

The background features a complex, abstract pattern of overlapping, semi-transparent geometric shapes in various shades of blue, teal, and green. Superimposed on this pattern are white, stylized circuit board traces that branch out from the central text box towards the left and right edges of the frame.

WETLAND STUDY COUNCIL MEETING MATERIALS

9/8/2022

TODAY'S OBJECTIVES

GENERAL PERMITS

WWCT

GRANTS

ACT 183



GENERAL PERMITS ISSUED TO DATE

- WDNR-GP1-2017 Wetland disturbance- Residential/Industrial/Commercial
- WDNR-GP2-2017 Wetland disturbance- Municipal Highway, Bridges, etc.
- WDNR-GP3-2018 Utilities to Place Fill in Wetlands, Place Temporary Bridges...
- WDNR-GP4-2013 Wetland disturbance- Recreational development
- WDNR-GP5-2018 Remove accumulated plant and animal nuisance deposits
- WDNR-GP6-2019 Fish habitat structures in navigable waters
- WDNR-GP8-2013 Wetland General Permit- City of Superior SAMP
- WDNR-GP10-2014 Wetland disturbance- Dam maintenance
- WDNR-GP11-2015 Wetland disturbance- Municipal Development
- WDNR-GP12-2015 Temporary Waterway Crossings for Forest Management Activities
- WDNR-GP13-2014 Dredging in a Previously Dredged Area
- WDNR-GP14-2016 USDA Forest Service Chequamegon-Nicolet National Forest
- WDNR-GP15-2017 Stream Habitat Projects Designed by Government Agencies
- **WDNR-GP16-2017 Wetland established incidental to construction activities**
- WDNR-GP17-2017 Waterway GP for small scale dredging
- WDNR-GP18-2018 Waterway and Wetland GP for Certain Ag WQ Activities
- WDNR-GP19-2019 Permanent Boat Shelter GP
- WDNR-GP20-2018 Riparian Navigational Dredging of Man-Made Impoundments
- WDNR-GP21-2018 Waterway Crossings

GP PLANNING FOR 2022-2023

NEW GENERAL PERMITS

- Hydrologic Restoration
- Wetland Minor Discharges
- Riprap of 500 ft or less
- Piers
- Dredging up to ~100 cubic yard
- Ponds including nonmetallic mining

GENERAL PERMIT REISSUANCE

- GP-1 (com/res/indus wetlands)
- GP-14 (USFS)
- GP-15 (stream habitat)
- GP-17 (small scale dredging)
- GP-4 (recreation wetland)
- GP-5 (nuisance plants dredging)
- GP-18 (WQ conservation)
- GP-20 (Riparian navigation dredging)

STATUTORY REQUIREMENTS AND SIDEBOARDS WETLANDS

General Permit Standards **MUST** ensure:

- Discharges will cause only minimal adverse environmental effects
- May apply only to a single and complete project
- May not impact rare and high quality wetland types
- Must be reissued every 5 years
- Public comment and hearing process established

Application requirements **MUST** ensure:

- Avoid and minimize standards
- Complete application

SPECIFIC GP AUTHORITY WETLANDS

Must create the following GPs (s. 281.36(3g)):

- A discharge that is necessary for the treatment or disposal of hazardous waste or toxic pollutants
- Temporary access and dewatering, if the discharge does not affect more than 2 acres of wetland
- Temporary or permanent discharge for routine utility construction and maintenance projects → GP-3
- Discharge that is part of a development for industrial purposes
- Discharge that is part of a development for commercial purposes,
- Discharge that is part of a development for residential purposes
- Discharge that is part of a development for agricultural or aquacultural purposes
- Discharge that is part of a development for municipal purposes, → GP-11
- A discharge that is part of a development for recreational purposes, → GP-4
- A discharge that is necessary for the construction, reconstruction, or maintenance of a bridge or culvert that is part of a transportation project → GP-2

SPECIFIC GP AUTHORITY WETLANDS

(b) Additional required permits. In addition to the wetland general permits required under par. (a), the department shall issue wetland general permits that are consistent with, and correspond to, any general permits that are issued under 33 USC 1344 (e) and that regulate discharges other than those regulated under the required wetland general permits issued under par. (a).

Example:

WDNR-GP8-2019

*Wetland General Permit- City of Superior
Special Area Management Plan*

- Application process waived (Section 281.36(3g)(h)4)
- No fee
- Cannot be reissued before USACE reissues their permit

Possible NWP's for Consideration

NWP 3	Maintenance
NWP 4	Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
NWP 5	Scientific Measurement Devices
NWP 6	Survey Activities
NWP 7	Outfall Structures and Associated Intake Structures
NWP 11	Temporary Recreational Structures
NWP 18	Minor Discharges
NWP 25	Structural Discharges
NWP 30	Moist Soil Management for Wildlife
NWP 32	Completed Enforcement Actions
NWP 33	Temporary Construction, Access, and Dewatering
NWP 40	Agricultural Activities

SPECIFIC GP AUTHORITY WETLANDS

(c) Additional permits. The department may issue wetland general permits, in addition to those required under pars. (a) and (b), to regulate other discharges that affect wetlands located in this state.

Example:

WDNR-GP10-2014- Dam Maintenance

- Utilizes typical application process
 - Does not utilize application waiver process (Section 281.36(3g)(h)4)
- Not influenced by USACE permit or timeline

STEPS TO FINALIZE GP



DRAFT GENERAL PERMIT



PUBLIC COMMENT
RESPONSE



FINAL GP AND GP
CHECKLIST



E-PERMITTING UPDATES



PERMIT TEMPLATE
UPDATE/DEVELOPMENT



TRAINING

QUESTIONS FOR THE WSC



Is there additional engagement that would be helpful?



Are there other wetland GPs that the WSC would recommend?

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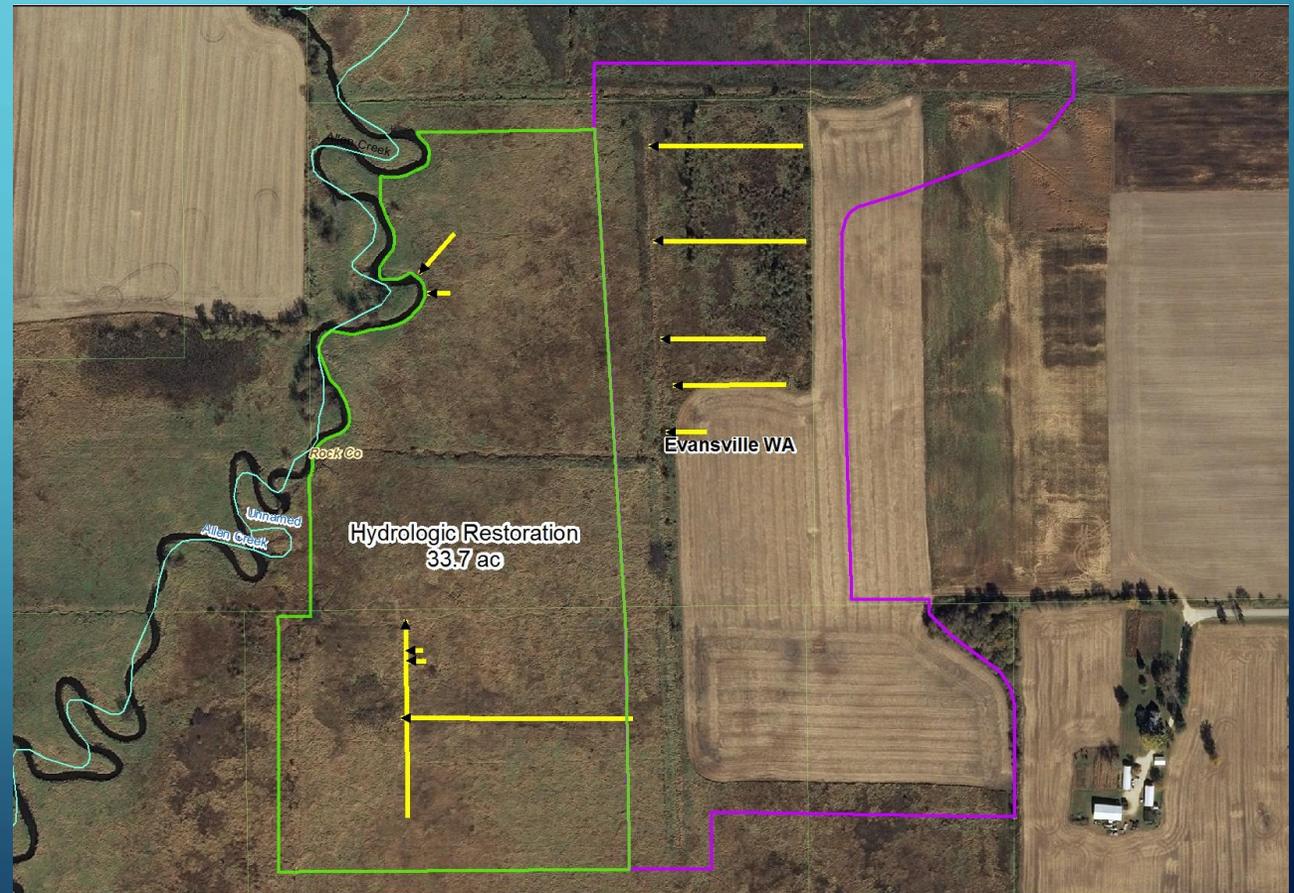


WISCONSIN WETLAND CONSERVATION TRUST

- Established in 2014
- ILF-focused until 2020 with GP-1 surcharge deployment
 - Current surcharge fee is \$200
 - Operated as a grant
 - Can be leveraged with other funding sources
 - Has restored 165 acres of wetlands since 2020
 - 11 projects, \$220,090 investment
 - No fee increase since 2010
 - Current balance is \$174,841

EVANSVILLE WILDLIFE AREA

- Restore hydrology to roughly 40 acres adjacent to ILF and wildlife area
 - Reduce downstream flood risk
- Enhance degraded Southern Sedge Meadow and Wet Prairie plant communities
- Funding used as match with wildlife funding sources to maximize project scope



GP1 SURCHARGE QUESTIONS

- Does the WSC see value in increasing the GP-1 mitigation surcharge?
- Does the WSC support surcharge adjustments through the permit reissuance process?

(11) RESTORATION; SURCHARGE FEE.

(a) The department shall set a surcharge fee to be charged for each application to proceed under a wetland general permit that is issued under sub. (3g) (a) 4., 5., or 6. The surcharge fee shall be set on an annual basis by the department and may not exceed more than 50 percent of the market price, as determined by the department, for the equivalent purchase of credits from a mitigation bank. These fees shall be credited to the appropriation account under s. 20.370 (9) (bm) for the restoration and creation of wetlands. The department may enter into agreements with other entities for the restoration and creation of such wetlands.

NRCS WETLAND AGRICULTURAL MITIGATION BANKING PROGRAM



NATHAN DHUEY, DNR AG WETLAND MITIGATION SPECIALIST

SEP. 8, 2022

PROGRAM INTRODUCTION

- NRCS created grant program to help states create ag mitigation banking opportunities for producers
- Only allowable to mitigate for wetland impacts regulated by the Food Security Act
- Only agricultural activities that increase commodity production are eligible.



1.



Drained farm field



Restoration

Credit generation

2.



Fees

WAMB Credits



3. Wetland Ag impacts



Successful Farm

PROGRAM BACKGROUND

- Currently, Ag WMBP programs in 12 states, mainly midwestern.
- Administered by wide range of entities (State governments, consultants, non-profits, Farm Bureaus)
- Credits significantly cheaper than Clean Water Act mitigation (\$7,000 - \$30,000)



WISCONSIN DNR GOALS

- DNR received grant award Feb. 2022, began developing program May 2022.
- Provide additional NRCS wetland compliance options for producers
- Diversify WWCT program
- Restore more wetland acres to Wisconsin



AG MITIGATION IN WISCONSIN

- To stay in compliance, farmers current options are to mitigate on their own, or forego their ag activity in wetlands.
- Program would be available for both proactive and retroactive activities.
- Eligible wetland impacts likely less in Wisconsin than other states.



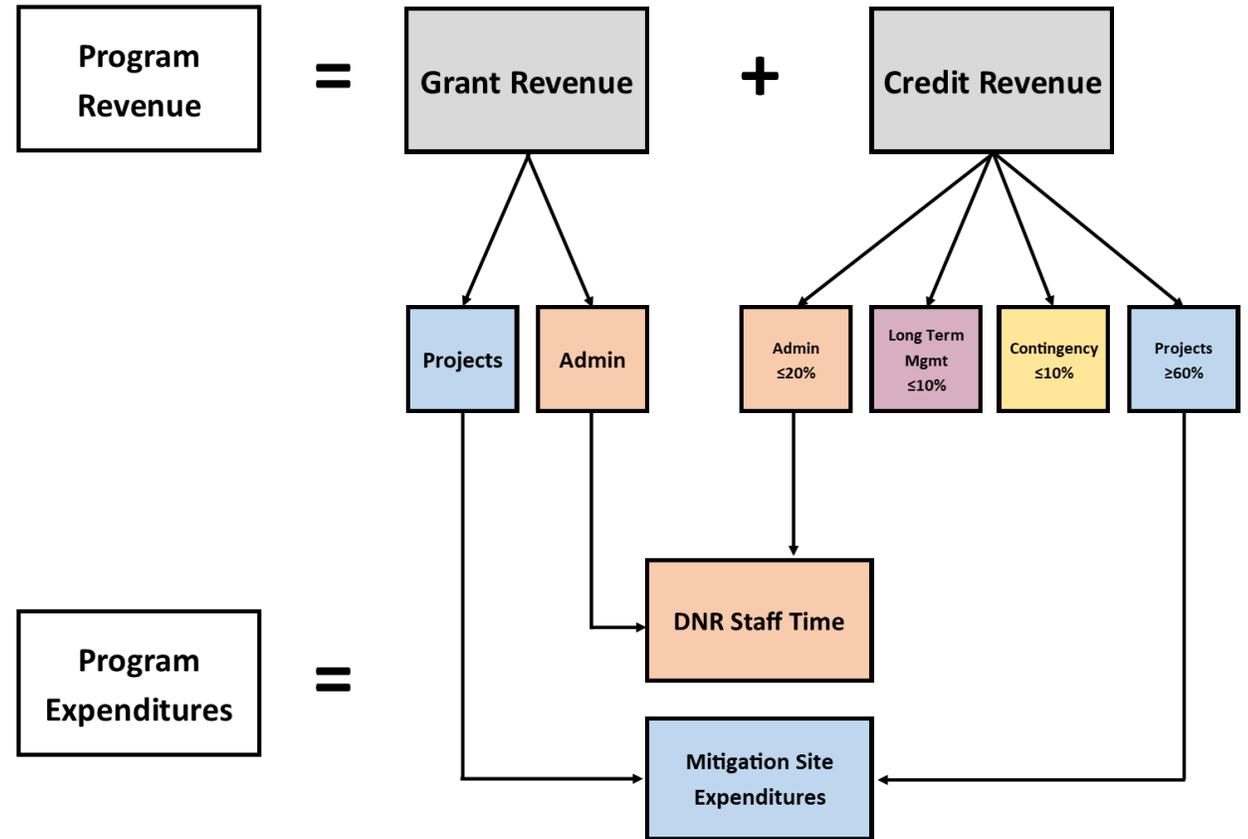
TIMELINES

- Fall-Winter 2022: Program Creation, approval of program structure by WI and National NRCS
- Spring 2023: Project planning and development
- Fall 2023: Initial mitigation site construction, first credits become available for sale.
- Currently have two sites identified (MKE and Dane County owned). Both marginal ag land with drain tile features, hydric soils, ditches.



CREDIT SALES

- Use of program is completely optional for producers
- Only sell credits when NRCS has told producer it is a valid option
- DNR plans to sell credits. Prices would be set only to recoup costs of projects and to sustain the program.



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ONGOING
AND
UPCOMING
GRANT
EFFORTS

Natural scenic beauty grant

Mitigation guidelines update

WRAM update

WQT/SQT

Rapid FQA

Agriculture mitigation grant

Coastal wetland mapping grant (DOA CMP)

Coastal technical assistance grant (DOA CMP)

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UPDATES TO ACT 183 IMPLEMENTATION

1. NRCS certified “prior converted” determinations can be used as nonfederal jurisdiction determinations

- On January 28, 2020 NRCS and EPA agreed to rescind the 2005 memo that directed how wetlands and waterways would be assessed between the two agencies
 - No “take backs” for prior converted wetlands
- **What it Takes for Farmland to Qualify as Prior Converted Cropland**
 - Farmland must meet **all of the following criteria** for it to be designated as Prior Converted Cropland:
 - Cropped prior to December 23, 1985 with an agricultural commodity (an annually tilled crop such as corn);
 - The land was cleared, drained or otherwise manipulated to make it possible to plant a crop;
 - The land has continued to be used for agricultural purposes (cropping, haying or grazing)
 - The land does not flood or pond for more than 14 days during the growing season
 - **Woodland, pasture and hayland without a history of annual tillage and cropping do not qualify as Prior Converted Cropland.**



UPDATES TO ACT 183 IMPLEMENTATION

2. Clarify benefits of nonfederal confirmation process

- DNR confirmation process only
- Not a requirement for nonfederal exemptions
- May be helpful to solidify state exemption eligibility if WOTUS changes
- Does not impact federal jurisdiction including mitigation requirements



UPDATES TO ACT 183 IMPLEMENTATION

3. Wetland trainings for Regional Planning Commissions

- Supporting right-sized regulations within areawide water quality management plans (NR 121)
 - Streamlining processes based on wetland quality
- Providing training for wetland quality and exemption determinations



ADDITIONAL ACT 183 DISCUSSION ITEMS

- Agriculture structures and drainage ditches
- Mitigation and secondary impacts
- Other?

QUESTIONS?

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