

Halt development until wetlands defined

Northeastern Wisconsin is learning firsthand how legislative inaction in Madison can have an impact at home.

A U.S. Supreme Court decision in January removed U.S. Army Corps of Engineers' control over isolated wetlands. That, in turn, narrowed the jurisdiction of the Wisconsin Department of Natural Resources to protect those areas.

The result is that five well-known Northeastern Wisconsin wetlands are at risk for development: the Morrison-Cooperstown Swamp in Brown and Manitowoc counties, Section Seven Swamp in Brown and Kewaunee counties, Libsky Swamp and parts of Black Ash Swamp in Kewaunee County, and Hutchinson Bog (Blueberry Marsh) in Green Bay and the town of Scott in Brown County.

Wetlands are areas in which water covers the soil, or is at or near the surface of the soil for varying periods of time. In Wisconsin, they generally include marshes and wet meadows dominated by herbaceous plants, swamps dominated by shrubs and wooded swamps dominated by trees. Wetlands are considered isolated when they are not connected to navigable waterways. The DNR estimates that the Supreme Court ruling lifted protection from about 4.2 million acres of isolated wetlands.

Gov. Scott McCallum and Wisconsin lawmakers all have said they want to protect these areas, but they can't agree on a law to do it. McCallum planned to propose a solution sometime this week and to call a special session of the Legislature to consider it.

Meanwhile, groups like the Wisconsin Builders Association and Wisconsin Alliance of Cities contend that the DNR is determined to protect every little puddle with a cattail sticking out of it.

They said that the DNR's approach would be "to block construction of a factory or a retail outlet, to stymie compact urban development, to overturn community development plans and to hamstring local officials working to bring better jobs, improved housing and economic growth to their communities."

The result would be increased sprawl, they said.

DNR Secretary Darrell Bazzell responded that small, isolated wetlands are some of Wisconsin's most important because of their place in a watershed.

"They store floodwaters, intercept polluted runoff that would otherwise enter our lakes, streams and forests and provide critical habitat for wildlife and our already declining amphibian and reptile populations," he said.

The loss of isolated wetlands around the state has exacerbated flooding, hurting both property owners and taxpayers, Bazzell said.

The DNR and its opponents are obviously worlds apart on the definition of isolated wetlands and what should be done to protect them. That doesn't mean, however, that the Legislature should fiddle while the wetlands are filled.

Some wetlands certainly are more important than others. But while the DNR and other parties sort that out, the Legislature should impose a moratorium on development of any land that met the definition of an isolated wetland before the U.S. Supreme Court ruling.

That moratorium should remain in effect until lawmakers adopt a permanent wetlands-protection law.

(END)