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Dear Mary,

Message from the President:

Fall usually turns out to be the busiest time of year for us. Our staff does a very good job of rising to the occasion and finds a way to meet deadlines and get all the work done.

This year we had the added challenge to complete an ALTA survey of the entire campus of Ripon College. The survey was comprised of 33 parcels, containing 246 acres of land and needed to be done by a date certain. The project was encompassed within an area measuring 1.5 miles by .75 miles. It took 306 man hours and 6 weeks to complete.

The successful completion of this project was an entire team effort. The key players were Scott Andersen leading the field work with some assistance from Lydia Flood. The drafting was a collaborative effort by Jim Sehloff, Scott Andersen, Katie DeMarco and Mitch Bauer. A special thanks to Tyler Thiry for picking up the local projects, this helped complete the project in a timely fashion.

As always, we thank you for your business and we hope that you find our newsletter informative.

John R. Davel, P.E.
President

Wetland Permitting Issues

By John R. Davel, P.E.

Representative Jim Steineke recently organized a listening session with DNR Secretary Stepp in response to local developers who were struggling with wetland permitting issues.

The session was hosted by Valley Home Builders Association on October 6. I was asked to present proposed changes to the wetland permitting process that would address the developer's issues.

Several land developers and other engineers who supported the changes were in attendance. After the presentation, a round table discussion was held.

My presentation made three basic points: 1. When it comes to permitting, the department should not treat all wetlands the same, 2. The DNR/ACOE mantra of "Avoid and Minimize" poses particular problems for land developers, and 3. The department should use science and engineering to work with developers who are eager to create compensatory wetlands onsite for the greater environmental benefit.

The most frustrating type of wetland issue is the small or isolated wetlands that appear in the middle of a farm field. These small wetlands can be very disruptive to a design and very difficult to deal with using the current permits and process. A small ditch or dead furrow that the farmer created to drain his field no longer has a purpose once the land is developed.



Frequently, my clients are willing to offer onsite mitigation for these small wetlands. However, the DNR staff's hands are tied by the current regulations. Mitigation cannot be considered until the applicant has demonstrated that he has first attempted to avoid and then minimized impacts to wetlands.

When the designer has a piece of vacant land as the starting point, it can be near impossible to explain why the subdivision cannot be designed around the wetland. And if designed around, the small wetlands are difficult to preserve. The current general permit cannot be used for building sites. In addition, many of the wetlands we have to consider are farmed wetlands; where the depression is created by plowing or created to help drain the field, other manmade depressions or from construction disturbance. The current regulations require that all wetlands be treated the same regardless of size, functional value, quality, or origin.

Therefore, my proposal was simple; for subdivisions I proposed that the isolated wetlands, artificial wetlands, etc. be treated differently than the natural wetlands and wetlands of higher quality and functional values. The DNR should allow for an easier route for the developer to gain permits to fill or disturb these wetlands. First, the



new permit must somehow allow the developer to avoid the requirement to show avoidance, so we can jump to proposing mitigation! Then the permit or process would have to allow the developer to work with DNR Water Management Specialist (WMS) to permit the creation of a new wetland onsite.

Currently there is a shortage of wetland mitigation bank credits and the DNR/ACOE prefer the wetland mitigation occur within the same watershed. And of course, they both would have the goal for no net loss of wetland. I think this is an opportunity to show them a way to achieve all those objectives. DNR staff also seems to believe it is very difficult to create new wetlands. My experience is that many times we create these wetlands by accident! We have also had success on projects creating high quality wetlands, so I know firsthand it is possible.

Since the meeting, the feedback from the DNR has been positive. Secretary Stepp liked the ideas presented and spent the drive time back to Madison on the phone with her staff. I have been asked to participate in the process with DNR staff and the legislators to see these ideas implemented.

I hope this important news update is relevant to your business. If you'd like to learn more information about our firm or services, please give me a call at 920-560-6563, or visit our website at www.davel.pro.

Sincerely,

John Davel
Davel Engineering & Environmental

Davel Engineering & Environmental, Inc.
Civil Engineering & Land Surveying
1811 Racine Street, Menasha, WI 54952
Ph 920-991-1866 Fax 920-830-9595