

Wisconsin's Green Fire: Voices for Conservation

Testimony Relating to 2017 Senate Bill 816 and Potential Amendment Similar to Assembly Amendment 2 to Assembly Bill 956

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Ron Grasshoff, Wisconsin's Green Fire

I am Ron Grasshoff. I retired from the WI DNR after 20 years in the water and wetlands and Environmental Impact Analysis programs. I reside in the Town of West Point, in Columbia County Wisconsin. I appear today representing Wisconsin's Green Fire.

Wisconsin's Green Fire: Voices for Conservation (WGF) is an independent nonpartisan organization formed in 2017. WGF supports the conservation legacy of Wisconsin by promoting science-based management of its natural resources. Members represent extensive experience in natural resource management, environmental law and policy, scientific research, and education. Members have backgrounds in government, non-governmental organizations, universities and colleges and the private sector. More information about WGF can be found at www.wigreenfire.org.

Wisconsin's Green Fire does not have concerns about 2017 Senate Bill 816 addressing the statewide wetlands mitigation program.

However, WGF notes that Assembly Amendment 2 to Assembly Bill 956 passed on February 22, 2018, contains language to clearly exempt a single business, Meteor Timber Company, from wetland permitting requirements.

Two environmental organizations are challenging the wetland fill permit issued by the Department of Natural Resources (DNR) to Meteor Timber through a Contested Case Hearing scheduled for February 26 - March 2. A central issue is whether the decision to allow filling the rare wetlands on site meets legal standards and is supported by the facts, given the difficulty of mitigating for loss of those wetlands. The environmental groups are following the process laid out in Wisconsin law for citizens to legally challenge a permit decision.

If enacted into law, AB 956 as amended would intervene in the established review process of the permit decision to give preferential treatment to a business for which the permit is questioned by the public.

When a developer applies for a permit to fill wetlands, they must consider practical alternatives to avoid wetlands and ways to minimize impacts. For large fills, the developer must plan compensatory mitigation for the wetlands that would be lost. The DNR reviews the entire proposal along with information on the quality and functions of the wetlands that would be impacted. The DNR must consider all of those factors when evaluating a permit, and lays out the facts supporting the decision in the permit documents.

WGF opposes a potential Amendment to SB 816 similar to Assembly Amendment 2 to Assembly Bill 956.

Wisconsin's Green Fire: Voices for Conservation is a newly formed independent nonpartisan organization. We support the conservation legacy of Wisconsin - promoting science-based management of natural resources.

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In my experience, three disciplines: law, biology, and engineering are at a play when projects require a permit or approval for a number of activities involving our water resources including wetlands. The regulatory process works best when all three disciplines are in balance. The permit process does not function as

Intended when one element is removed. An amendment, similar to Assembly Amendment 2 would in effect circumvent the administrative review process available to citizens of Wisconsin. As a DNR retiree who has testified at several contested case hearings on behalf of the agency I can say with confidence that if projects meet legal standards they are approved as permitted or with conditions set by the Administrative Law Judge. The process works and all parties get the opportunity to make their case.

We trust that examination of the facts and conclusions consistent with the law will prevail through the permit review process. Legislative actions to intervene would deprive the public of the right for review.

Thank you