

NR 1



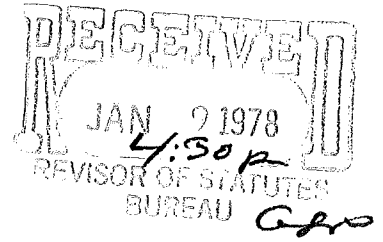
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. EI-59-77 was duly approved and adopted by this Department on November 17, 1977. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at Pyare Square Building in the Village of Shorewood Hills, this 6TH day of January, 1978.

Anthony S. Earl, Secretary

(SEAL)

STATE OF WISCONSIN NATURAL RESOURCES BOARD

.....
IN THE MATTER of creating section NR 1.95 of
the Wisconsin Administrative Code pertaining
to wetland preservation, restoration and
management . EI-59-77
.....

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

CREATING RULES

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by sections 23.09, 23.11, 88.31 and 227.014 and chapters 29, 30, 31, 144 and 147, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby creates rules as follows:

SECTION 1 - Section NR 1.95 is created to read:

NR 1.95 Wetland preservation, restoration and management. (1) Purpose. The natural resources board adopts this statement to establish necessary guidelines for conservation and restoration of Wisconsin wetlands by setting wetland management objectives and by protecting them from:

- (a) The adverse effects of dredging, drainage or filling;
- (b) Pollution from wastewater, solid waste and nonpoint sources; and
- (c) Degradation by other physical, chemical or biological means.

(2) Background. (a) Wetlands offer special natural values which are becoming increasingly important to the citizens of this state and to the nation and as a result warrant extraordinary protection. Wetlands are an essential part of the environment and support many species of flora and fauna. They provide critical habitat for marsh and bog plants, and often are the only suitable sanctuary and nursery area for fish and wildlife populations. The very existence of some species is now endangered or threatened because of wetland destruction. Wetlands moderate extremes in waterflow, aid in the natural purification of water, shield shores from wave action and are a protective link with the groundwater.

They offer unique educational opportunities in the natural sciences, add aesthetic diversity to the landscape, and also produce an abundance of harvestable resources. Wetlands support adjacent or downstream environments and much of the complex web of life that is the essence of a quality environment.

(b) Protection of wetlands and their natural functions requires that any development be carefully planned and pollution from construction activities be controlled to prevent significant disturbance or impairment of the quality of the wetland area. Alteration of the quality or quantity of the historical, natural flow of water that nourishes the wetland should be minimized.

(c) Wetlands span a continuum of environments integrating land and water systems. Plant succession and other biological adjustments are constantly underway in response to the wetness conditions. Human activity often interjects a permanent change toward an altered environment, so that a concerted management effort is required to assure that the many benefits of wetlands will be maintained. Alterations or supporting measures performed in the course of an improvement plan require judgment so as not to maximize single benefits to the exclusion of other natural values or to risk environmental degradation. Within limits, wetlands can be managed for various objectives including:

1. Preservation of natural conditions;
2. Restoration of a former natural state; or
3. Enhancement of special values.

(3) Definition. Wetlands are here defined as those land areas characterized by surface water or saturated soils during at least a part of the growing season such that moist soil vegetation or shallow water plants can thrive. The permanent channels of streams and rivers and the open water areas of lakes and reservoirs are not included in this definition.

(4) Acquisition and maintenance. (a) The department shall in its land acquisition program place a particular emphasis on the acquisition of wetlands that provide quality fish and wildlife habitat, significantly affect the maintenance or improvement of water quality, or exhibit value as scientific areas.

(b) For wetlands under its management and control, the department shall:

1. Preserve and protect them from harmful effects by every lawful means.
2. Recognize their obvious and subtle natural values in preparing management plans and take all reasonable steps to minimize harmful effects.

(c) In order to foster the maintenance and protection of Wisconsin's other wetlands, the department shall:

1. Support protective legislation designed to foster public involvement, review and control in all types of wetland development decisions.
2. Cooperate in wetland inventories and the preparation of essential wetland information to include research where needed to facilitate governmental and private management programs.
3. Encourage local units of government to purchase and protect wetlands important to community interests.
4. Support incentive practices that encourage voluntary protection of privately-owned wetlands and adjacent areas.
5. Cooperate with all local, state and national agencies and groups concerned with wetland conservation to accomplish the foregoing objectives.
6. Conduct and encourage educational programs to increase citizen understanding of the importance of wetlands as a part of our natural ecosystems.
7. As a matter of public policy, not grant permits that alter/destroy wetlands conditioned upon conveyance of land to local units of government, the state of Wisconsin or the federal government, except as specifically approved by the board.

(5) Exercise of existing regulatory authority. The department shall fully exercise all its authority under the law to:

(a) Minimize adverse changes in the quality or quantity of the flow of waters that nourish wetlands.

(b) Protect wetlands from all environmentally incompatible uses, activities and substances.

(c) Restore wetlands which were unlawfully altered.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 17, 1977.

The rules contained herein shall take effect upon publication.

Dated at Madison, Wisconsin 6 January 1978

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)