

Wisconsin Wetland Study Council (WSC)

MITIGATION COMMITTEE

Recommendation on Clean Water Act Section 404 Assumption

April 16, 2020

The Wetlands Study Council recommends the DNR Not pursue authority to issue federal wetland and waterway permits, as allowed under 404 of the federal Clean Water Act, at this time. The 404 program regulates much more than wetlands such as dams and levees, infrastructure development (highways and airports), mining projects, etc. and would require the state to assume many responsibilities outside of wetland oversight. Under federal law, full assumption of the responsibilities to administer 404 would be necessary and would require extensive financial and human resources and potential state law changes. The Wetland Study Council recommends continuing to work on other alternatives to address the concerns of wetland permit timing and consistency that prompted consideration of 404 assumption.