



2005 ASSEMBLY BILL 401

May 5, 2005 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Natural Resources.

1 **AN ACT to create** 30.09 of the statutes; **relating to:** prohibiting the Department
2 of Natural Resources from promulgating a rule setting forth general policy on
3 conserving and enhancing navigable waters.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) regulates structures, deposits, and other activities that occur in or near navigable waters.

This bill prohibits DNR from promulgating a rule setting forth DNR's general policy on its responsibilities to conserve and enhance navigable waters.

This bill is introduced as required by s. 227.19 (5) (e), stats., in support of the objection of the Assembly Committee on Natural Resources on March 2, 2005, and the objection of the Joint Committee for Review of Administrative Rules on March 31, 2005, to the issuance of a portion of clearinghouse rule 04-066 by DNR. The portion of the proposed rule objected to set forth DNR's general policy on its responsibilities to conserve and enhance navigable waters.

The portion of the rule objected to included the following statements:

1. That the bases of DNR's policy are the statutes, the public trust doctrine for navigable waters, and sound scientific management principles.

2. That scientific research demonstrates that the impacts of many, repeated alterations of shorelines and shallow water habitat are accumulating with significant impacts on aquatic ecosystems and their associated human uses.

3. That the goals of 2003 Wisconsin Act 118 are faster and more predictable permit decisions and no reduction in the protection afforded public waters and that

