

Land Use and Wetlands

Kyle Magyera, Policy Specialist



Negative Historical Perspectives

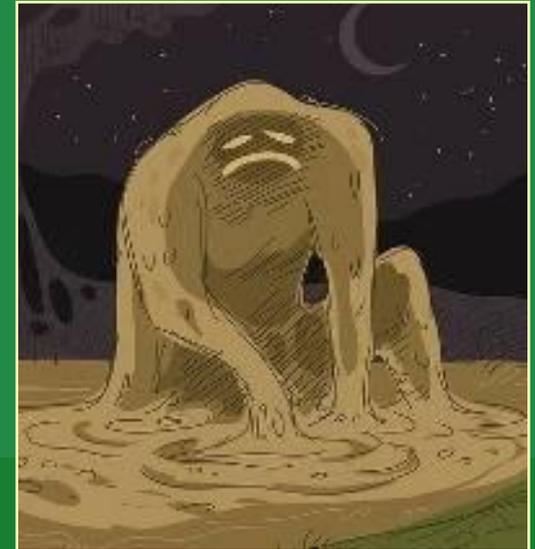
- Wetlands are wastelands



- Wetlands breed disease and pestilence



- Wetlands are obstacles to progress



Undervaluation



- Half of pre-settlement wetlands are gone
- Wetland services are not well known
- Not valued similarly as lakes and rivers
- Believed to be replaceable
- Disturbed and small wetlands are written off



Identification Problems

- Not all have standing water
- Some have trees, other wetlands do not
- Difficult to distinguish between margins of lakes, rivers, and forests
 - “Shallows”, “floodplain forest”
- Delineating boundaries requires professional expertise



A Balancing Act

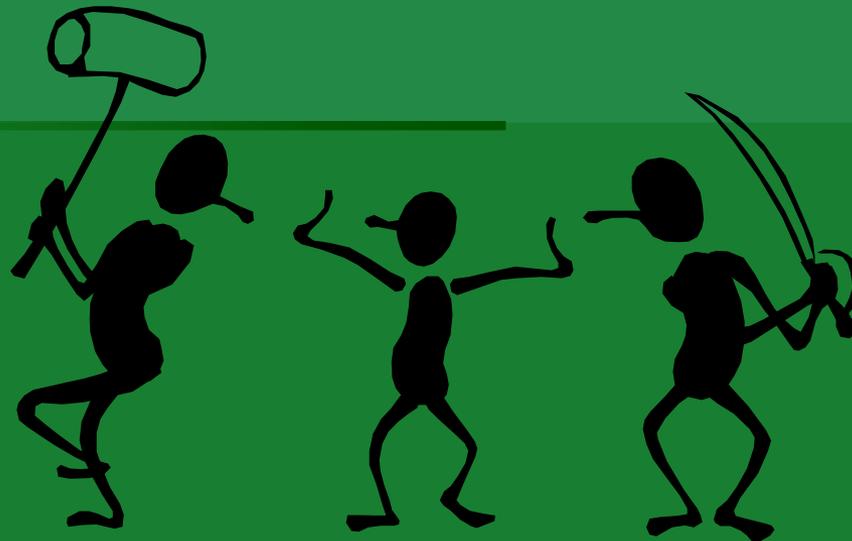


**Private property
rights**

**Public need for
wetland functions**

Communication Challenges

Lack of understanding and valuation of wetlands, and wetland laws, leads to **CONTROVERSY**



Regulatory Tensions

Elected officials and landowners may not fully understand the wetland permit decision making process

“The Corps of Engineers says this isn’t a wetland but WDNR says it is!”

“We’ve offered to replace twice as many wetlands as we fill and the regulators still say no....it doesn’t make any sense!”

“WDNR exercises too much discretion....”

Regulatory Tensions

Local land use approvals and state and federal wetland regulatory programs are not well integrated

“I received all the permits and approvals I needed from my town board, then WDNR comes in and tells me I’ve broken the law!”



Addressing Wetland Protection Challenges

LAND USE AND WETLANDS:

A Local Decision Makers Guide to Wetland Conservation

All local decision makers, whether an elected or appointed official, volunteer committee member, or staff, face difficult questions about how to meet community needs for housing, public infrastructure, and economic development while also protecting sensitive natural resources. Land use conflicts are common, and in Wisconsin's wetland-rich landscape some of the most difficult cases involve wetlands.

Though wetlands were once perceived as wastelands, today the natural functions and public benefits of wetlands are well understood by both scientists and land managers. Wetlands now receive special protections under both state and federal law and public support for wetland preservation has increased tremendously in recent decades.

Despite these gains, large gaps still exist in the public's understanding of what and where wetlands are; why they matter; and how they are protected. These gaps fuel public controversies over wetland development proposals, and sometimes result in land use decisions being made without full or accurate information about the economic and ecological consequences of wetland loss.

The purpose of this publication is to improve wetland conservation and reduce wetland controversies by providing town, village, city and county land use decision makers with basic information about Wisconsin's wetland heritage (p. 2); the various community benefits of wetlands (pp. 3-4); wetland permit requirements (pp. 4-5); and practical steps that will help local land use officials consider wetland concerns in their decision making (pp. 6-7).

Thank you for your interest in protecting Wisconsin's wetland heritage. For more information on the wetlands of Wisconsin and Wisconsin Wetlands Association's outreach and policy programs, please visit www.wisconsinwetlands.org.

Who Should Use This Guide?

1. Land Use Decision Makers of Town, Village, City or County:
 - Boards of Supervisors
 - Boards of Adjustments or Appeals
 - Planning, Zoning and Land Conservation Commissions or Committees
2. Town, Village, City or County Administrators and Staff Members
3. Citizens Interested in Influencing Local Land Use Decisions

Wisconsin
Wetlands
Association

WISCONSINWETLANDS.ORG



Wisconsin Wetlands Association is dedicated to the protection, restoration and enjoyment of wetlands and associated ecosystems through science-based programs, education and advocacy. Wisconsin Wetlands Association is a non-profit 501 (c)(3) organization.



LAND USE AND WETLANDS

A Local Decision Makers' Guide to Wetland Conservation

Partners:

WI Towns Association

WI Land & Water Conservation Association

WI Assoc. of Land Conservation Employees

1000 Friends of Wisconsin

UWEX Basin Education Initiative & Center for Land Use Education

WI Department of Natural Resources

Project Goals

To improve wetland protection and reduce wetland regulatory tensions by:

- Improving local leaders' understanding of wetlands and wetland laws
- Encouraging more consideration for wetland concerns in local land use decisions
- Improving communication with landowners about wetland permit requirements

Audiences

- Town, village, city, or county:
 - Elected, appointed and volunteer officials
 - Planning, zoning, and land conservation commissions or committees
 - Administrators and staff
- Citizens and organizations interested in protecting local wetlands



Contents of the *Guide*

- About Wisconsin's wetlands
- How wetlands benefit your community
- Common questions about wetland permits
- What can local governments do to protect wetlands?
- Tools for wetland identification



About Wisconsin's Wetlands



Marsh



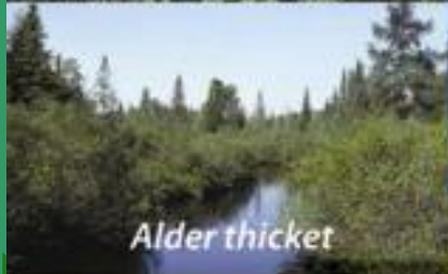
Fen



Sedge Meadow



Low Prairie



Alder thicket



Open Bog



Ephemeral Pond



Shrub Carr



Coniferous Bog



Coniferous Swamp



Floodplain Forest



Lowland Hardwood Swamp

How Wetlands Benefit Your Community



- Improve Quality of Life
- Reduce Flooding
- Improve Water Quality



- Increase Hunting, Fishing, & Recreation Spending

Common Questions about Wetland Permits

- What wetlands are regulated?
- What activities are regulated?
- When are permits approved or denied?
- Is shoreland-wetland zoning enough?
- Can you fill a wetland as long as one is restored nearby?
 - The myths of mitigation

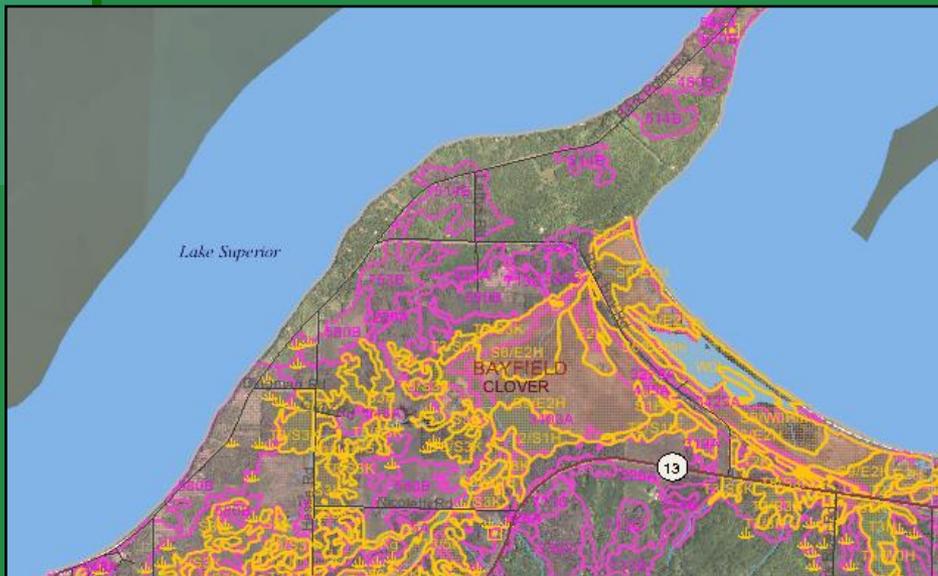
What Can Local Governments do to Protect and Restore Wetlands?

- Establish “avoid and minimize” standards for project review
- Implement wetland land use controls
- Help landowners avoid unauthorized wetland impacts
- Encourage wetland restoration



Tools for Identifying Wetlands

- Included WDNR's 3-step process
 - Step 1: Review Maps
 - Step 2: Look for Physical Clues
 - Step 3: Consult a Professional



Outreach

- Mailings
 - 1 copy to every WTA-member towns & villages, county conservationist & land conservation committee members
- Press Release
- Newsletters
- Conferences
 - WI Towns Association

The screenshot shows the homepage of WisPolitics.com, which is described as "Wisconsin's Premier Political News Service". The main content area features a "PRESS RELEASES" section with a headline: "Wisconsin Wetlands Association: Publication to help local governments consider wetlands in decision-making process 10/2/2009". Below the headline, there is contact information for Kyle Magyera, including a phone number (608.250.9971) and an email address (kyle.magyera@wisconsinwetlands.org). The release text, dated October 2, 2009, states that the Wisconsin Wetlands Association has released a new publication titled "Land Use and Wetlands: A Local Decision-Makers' Guide to Wetland Conservation". The purpose of the guide is to improve wetland protection and reduce controversies by providing basic information to local officials. The release also mentions a 2005 conflict where a landowner filled wetlands without first securing permits from the Wisconsin Department of Natural Resources. The guide aims to help communities avoid wetland use conflicts and encourages more open and productive communication about wetland protection. It also identifies practical steps for local governments to improve wetland protection and water quality. The release is developed with grant support from the Wisconsin Coastal Management Program.

Role of Lake Leaders & Citizens

Become wetland savvy

- Understand wetlands and wetland laws
- Identify community leaders and other citizens supporting wetland protection
- Collaborate with community leaders
 - Includes developers, realtors, contractors, etc.

Encourage Local Action

- Use tools, such as Local Decision Makers' Guide, to educate local officials about:
 - Community benefits of wetlands
 - Regulatory and nonregulatory approaches
- Educate community leaders & media

Participate in the Process

- Open meetings law requirements
- Public hearings and meetings
- Ensure proper implementation and enforcement

Acknowledgments

- Funding for the Guide provided by the WI Coastal Management Program & NOAA Office of Ocean and Coastal Resource Management



WISCONSIN COASTAL
MANAGEMENT PROGRAM



Questions?



www.wisconsinwetlands.org/localgovs

For more information, contact:
Kyle Magyera Policy Specialist
Kyle.magyera@wisconsinwetlands.org
608-250-9971

