Promoting Hydrologic Restoration in Wisconsin (LRB 4892 / LRB 1752)

Problem Description:

Wisconsin's water management challenges grow more urgent each year.

Increasing storm events put Wisconsin's citizens in harm's way, disrupt commerce, and cause tens of millions of dollars in damages each year. Impacts to public infrastructure and farms have been particularly severe.

Beyond flooding, nearly 20% of Wisconsin's waterways are listed as impaired for one or more pollutants, and groundwater contamination has emerged as a serious and growing public health concern.

Across the state, degraded hydrologic conditions increase the severity and extent of these problems and reduce the effectiveness of most flood risk reduction and water quality improvement efforts. Despite this, opportunities to restore healthy hydrology are largely overlooked.

WISCONSIN DISASTER DECLARATIONS*

DATE	DAMAGES	REGION
JULY 2016	$35 MILLION	NORTH
JULY 2017	$10 MILLION	SC/SW
JUNE 2018	$13 MILLION	NORTH
AUG/SEP 2018	$37 MILLION	SC/SW
JULY 2019	$19 MILLION	SC/SW/C/NE

**DAMAGE TO PUBLIC FACILITIES & INFRASTRUCTURE*

SOURCE: WISCONSIN EMERGENCY MANAGEMENT

HEALTHY HYDROLOGIC LANDSCAPES MANAGE FLOODING, REDUCE RUNOFF, SEDIMENTATION & EROSION, IMPROVE WATER QUALITY, RECHARGE GROUNDWATER AND IMPROVE FISH AND WILDLIFE HABITAT

What is Hydrologic Restoration and How Can It Help?

Hydrologic restoration aims to reestablish the landscape's natural capacity to manage water. The work required in any particular location depends on the history of land use and alteration over time, but generally involves:

- Reestablishing upper watershed wetlands to capture runoff and snowmelt
- Reconnecting channels and floodplains to store water and reduce erosion

What Does Resource Restoration Look Like Today?

Currently, common flood management practices include floodplain buyouts, flood-proofing buildings, and upsizing infrastructure. These important practices manage risk, but not water. Wisconsin's water quality improvement efforts focus on agricultural soil conservation and nutrient management practices, and not on how, when, or where water flows. Most wetland and stream restoration activities focus on enhancing habitat conditions for popular game species such as trout and ducks.

To encourage and simplify approval of those habitat practices, the Wisconsin DNR has developed a series of General Permits (GPs) for stream and wetland habitat restoration under Wisconsin Chapter 30 (see Wis Stat. 30.2065 (2) and WDNR's habitat permits page). The types of hydrologic restoration practices and approaches urgently needed to address our water management challenges are not eligible for coverage under these GPs.

Perceptions that it may be difficult or expensive to secure regulatory approvals decreases demand for hydrologic restoration, but many other barriers also exist, including: lack of knowledge, data, technical support, and incentives. LRB 4892/LRB 1752 begins to address these barriers.

(Over)

LRB 4892/LRB 1752 Overview

LRB 4892/LRB 1752 will remove barriers to hydrologic restoration and promote more widespread adoption of hydrologic restoration practices by:

1. **Creating a Hydrologic Restoration and Management Advisory Council**
2. **Requiring creation of a new general permit for hydrologic restoration activities.**

The Hydrologic Restoration and Management Advisory Council will:

- Provide input on policies related to the review of hydrologic restoration projects, including the new General Permit.
- Create a forum to help increase interagency coordination on the review of hydrologic and floodplain restoration projects.
- Consider and recommend policy and program changes needed to increase integration of hydrologic restoration in state-sponsored programs.
- Assist with the development of hydrologic restoration and management trainings

Note: The Council will consist of 7-15 members appointed by the DNR. These members will be selected for their relative expertise and authorities, and will include representatives from local, state, federal, and tribal agencies, and academic, nongovernmental, and private sector partners.

The New General Permit will:

- Authorize wetland, stream, and floodplain restoration and management activities that result in a net improvement in hydrologic connections, conditions, and functions.
- Recognize that activities to achieve the desired net improvements may require short term disturbances in or adjacent to sensitive aquatic resources such as wetlands, streams, and other areas of special natural resources interest, and may result in permanent, but net positive, changes to biotic communities and abiotic conditions.
- Maintain existing WDNR authorities to ensure the proposed activities will not harm aquatic resources, injure public rights or interests, or result in material injury to the rights of any property owner.
- Enable permitting efficiencies similar to those under the existing general permits by stipulating that this permit takes the place of permits or approvals under Ch. 30 (navigable waters), s. 31.02 (dams), s. 31.12 (dam map, profile and plans), s. 31.33 (mills and milldams), s. 281.15 (water quality standards), or s. 281.36 (wetlands).
- Prohibit authorization by *this* general permit of: construction of artificial wetlands; stormwater retention or detention ponds; certain dams; and certain stream and habitat restoration actions not necessary as part of a *hydrologic* restoration project. These activities can still be approved through other permits.

Benefits of hydrologic restoration activities authorized by the new general permit:

- Reduced flood risks and damages
- Improved water quality
- Improved fish & wildlife habitat

Wisconsin Wetlands Association

Contact: Erin O'Brien
Policy Programs Director
E: Policy@wisconsinwetlands.org
P: (608) 250-9971