
Wisconsin Legislative Council

ACT MEMO



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October 20, 2021

2021 Wisconsin Act 77 [2021 Senate Bill 91]

Hydrologic Restoration

2021 Wisconsin Act 77 requires the Department of Natural Resources (DNR) to issue a new general permit relating to hydrologic restoration. The general permit must authorize wetland, stream, and floodplain restoration and management activities that will result in a net improvement in hydrologic connections, conditions, and functions. When assessing whether an activity will do so, the act requires DNR to consider that temporary minimal adverse impacts may be allowed and that restoring natural and self-regulating hydrology may result in permanent, but net-positive, changes to biotic communities and abiotic conditions.

The act specifies that activities authorized under the general permit are exempt from generally applicable individual permit requirements for navigable waters and wetlands impacts. However, the general permit does not apply to required wetland mitigation projects.

To the extent possible, activities approved under the general permit must be designed to return wetland, stream, and floodplain hydrology to a natural and self-regulating condition to achieve certain environmental goals. The act also specifies conditions that DNR must include in the general permit, and authorizes DNR to include other conditions necessary to ensure that activities authorized by the general permit will not injure public rights or interest, or result in material injury to the rights of any riparian owner.

Effective date: August 8, 2021

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