

Report to
Legislative Council Rules Clearinghouse
NR 345, Wis. Adm. Code
Natural Resources Board Order No. WT-41-07

Wisconsin Statutory Authority

ss. 30.20(1), (1k), (1t) and (2), 30.206 and 227.11(2), Stats., interpreting ss. 30.20(1), (1g), (1k), (1m), (1t) and (2) and 30.206, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

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

The proposed rule will create general permits for dredging to include authorization for the operation of a motor vehicle on the beds of "outlying waters" (as defined in s. 29.001(63), Stats.) to remove algae, mussels, dead fish and similar large public nuisance deposits; and for the removal and control of invasive plants on exposed lake bed.

The operation of motor vehicles and the removal or disturbance of materials on the beds of navigable waterways (also known as dredging) is regulated by ch. 30, Stats., and ch. NR 345. The statutes and current rule allow lakefront property owners to apply for an individual permit to use mechanized methods to remove nuisance deposits or other invasive or unwanted vegetation. However, individual permits require a \$500 application fee and a 30-day public comment period before the permit can be issued.

Considering the changing lakeshore due to decreased water levels and the abundance of invasive species, the department proposes to revise ch. NR 345 to create two new general permits. The general permits would allow lakefront property owners to operate motor vehicles on the beds of "outlying" navigable waters to remove public nuisance deposits (Cladophora, Zebra mussels, dead fish, etc.) and to control and manage invasive vegetation on exposed lakebed more efficiently while complying with general permit conditions created to protect the public interest in the lakebed. The general permit has a \$50 application fee and is processed in 30 days.

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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