracks. Much of the county is now included in the wetland indicator layer that is used to make the jurisdictional determinations but the reality out in the field is very different than the determination layer.

Conservation staff want to highlight that this WMS is very quick to respond to emails and calls and does provide some really good information that is appreciated.