



***Wisconsin Wetlands Association Testimony on SB 406  
Presented by Brian Vigue, October 12, 2017***

Thank you for the opportunity to provide testimony on SB 406. I'm Brian Vigue, a Policy Liaison with the Wisconsin Wetlands Association, a statewide, non-partisan, non-profit wetland conservation organization. We envision a state where wetlands are healthy, plentiful, and support ecological and societal needs, and where citizens care for, appreciate, and interact with these natural resources. We have registered in opposition to this bill for three reasons.

First, this bill is very far reaching, and involves projects beyond transmission lines. Wis. Stat. 196.01(5) defines the term "public utility," and SB 406 covers any entity meeting that definition. Far from being restricted to power lines, this bill would include any public entity providing heat, light, water, power, sewerage or telecommunications services. The universe for projects that would involve wetland conversion without the need to mitigate would greatly expand.

Second, this bill changes the wetland permit review process to only consider the amount of a project's permanent fill, not its overall impact on wetland resources. Currently, the permit process considers the total impacts on wetlands by utility projects. Decisions are not solely based on the quantity of permanent fill.

Utility projects are different than other developments, they are largely linear and often take place over often great distances, yet involve little permanent fill. However, the DNR has, when appropriate, moved projects from a general permit process to an individual permit process. This is because of the large impact their operations have on wetlands, such as impacts involving alternation of landscape level hydrology and impacts to habitat due to activities such as large-scale removal of shrubs and trees.

Public utilities are currently receiving the same treatment as any other applicant whose project exceeds a threshold of eligibility for a general permit based on impacts to wetland functions. Keep in mind that a permit applicant can be moved from a general permit to an individual permit if their project affects 10,000 square feet of wetland. This decision is not necessarily dependent on the amount of permanent fill. Wis. Stat. 281.36 requires individual permits on projects with large wetland impacts

Third, both the DNR and U.S. Army Corps of Engineers general permits for public utilities are due for renewal. We fear this bill may complicate their collaborative work.

Our existing wetland statutes and regulations were often produced through a thorough process in which all stakeholders were able to participate. That does not mean, however, that those statutes and regulations can't be revisited to make them better. We ask that you set this bill aside and let the renewal process play out and address any remaining issues at that time. As always, we are here to help you navigate the complexities of wetlands.

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