

Protecting wetlands is a legitimate state concern

A suitable compromise for preserving state wetlands that have lost their federal protection continues to elude lawmakers and Gov. Scott McCallum.

Despite bold declarations by Republicans and Democrats that they are determined to save wetlands from being filled and destroyed by development, the parties seem little closer than when the U.S. Supreme Court created the problem in a January ruling.

The court said isolated wetlands that are not part of some larger surface water system such as a navigable stream, river or lake are beyond the long-assumed jurisdiction of the U.S. Army Corps of Engineers.

The ruling in an Illinois dispute removed protection from wetlands across the nation, in Wisconsin exposing up to 1 million acres to destruction by some calculations.

The outlines of the deadlock are fairly clear. Democrats who control the Senate want broad protections centered in the Department of Natural Resources. Republicans who control the Assembly want narrower DNR authority and more local government control.

The Republican governor has sought to bring the opposing views together in a compromise that could be taken up in a special session that he would call solely to act on that issue before the next regular legislative floor period May 1-10.

Each house adopted a different bill imposing a moratorium on wetland development in the previous floor period ending March 22 but quit without resolving differences.

Emotions flared. Democrats accused Republicans of caving in to moneyed developers who contributed to their campaigns. Republicans accused Democrats of environmental McCarthyism and acting as conspirators or dupes in a DNR power grab scheme.

Republican Rep. Neal Kedzie, Assembly Environmental Committee chairman, is pushing a compromise that to some Senate Democrats is more offensive than an earlier Republican plan that they detested.

Among points of disagreement is Kedzie's insistence that local governments are better situated than state bureaucrats to decide the fates of smaller wetlands.

Local governments and individuals do deserve a voice in local decisions. But Kedzie's local control argument is flawed.

Even tiny wetlands created by human activity such as quarrying influence the environment beyond municipal borders.

Drinking water in distant wells, migratory water fowl and communities of critters and plants depend on wetlands, natural or not, to filter water and provide habitat.

Protecting them is a legitimate statewide concern, not to be handed off like ordinary zoning decisions to local governments. Local control has important virtues including accessibility to local citizens. Unfortunately developers who may have disproportionately greater influence share that access.

In this case, DNR experts are better able to render impartial, scientific judgments. Also the DNR operates through regional offices with staffs familiar with the local lay of the land, so to speak.

A wetlands protection compromise should amply accommodate local government and citizen opinion and avoid excessive DNR authority as well. It should be linked to the new wetlands mitigation law allowing marginally functional wetlands to be filled if the developer improves another wetland or creates a new one.

Above all, scientific judgments, one wetland at a time, must wield the greatest weight in choosing between preserving and developing wetlands.

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