
Wisconsin Legislative Council

AMENDMENT MEMO



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2019 Assembly Bill 701

**Assembly
Amendment 1**

2019 ASSEMBLY BILL 701

2019 Assembly Bill 701 makes two changes to current law relating to hydrologic restoration. First, the bill creates a new, 15-member advisory council within the Department of Natural Resources (DNR). Advisory council members are appointed by the DNR secretary and, as feasible, must represent entities such as relevant local, state, and federal agencies, tribal partners, and academic, nongovernmental, and private sector partners.

The bill requires the advisory council to do all of the following:

- Provide input to the DNR related to hydrologic restoration projects and the general permit.
- Create a forum to increase and improve interagency coordination.
- Consider and recommend opportunities to help local governments.
- Consider and recommend policy and program changes needed to increase integration of hydrologic restoration and management strategies in relevant state-sponsored programs.
- Assist the DNR with training.
- Identify and address other related issues.

Second, the bill requires 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 bill 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 bill 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-regulation condition to achieve certain environmental goals. The bill also requires DNR to include specified conditions in the general permit.

Relevant to Assembly Amendment 1, one such condition must authorize approval for low-risk dams, as determined by DNR, excluding certain large dams and subject to reasonable conditions. The bill requires DNR to establish such reasonable conditions to ensure that life, health, property, and property values are protected.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 removes the requirement, described above, to include a condition authorizing the approval of certain low-risk dams as part of the general permit.

BILL HISTORY

Representative Oldenburg and Representative Steineke offered Assembly Amendment 1 on January 14, 2020. On February 6, 2020, the Assembly Committee on Environment voted to recommend adoption of the amendment and passage of the bill, as amended, both on votes of Ayes, 11; Noes, 0.

REL:jal