

CO-SPONSORSHIP MEMORANDUM

TO: All Legislators

FROM: Senator Robert Cowles
Representative Loren Oldenburg

Senator Janet Bewley
Representative Jim Steineke

DATE: Tuesday, November 26, 2019

RE: Co-Sponsorship of LRB 4892/1 relating to: a general permit for hydrologic restoration projects and creating a hydrologic restoration and management advisory council

DEADLINE: 5:00 PM on Tuesday, December 10, 2019

As flooding events become more common, many Wisconsin residents are searching for ways to decrease the number of flooding events and lessen the damage to homes, businesses, and farms. The search for these solutions has caused hydrologic restoration projects to peak the interest of conservation groups.

While the DNR has two general permits to streamline wetland restoration projects, they do not allow comprehensive landscape solutions and often are not enough to address the increasing strength of precipitation events our state has been experiencing. Addressing each watershed in a more holistic manner will better prepare our communities and our state for future flooding events. However, the DNR doesn't currently have a hydrologic restoration general permit that goes beyond the boundaries of a wetland.

LRB 4892 requires the DNR to issue a general permit that authorizes wetland, stream, and floodplain restoration and management activities that will result in a net benefit to hydrologic connections, conditions, and functions. Projects authorized by these general permits shall be designed to return hydrology to a natural and self-regulating condition in order to:

- Improve water quality;
- Slow the flow of runoff;
- Increase soil resilience;
- Reduce flood peaks;
- Increase flood resilience;
- Increase upper watershed storage;
- Restore surface and groundwater interactions;
- Increase base flow, and;

- Increase groundwater infiltration.

Permits authorized under this legislation would reduce the regulatory complexity for the good actors looking to complete these voluntary projects as a single general permit would be issued in lieu of numerous other permits or approvals. This one-stop shop reduces uncertainty for applicants by eliminating some of the paperwork and financial burden required for numerous permit applications.

Several conditions are statutorily placed on the permit, including those that ensure projects will not injure the public's rights or the rights of any riparian owner.

Better preparation for flooding events today can help to save millions of dollars in damages and hardship for hundreds, if not thousands of residents, small businesses, and industry tomorrow. This legislation simply ensures that, as a state, we're promoting preparedness through conservation while still ensuring that each project is in property owners', our community's, and our environment's best interest.

LRB 4892 also creates a Hydrologic Restoration and Management Advisory Council with members of local governments and relevant state and federal agencies, tribal communities, and academic, nongovernmental and private sector partners. The Council will provide input to the Department on the new general permit, other policies and programs related to hydrologic restoration, ways to increase intergovernmental cooperation, and more.

Overall, creating a hydrologic restoration general permit and establishing a venue for continuing discussions will set our state on a course that will improve environmental quality and preserve and protect our community's infrastructure. This legislation was drafted with the support of the Wisconsin Wetlands Association and in consultation with the Department of Natural Resources.

If you have questions or would like to co-sponsor this bill, please reply to this email, contact Senator Cowles' office at 6-0484, or contact Representative Oldenburg's office at 6-3534 **before 5:00 PM on Tuesday, December 10, 2019**. Your name will be added to the Senate and Assembly version unless otherwise specified.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to issue a general permit that authorizes wetland, stream, and floodplain restoration and management activities that will result in a net improvement in hydrologic connections, conditions, and functions. Under current law, DNR may issue a general permit to a person wishing to proceed with a wetland restoration activity sponsored by a federal agency.

The bill requires DNR to apply several conditions to the new general permit relating to improvement of hydrologic conditions. The bill authorizes DNR to require an individual seeking approval to conduct activities under the general permit to apply for an individual permit under certain circumstances.

Like the existing general permit for wetland restoration activity, a general permit issued under the bill is valid for a period of five years, except that an activity that DNR determines is authorized by a general permit remains authorized under the permit until the activity is completed. Also, like the existing general permit for wetland restoration activity, a general permit issued under the bill is in lieu of any permit or approval that would otherwise be required for that activity under state navigable water law, water quality law, or wetland law.

The bill creates at DNR a hydrologic restoration and management advisory council to provide input, make recommendations, and generally assist DNR with the implementation of the new general permit and associated restoration projects.