

Status of Wisconsin's Wetland Compensatory Mitigation Program (2019-2020)

A Biennial Report from the WDNR to the Wisconsin State Legislature



Submitted on:

January 29, 2021

For the period:

January 1, 2019 – December 31, 2020

Prepared by:

Wisconsin Department of Natural Resources
101 S. Webster St.
Madison, WI 53707

Contact:

Tom Nedland
Wetland Mitigation Coordinator
Thomas.Nedland@wisconsin.gov
(715) 365-8955

Contents

Purpose of the Report	3
Wetland Compensatory Mitigation in Wisconsin	3
What is Mitigation?	3
Service Areas	4
The Mitigation Hierarchy	4
What is a Credit?	5
Legislative History of Mitigation in Wisconsin	5
When is Mitigation Required?	6
Mitigation Required in the 2019-2020 Biennium	6
Mitigation Credits Currently Available	7
Mitigation Credit Sales 2012-2020	8
Wetland Mitigation Banking Program	9
Background	9
Bank Credit Sales	9
Mitigation Bank Sites	10
Wetland Mitigation Bank Profile: Sugar River Mitigation Bank	11
In-Lieu Fee Program	12
Background	12
ILF Credit Sales & Credit Prices	12
ILF Sites	14
ILF Project Profile: Plover Soik Project	15
Permittee-Responsible Mitigation	16
Background	16
Permittee-Responsible Sites	16
Permittee-Responsible Mitigation Site Profile: Upper French Creek Mitigation Site	17
Summary	17
Additional Resources	18

Cover photo: The Wolf River wetland mitigation bank in Shawano County in 2020.

Purpose of the Report

This biennial report is submitted to the Legislature to fulfill the requirements of [s. 281.36\(13m\) Wis. Stat.](#), which requires the Department of Natural Resources (Department or DNR) to submit “an analysis of the impact of the implementation of mitigation on wetland resources and on the issuance of permits or other approvals”. The report provides background and current status of wetland compensatory mitigation and permitting in Wisconsin. The report focuses on the most-recent biennium, 2019-2020, but also provides summary information for wetland mitigation since 2012. The report provides background, data, and trends for the three types of wetland mitigation available in Wisconsin.

Wetland Compensatory Mitigation in Wisconsin

What is Mitigation?

Wetlands provide many ecosystem services, including flood control, water quality improvement, and fish and wildlife habitat. When unavoidable adverse impacts to wetlands occur, it is beneficial to *mitigate* for those impacts by restoring wetlands to ensure no net loss of wetland functions occur in a watershed over time. Wetland compensatory mitigation is the process of restoring wetlands to compensate for permitted wetland impacts.

The DNR, in partnership with the US Army Corps of Engineers (USACOE), ensures that quality wetland mitigation projects are completed statewide by reviewing and approving private mitigation banks and by administering the In-Lieu Fee (ILF) Program. Through thorough review and planning, wetland mitigation projects are selected that provide the most benefits to the watersheds where they are located.



Wetland mitigation banks, like the Willow Drive bank in Dane County, provide water quality improvement, flood storage, and wildlife habitat.

There are three options for satisfying wetland mitigation requirements in Wisconsin: wetland mitigation banking, the ILF program (named the Wisconsin Wetland Conservation Trust), and permittee responsible mitigation. DNR works with stakeholders to determine which type of mitigation is most appropriate to ensure that wetland functions and values are adequately replaced as close to the area of impact as possible. Detailed

information on each type of mitigation is provided later in the report. During this biennium, 68% of the state’s mitigation requirements were fulfilled by private banks and 32% using ILF credits.

The Wisconsin Department of Transportation (DOT) also conducts wetland mitigation for state-administered transportation projects through a mitigation program agreement between DOT, DNR, USACOE and the US Environmental Protection Agency. Wisconsin DOT mitigation is not addressed in this report.

Service Areas

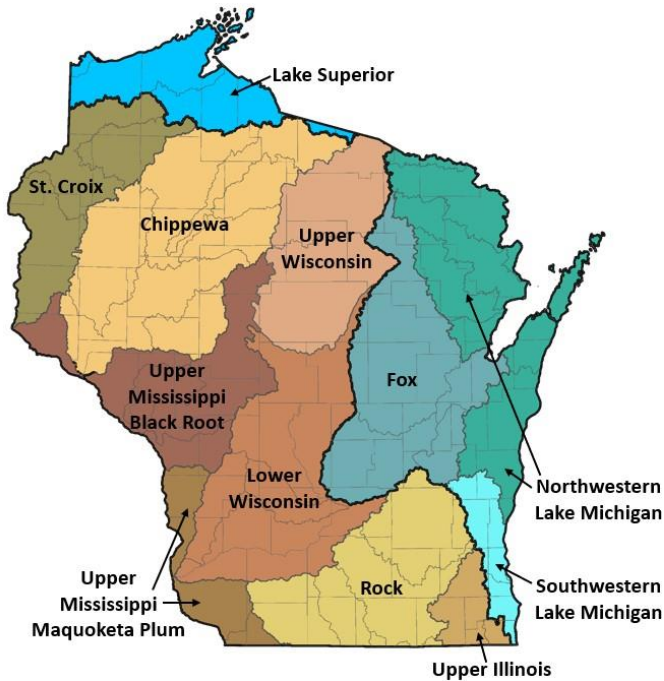


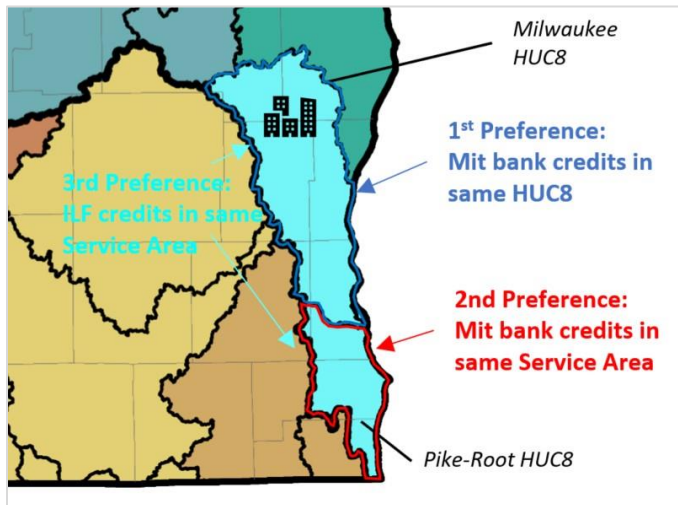
Figure 1. The 12 service areas in Wisconsin

To geographically group wetland impacts and credit sales, Wisconsin is divided into 12 “Service Areas”. A service area generally consists of a HUC6 watershed (colored coded in Figure 1). Within those Service Areas are smaller HUC8 watersheds (outlined in grey in Figure 1). The intent of a service areas is to ensure that mitigation occurs in the same HUC6 or HUC8 watershed where the impact occurred. For example, if a wetland was impacted in the Southwestern Lake Michigan Service Area, then wetland mitigation (via a mitigation bank or ILF site) should occur in that same service area. See below for information about further determining where wetland mitigation takes place (referred to as the mitigation hierarchy).

The Mitigation Hierarchy

With three different mitigation options potentially available in 12 different service areas, a preference for mitigation fulfillment has been established based on location and credit availability to best offset wetland impacts. Typically, because mitigation banks must be approved before selling credits, mitigation bank credits are given preference over ILF credits. Permittee-responsible is typically the least preferred option because the mitigation only addresses one specific impact, versus many impacts spread across a watershed. The resulting preference is described as the mitigation hierarchy (Figure 2).

Figure 2. Mitigation hierarchy in the Southwestern Lake Michigan Service Area



If a wetland impact occurs in the Southwestern Lake Michigan Service Area (teal color), specifically in the Milwaukee HUC8 watershed (blue outline), the first mitigation preference is for the permittee to buy mitigation bank credits in the same Milwaukee HUC8 watershed. If no bank credits are available in the Milwaukee HUC8, the second preference is for the permittee to purchase bank credits anywhere else in the service area (in this example in the Pike-Root HUC8 (red outline)). Finally, if no bank credits are available anywhere in the service area, the third preference would be for the permittee to purchase ILF credits in the same service area.

This mitigation hierarchy mirrors changes to Wisconsin wetland law as part of [2019 Wisconsin Act 59](#). Act 59 requires wetland mitigation to occur as close to the permitted impact as possible: specifically within the same HUC8 watershed where possible, or if no mitigation is available in the HUC8 watershed, then in the same service area.

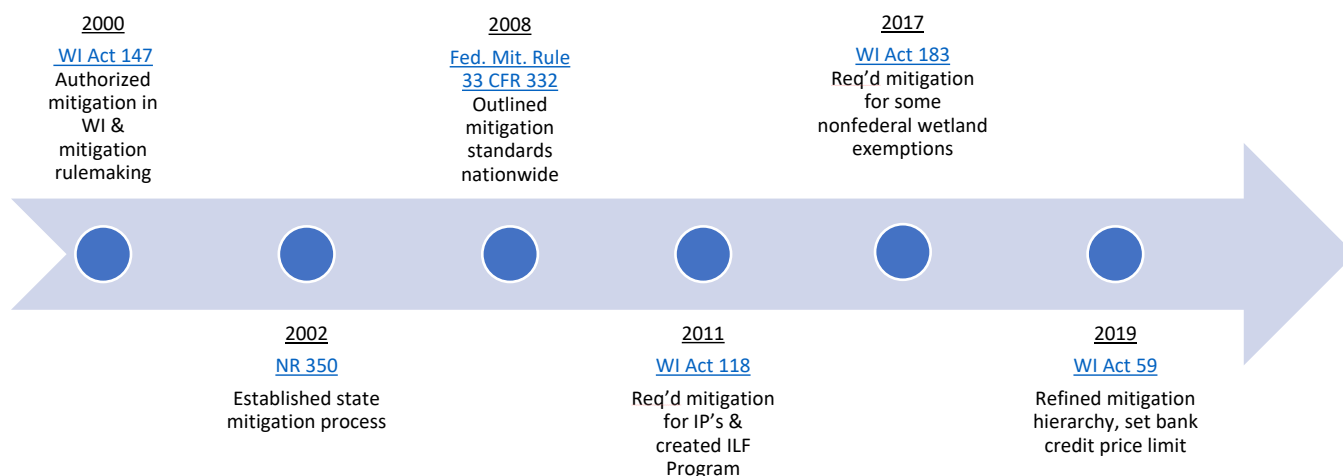
What is a Credit?

Wetland impacts and wetland mitigation project restoration benefits are measured in *credits*. Mitigation credits are bought by permittees and sold by both mitigation bankers and the ILF Program. When a permittee purchases credits from a mitigation bank in the same service area, they will purchase 1.2 credits per acre of impact. If the bank credits are purchased in a different service area than where the wetland impacts occurred, or if bank credits for the same wetland type are unavailable, they must purchase 1.45 credits per acre of impact. When a permittee purchases ILF credits, they must purchase 1.45 credits per acre. ILF credits must be purchased in the same service area as where the wetland impacts occurred. These credit ratios are broadly outlined in [s. 281.36 \(3r\)\(d\) Wis. Stat.](#)

Legislative History of Mitigation in Wisconsin

Mitigation was first authorized in statute in 2000 when [Wisconsin Act 147](#) was signed into law (Figure 3). Act 147 granted authority to the Department to consider mitigation in its wetland permitting decisions and granted the Department rulemaking authority related to mitigation. As a result, an administrative code, [NR 350](#), was created in 2002 to set requirements and outline a process for wetland mitigation in Wisconsin. In 2019, the DNR Natural Resources Board and the Governor authorized the DNR to begin revisions to NR 350 to account for the many changes that have occurred related to wetland compensatory mitigation in Wisconsin since 2002.

Figure 3. Recent state and federal legislation related to wetland mitigation



When is Mitigation Required?

According to state law, ([s. 281.36 \(3r\)\(a\), Wis. Stat.](#)), wetland mitigation is generally required in two instances: 1) when wetland impacts are authorized under a wetland individual permit, and 2) when some wetland impacts are authorized under a nonfederal wetland exemption, specifically exempt wetland impacts between 10,000 square feet and 1 acre of wetlands in urban areas, and impacts between 1.5 acres and 3 acres of wetlands in rural areas. Wetlands that are not subject to federal jurisdiction under federal law ([33 U.S.C. 1344](#)) are considered “nonfederal” and may be eligible for this exemption. All federal wetlands are regulated by the USACOE. It is worth noting that recent federal changes to the definition of “Waters of the United States” (WOTUS) has increased the number of nonfederal wetlands in Wisconsin this biennium and therefore the number of nonfederal wetland exemptions processed by the Department. Though only 23 exemptions required mitigation, 198 exemptions total were processed in this biennium (Figure 4).

Mitigation is also required for manufacturing projects located in the Engineering and Information Technology Manufacturing (EITM) Zone (see [s. 281.36 \(4m\), Wis. Stat.](#)). Though exempt from permitting, wetland mitigation for impacts in the EITM zone (also commonly known as the Foxconn project area) is required at a ratio of two credits for every one acre of wetland impact.

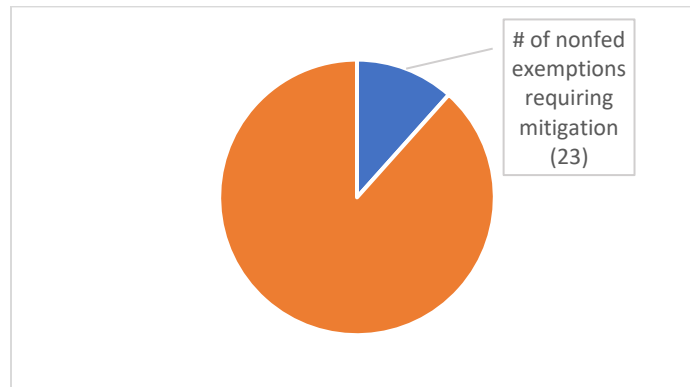
Mitigation Required in the 2019-2020 Biennium

Over the biennium, 101 wetland individual permits and 30 total exemptions requiring mitigation were approved by DNR. These permits and exemptions resulted in 109.95 acres of wetland impacts requiring the purchase of 129.97 wetland mitigation credits (both bank and ILF credits) (Table 1).

Table 1. 2019-2020 biennium wetland authorizations requiring mitigation (mitigation bank & ILF)

Authorization Type	# of Authorizations Approved	Acres of Impact Approved	# of Mitigation Credits Required
Individual Permit	101	95.30	105.80
EITM Zone Exemption	7	7.27	14.54
Nonfederal Wetland Exemption	23	7.38	9.63
Total	131	109.95	129.97

Figure 4. Total nonfederal exemptions authorized (198) and exemptions requiring mitigation (23) in the biennium



In addition to wetland individual permits, the DNR also authorizes wetland impacts through general permits, which typically do not require mitigation. General permits are issued for activities or projects with wetland impacts less than 10,000 square feet. In this biennium the DNR issued general permit coverage for approximately 617 projects, for approximately 46.96 acres of impact, none of which required mitigation (Table 2). Further, of the 198 nonfederal wetland exemptions approved, 175 did not meet the acreage threshold that triggers the wetland mitigation requirement. Impacts resulting from these non-mitigated exemptions totaled approximately 29.79 acres.

Table 2. 2019-2020 biennium wetland authorizations *not* requiring mitigation

Authorization Type	# of Authorizations Approved	Estimated Acres of Impact Approved but Not Mitigated*	# of Mitigation Credits Required
General Permit	617	46.96	0
Nonfederal Wetland Exemption	175	29.79	0
Total	792	76.75	0

**Due to permitting complexities, these acreages are estimated.*

Mitigation Credits Currently Available

As of December 31, 2020, Wisconsin has 255 mitigation bank credits available and 385 ILF credits available statewide (Table 3). Credit ledgers are maintained by the DNR and publicly available at the respective [DNR Wetland Mitigation Banking](#) and [In-Lieu Fee Program](#) websites. Credits from permittee responsible mitigation sites are not available to the public, so are not tracked here.

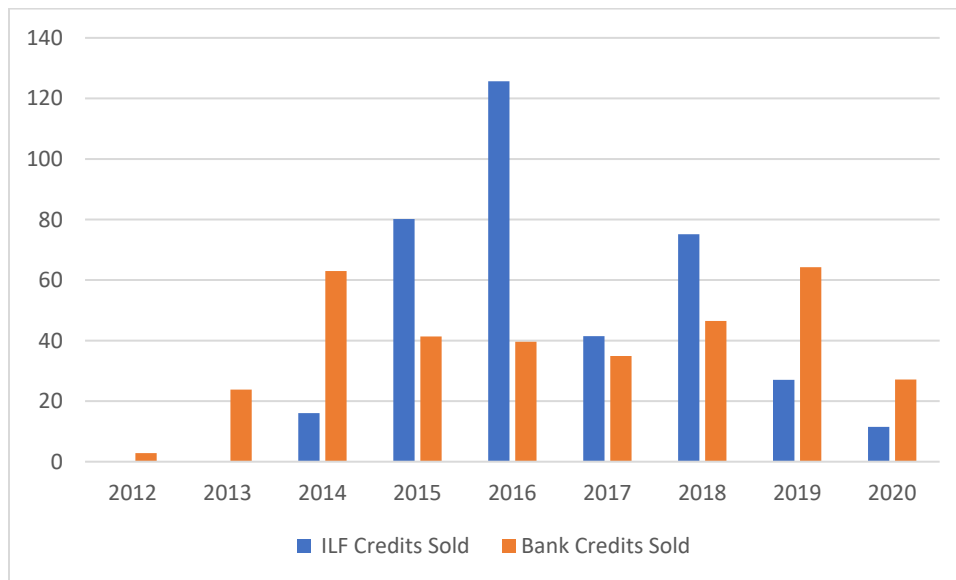
Table 3. Currently available mitigation bank and ILF credits, by service area

Service Area	Current Mit Bank Credits Available	Current ILF Credits Available
CHIPPEWA	46.93	38.71
FOX	24.40	17.08
LK SUPERIOR	55.81	9.39
LOWER WIS	79.50	11.88
NW LK MICH	0.00	52.74
ROCK	19.19	81.05
ST CROIX	5.36	26.36
SW LK MICH	0.00	17.72
UP MS BLRT	0.00	15.46
UP MS MAQP	0.00	30.00
UPPER IL	0.00	5.05
UPPER WIS	24.22	79.80
TOTAL	255.41	385.24

Mitigation Credit Sales 2012-2020

The passage of [2011 Wisconsin Act 118](#), which required wetland mitigation in the state, signaled the beginning of consistent mitigation bank and ILF credit sales (Table 4). The ILF Program started selling its credits in 2014. Due to fewer approved mitigation banks and extensive development, higher ILF credit sales occurred in 2015-2018. More recently, more mitigation banks have been approved, resulting in higher mitigation bank credit sales and lower ILF credit sales. This trend is anticipated to continue. Since 2012, bank credit sales have averaged 38.16 credits per year while the ILF program has averaged 53.86 credit sales per year.

Table 4. Annual ILF (blue) and bank (orange) credit sales since 2012 (banks) and 2014 (ILF)



Wetland Mitigation Banking Program

Background

Wetland mitigation banks are publicly or privately-owned restored wetlands whose purpose is to sell credits to permittees to offset impacts to existing wetlands. Mitigation banks in some form have been operating in Wisconsin since the late 1990's. Since mitigation became required in Wisconsin starting in 2011, the number of mitigation banks have gradually increased. To establish a mitigation bank, landowners typically contract with consultants and submit plans to an Interagency Review Team (IRT) for review and approval. After plans are approved, the bank can begin selling credits. Portions of the project's total credits are approved for sale as the project meets predetermined performance standards over 5-10 years.

Bank Credit Sales

In 2019 and 2020, 91.42 credits were sold statewide by mitigation banks to permittees to mitigate for 77.86 acres of wetland impacts. Since 2012, a total of 343.46 mitigation credits have been sold (Table 5).

Table 5. Mitigation bank credit sales and acres impacted, by biennium and since 2012

Mitigation Bank Credit Sales <u>2019-2020 Biennium</u>		
Service Area	Told Credits Sold	Total Acres Impacted
CHIPPEWA	12.28	10.12
FOX	20.46	20.45
LK SUPERIOR	5.40	4.49
LOWER WIS	12.77	10.07
NW LK MICH	3.70	2.80
ROCK	10.93	11.00
ST CROIX	0.86	0.72
SW LK MICH	15.73	10.88
UP MS BLRT	1.49	1.02
UP MS MAQP	0	0
UPPER IL	4.83	4.16
UPPER WIS	2.97	2.15
Total	91.42	77.86

Mitigation Bank Credit Sales <u>2012-2020 Cumulative</u>		
Service Area	Told Credits Sold	Total Acres Impacted
CHIPPEWA	41.66	40.01
FOX	49.88	44.39
LK SUPERIOR	67.30	68.27
LOWER WIS	38.18	60.87
NW LK MICH	11.24	8.26
ROCK	28.37	26.82
ST CROIX	4.70	3.44
SW LK MICH	42.67	29.50
UP MS BLRT	32.32	21.60
UP MS MAQP	0.44	0.30
UPPER IL	19.67	18.69
UPPER WIS	7.04	7.24
Total	343.46	329.40

To account for the current credit sales to date shown above, and for future credits sales, mitigation banks statewide have restored over 2,300 acres of habitat, resulting in over 1,400 acres of *potential* mitigation bank credits (Table 6). These expected credits will only be available to sell if these mitigation projects continue to meet performance standards. For example, in the Lake Superior Service Area, multiple new banks have received approval in 2019 and 2020. But though there are 324.42 potential credits total, most of those credits will not be available for several years until these newer banks meet performance standards.

Currently, there are no mitigation banks approved in five service areas, but mitigation banks are proposed in the Northwestern Lake Michigan (NW LK MICH), Southwestern Lake Michigan (SWLM), Upper Miss. Black Root (UP

MS BLRT), and Upper Illinois (UPPER IL) Service Areas. No banks are operating or proposed in the Upper Miss. Maquoketa Plum (UP MS MAQP) Service Area.

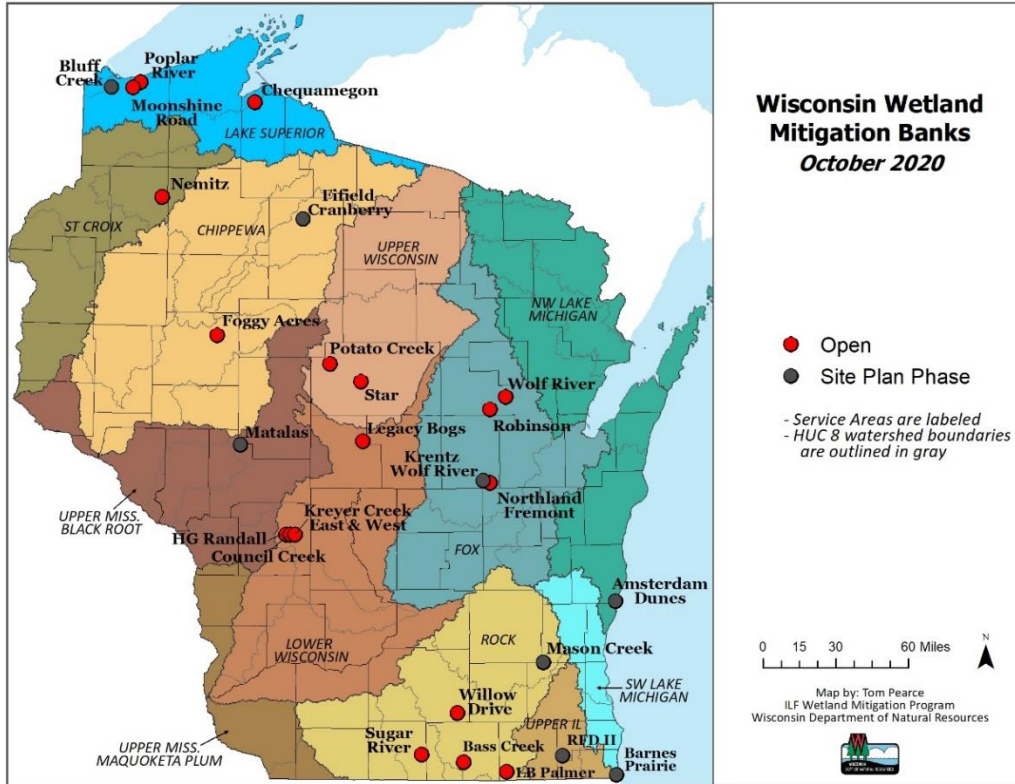
Table 6. Potential mitigation bank credits to be generated, and total acres restored

Service Area	Potential Credit Generation	Total Restoration Acres
CHIPPEWA	299.66	544.4
FOX	286.74	361.72
LK SUPERIOR	324.42	635.65
LOWER WI	218.53	321.83
NW LK MICH	0	0
ROCK	181.44	389.98
ST CROIX	12.25	24.4
SWLM	0	0
UP MS BLRT	0	0
UP MS MAQP	0	0
UPPER IL	0	0
UPPER WI	81.31	91.41
Total	1,404.35	2,369.39

Mitigation Bank Sites

Wisconsin currently has 18 open and approved mitigation banks, and 7 proposed mitigation banks (labeled as “Site Plan Phase” in Figure 5). Specifically to the 2019-2020 biennium, 5 new mitigation banks were approved. Banks are active in 7 of 12 service areas in Wisconsin.

Figure 5. Mitigation Banks in Wisconsin



Wetland Mitigation Bank Profile: Sugar River Mitigation Bank



The Sugar River wetland mitigation bank is a 25-acre former golf course on Decatur Lake in Green County featuring a sedge meadow restoration and existing wetland enhancement. It is proposed to generate 14.68 credits. The site was constructed in 2020 and will provide water quality improvement to the Sugar River and increased habitat on Decatur Lake. In addition, income generated through the sale of wetland mitigation credits will also be utilized to fund additional habitat restoration on an adjoining 27-acre parcel owned and managed by the Southern Wisconsin Land Conservancy.

The Sugar River wetland mitigation bank (red boundary) in Green Co. will also fund adjacent conservation to its north (maroon boundary)

In-Lieu Fee Program

Background

The Wisconsin DNR was authorized to establish and administer an In-Lieu Fee (ILF) Program via the 2011 Wisconsin Act 118. Wisconsin's ILF Program is named the Wisconsin Wetland Conservation Trust (WWCT). The WWCT was formally established in 2014 by the signing of the WWCT Program Instrument, the overarching guiding document for the program.

The purpose of the WWCT is to provide an additional method of compensatory mitigation to offset wetland impacts. The overall objective of the WWCT is to complete compensatory wetland mitigation projects in locations of watersheds with the greatest environmental need (referred to as a watershed approach). Further, the WWCT selects projects which will provide the most benefits to the watershed. The WWCT sells its credits in service areas where mitigation bank credits are not available at the time of the sale.



An excavator disabling drainage tile at the Meachem Road ILF site in Racine County.

ILF Credit Sales & Credit Prices

The WWCT has been selling ILF credits since 2014. To date, the program has sold 377.03 credits to mitigate 403.63 acres of wetland impacts (Table 7). Though the typical ILF mitigation ratio is 1.45 credits for every 1 acre impacted, more wetland acres have been impacted (403.63 acres) than mitigated for (377.03 credits) because through 2017, permanent conversion (clearing) of forested wetland to herbaceous wetland typically required mitigation, but at a ratio lower than 1.45:1. ILF credit sales were highest in 2015-2018 when few mitigation banks were operating in the state. ILF credits are sold only when no mitigation credits are available in a service area.

Table 7. ILF credit sales and acres impacted, by biennium and since 2014

ILF Mitigation Credit Sales 2019-2020 Biennium			ILF Mitigation Credit Sales 2014-2020 Cumulative		
Service Area	Told Credits Sold	Total Acres Impacted	Service Area	Told Credits Sold	Total Acres Impacted
CHIPPEWA	0	0	CHIPPEWA	11.29	7.78
FOX	0	0	FOX	57.92	54.80
LK SUPERIOR	5.46	3.99	LK SUPERIOR	30.61	60.18
LOWER WIS	0	0	LOWER WIS	28.12	52.50
NW LK MICH	3.45	9.95	NW LK MICH	47.26	45.72
ROCK	0	0	ROCK	8.95	6.50
ST CROIX	0	0	ST CROIX	3.64	2.51
SW LK MICH	11.41	6.92	SW LK MICH	57.28	36.77
UP MS BLRT	1.42	0.98	UP MS BLRT	34.54	44.07
UP MS MAQP	0	0	UP MS MAQP	0	0
UPPER IL	16.81	10.25	UPPER IL	77.22	51.20
UPPER WIS	0	0	UPPER WIS	20.2	41.60
Total	38.55	32.09	Total	377.03	403.63

Same as mitigation banks, if ILF projects meet standards, 443 credits will be generated with over 819 acres of wetlands restored across the state (Table 8). As of 2020, 487 acres of habitat have been restored through the implementation of nine ILF projects.

Table 8. Potential ILF credits to be generated, and total acres restored

Service Area	Potential Credit Generation	Total Restoration Acres
CHIPPEWA	17.13	45.54
FOX	62.56	125.97
LK SUPERIOR	51.00	120.00
LOWER WI	36.57	59.36
NW LK MICH	61.16	110.13
ROCK	26.20	40.09
ST CROIX	0	0
SWLM	46.00	61.54
UP MS BLRT	35.60	40.11
UP MS MAQP	0	0
UPPER IL	81.10	168.59
UPPER WI	26.24	47.97
Total	443.56	819.3

ILF credit prices are set annually by the ILF program for each service area. They are calculated based on land prices and estimated project costs. Credit prices range from \$61,500/credit in the Lake Superior service area to

\$70,900/credit in the Upper Illinois service area. The main difference between credit prices between service areas is land prices, which vary greatly across the state. 85% of credit fees go to on-the-ground restoration, with 10% to administrative costs and 5% to a contingency fund. As of December 31, 2020, the ILF Program has taken in over \$23.2 million via credit sales (Table 9).

Table 9. ILF Revenue by Service Area & Year (2014 – 2020)

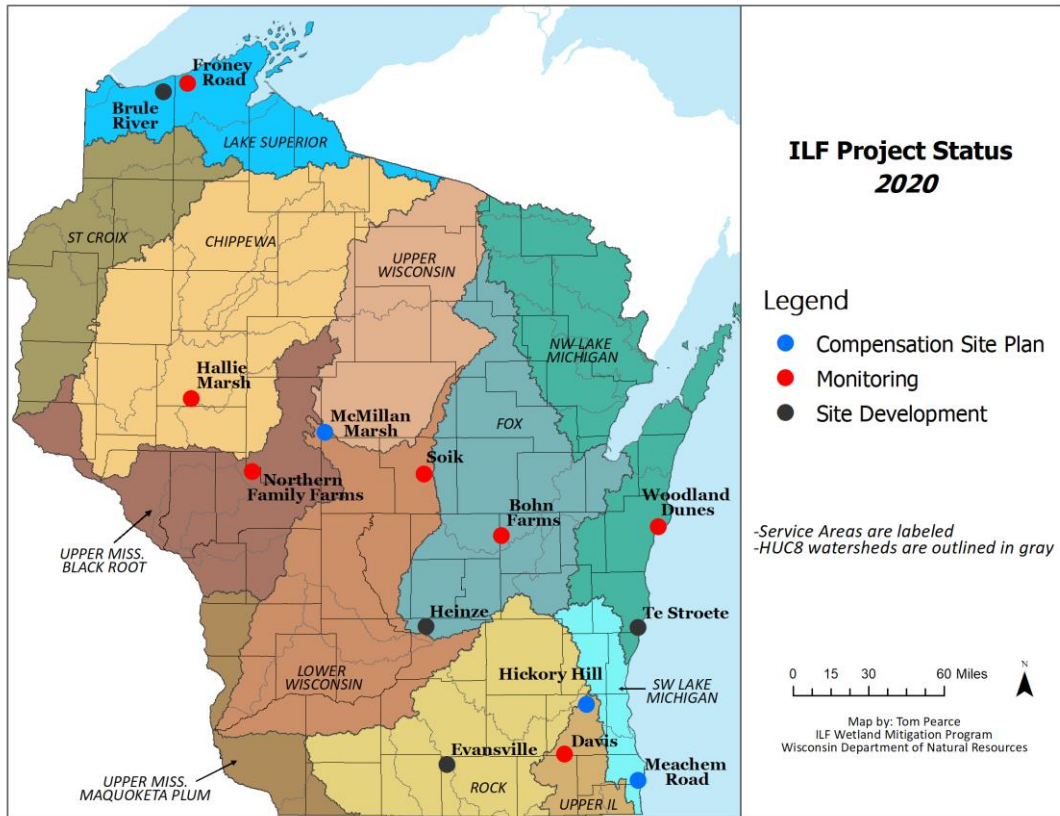
Service Area	Total Revenue	Year	Total Revenue
CHIPPEWA	\$677,400.00	2014	\$961,800.00
FOX	\$3,564,710.00	2015	\$6,716,970.00
LK SUPERIOR	\$1,805,792.00	2016	\$7,344,730.00
LOWER WIS	\$1,708,910.00	2017	\$1,025,710.00
NW LK MICH	\$2,918,830.00	2018	\$5,057,570.00
ROCK	\$537,000.00	2019	\$1,273,236.00
ST CROIX	\$218,400.00	2020	\$871,900.00
SW LK MICH	\$3,635,277.00	Total	\$23,251,916.00
UP MS BLRT	\$2,101,300.00		
UP MS MAQP	\$0.00		
UPPER IL	\$4,852,097.00		
UPPER WIS	\$1,232,200.00		
Total	\$23,251,916.00		

ILF Sites

The WWCT began constructing its mitigation sites in the summer of 2019. By the end of 2020, nine sites have been constructed (labeled as “Compensation Site Plan” or “Monitoring” in Figure 6). It is expected that five additional sites will be constructed in 2021. Once a project is constructed it enters a 5-10 year maintenance and monitoring phase, where it is required to meet hydrology and vegetation performance standards.

The 14 ILF mitigation projects total over 800 acres of on-the-ground restoration. As can be seen in Figure 6, they are located all over the state, and are composed of a variety of wetland community types including sedge meadow, forested wetland, and shrub wetland. ILF sites are targeted to provide the greatest environmental benefits to the watersheds where they are located. Currently, no projects have been implemented as part of the property development grant program authorized under [s. 23.099 Wis. Stat.](#)

Figure 6. ILF Projects in Wisconsin



ILF Project Profile: Plover Soik Project

The Plover Soik ILF Project is the culmination of several years of planning and collaboration between local partners. Located in central Portage County in the Village of Plover, the 59-acre project is adjacent to the headwaters of the Little Plover River. Stakeholders have long studied the impacts of high-capacity wells on the area and identified wetland restoration as a key component for watershed health.



The Plover Soik ILF project is located in Portage County in the Village of Plover, next to the headwaters of the Little Plover River.

In 2018, the Village of Plover received funding to implement an ILF wetland mitigation project on a site adjacent to the headwaters of the Little Plover River. The ILF program provided funding for land acquisition, restoration, and eight years of site maintenance and monitoring. In 2019, over 3,700 feet of drainage ditches were filled to restore hydrology to the site and river. The site was also seeded to native wetland species. Currently, the site is in its eight-year monitoring phase, where hydrology and vegetation standards are monitored to ensure site success. This project is a prime example of the ILF Program identifying and implementing mitigation projects that address the greatest needs of a watershed, which is one of the overarching goals of the program.



The filling of drainage ditches to restore wetland hydrology at the Plover Soik ILF project.

Permittee-Responsible Mitigation

Background

If no mitigation credits are available for purchase, or if preferred, a permittee may satisfy their mitigation requirements through the completion of their own wetland mitigation project, referred to as permittee-responsible mitigation. DNR supports the use of permittee responsible mitigation but finds it to be a less desirable approach for stakeholders given the significant cost, time, and process required to implement a mitigation project.

Permittee-responsible sites must be located in the same service area as the impact. The permittee must first prepare a draft Compensation Site Plan (CSP) same as a mitigation bank sponsor or ILF project proponent. Permittees often contract with an experienced consultant to help meet the detailed requirements for planning, design, construction, and monitoring necessary for completing a mitigation site. After CSP approval and wetland permit issuance, the site is constructed and a maintenance and monitoring period follows, similar to mitigation banks and ILF sites.

Permittee-Responsible Sites

No new permittee-responsible sites were proposed or approved in this biennium. There are currently six active permittee-responsible sites in Wisconsin, totaling 49.73 acres of restoration. In the past decade, several other permittee-responsible sites have met all monitoring requirements and are now closed.

Permittee-Responsible Mitigation Site Profile: Upper French Creek Mitigation Site

The Upper French Creek Mitigation Site, originally constructed in 2008, and located in Upper Mississippi Black Root Service Area, is an example of a mitigation project that successfully utilized the permittee responsible option. The project mitigated wetland impacts specifically resulting from the Ashley Furniture development in Trempealeau County. The project restored wetland hydrology and established native wetland communities within the Upper French Creek floodplain which provided wildlife habitat and water quality benefits. Two song-bird species identified using the mitigation site are Species of Greatest Conservation Need. The water quality improvements associated with the project benefit French Creek, which is classified as a Class II Trout Stream.



The Upper French Creek permittee-responsible mitigation site in Trempealeau County.

Summary

Starting in 2000, but primarily since 2011, compensatory wetland mitigation has become a successful avenue to mitigate for unavoidable wetland impacts via three different types of mitigation. The three mitigation options in Wisconsin ensure that permittees can meet their wetland mitigation requirements for receiving a wetland permit.

Going forward, it is anticipated that more mitigation banks will continue to be proposed and approved while the ILF program continues to sell its credits where no mitigation bank credits are available. The economy, and state and federal policy will continue to influence how many mitigation bank and ILF credits will be required in the future to offset permitted impacts.

Wisconsin is a state rich in wetland resources, with an estimated 6.4 million acres on the landscape. Wetlands are an important part in maintaining the health and function of lakes, rivers, groundwater, and the state as a whole. Compensatory mitigation plays a key role in protecting this important resource while also allowing permittees to meet their regulatory obligations and acquire wetland permits.

Additional Resources

- Wisconsin DNR Mitigation Website: <https://dnr.wisconsin.gov/topic/Wetlands/mitigation>
- Wetland Mitigation Bank Credit Ledger: <https://dnr.wisconsin.gov/topic/Wetlands/mitigation/bankingRegistry.html>
- ILF Program Website: <https://dnr.wisconsin.gov/topic/Wetlands/wwct>
- ILF Program Credit Ledger: <https://dnr.wisconsin.gov/topic/Wetlands/wwct/credits.html>
- Wisconsin Guidelines for Compensatory Mitigation: <https://dnr.wi.gov/topic/Wetlands/documents/mitigation/WetlandCompensatoryMitigationGuidelines.pdf>
- Wisconsin DOT Wetland Mitigation Information: <https://wisconsin.gov/Pages/doing-business/eng-consultants/cnslt-rsrcs/environment/wetland-waters.aspx>