

Report to
Legislative Council Rules Clearinghouse
NR 328, subch. III, Wis. Adm. Code
Natural Resources Board Order No. WT-36-06

Wisconsin Statutory Authority

ss. 30.12(1) and (3)(br), 30.2035, 30.206 and 227.11(2), Stats., interpreting ss. 30.12(1), (3) and (3m) and 30.206, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

The purpose of the proposed ch. NR 328, subch. III is to create additional general permits to streamline the review of applications for erosion control structures. The proposed subchapter establishes design, construction and location standards for bank erosion control structures placed in rivers and streams under general permits. General permits for biostabilization and integrated bank treatment meeting Natural Resources Conservation Service (NRCS) technical standards would be available throughout the predominantly agricultural and urban ecoregions of Wisconsin (where flooding is generally frequent and more severe, eroding banks and delivering sediment loads that often impair habitat and water quality and adjacent land uses frequently limit the area available for natural channel movement). A threshold level of bank erosion potential is required for sites to be eligible for the integrated bank treatment general permit so that rock armoring is avoided in areas where aquatic habitat is very good and could be harmed by such treatment. The rule establishes a standard map for identifying ecoregions and urban areas as well as a method for determining bank erosion potential.

This rule replaces and improves upon emergency orders that have been in place for similar general permits during the 2005 and 2006 construction seasons.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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