Form 1100-001
(R 2/07)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.A.4

SUBJECT: Adopt Emergency Rule related to revisions to Wis. Admin. Code ch. NR 345

FOR: MAY 2007 **BOARD MEETING**

TO BE PRESENTED BY: Martin Griffin

SUMMARY:

The department is proposing revised emergency rules for Wisconsin Administrative Code ch. NR 345- Dredging in Navigable Waterways to create a general permit for dredging, including operation of a motor vehicle, on the beds of outlying navigable waters (as defined in s. 29.001 (63), Stats.) to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits.
The operation of motor vehicles and the removal or disturbance of materials on the beds of navigable waterways (also know as dredging) is regulated by Wis. Stats. Chapter 30 and Wis. Admin. Code ch. NR 345. The statutes and current rule allows riparians to apply for an individual permit to use mechanized methods to remove plant and animal nuisance deposits. 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 a general permit. The general permit would permit lakefront property owners to remove plant and animal nuisance deposits (Cladophora, Zebra mussels, dead fish, etc.) on the beds of outlying waters 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. A permanent rule will be developed after internal and external feedback evaluation.

Emergency administrative rules are necessary to establish procedures, clarify the scope of the general permit and to assure that their application will not erode public trust protections. Article IX, Section I of Wisconsin's Constitution and a large body of case law form the Public Trust Doctrine, which requires that the public interest in these waters be protected. To meet the stated goals of the Legislature and Governor in Act 118 - to streamline permit processes and not diminish public trust protections - the Department must adopt emergency rules to establish definitions and standards necessary for the administration of general permits under chapter 30, Stats.

RECOMMENDATION: Adoption of Emergency Rules

LIST OF ATTACHED MATERIALS:

No	☐	Fiscal Estimate Required	Yes	☑	Attached
No	☑	Environmental Assessment or Impact Statement Required	Yes	☐	Attached
No	☐	Background Memo	Yes	☑	Attached

APPROVED:

Russell Rasmussen — April 23, 2007
Bureau Director, Russell Rasmussen — Date

4/23/07
Administrator, Todd Ambs — Date

5/3/07
Secretary, Scott Hassett — Date

cc: Laurie J. Ross - AD/5
Russell Rasmussen - WT/4
Mary Ellen Vollbrecht - WT/4
Martin Griffin - WT/4
Kristy Riogers - Green Bay
Edwina Kavanaugh - LS/5
Michael Cain - LS/5

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: May 2, 2007

TO: Natural Resources Board

FROM: Scott Hassett, Secretary

SUBJECT: Emergency Rule Adoption for Revisions to NR 345, Wisconsin Administrative Code

1. Why are these emergency rules being proposed?
Under the direction of s. 30.20 sub. (1k), Wis. Stats; s. 30.20 sub. (1t) par. (b), Wis. Stats; and s. 30.206, Wis. Stats., the department is proposing revised emergency rules that would create a general permit for dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits. The proposed emergency rule establishes a general permit for an activity that would otherwise require an individual permit.

Background Information and Rationale for the Rule
Increased populations of invasive species such as Zebra mussels, Quagga mussels, and blooms of the nuisance algae *Cladophora*, have continued to plague the Great Lakes. In the last ten years low water levels have contributed to a greater exposed beach area, and, as a result, mussel shells and large floating mats of algae are often getting deposited by wave action in large quantities along the lakeshore. The beached algal mats mixed with decaying zebra mussels and other invertebrates and fish result in unsightly, malodorous conditions. Mats of stranded algae two feet thick may collect in some areas– often embayments where waters are calmer and materials tend to collect (Whitman et al. 2003).

The biomass of *Cladophora* that washes ashore varies between years and locations. In 2004, twenty five tons of *Cladophora* were removed from Milwaukee's lakeshore alone (Stauffer 2004). In other areas, accumulations are less where the decaying algae may remain offshore or confined to the swash zone (Harris 2004).

Piles of decaying *Cladophora* may affect tourism and recreation and owner property values, have been linked to taste and odor problems in drinking water, and may exacerbate levels of E. coli and bacteria in beach sand and swimming waters, thus raising questions about beach safety. In Wisconsin, these nuisance conditions have been reported at many sites ranging from northeastern Green Bay and the tip of Door County to Kenosha. (UW Sea Grant 2005)

Waterfront property owners desire to remove these large plant and animal nuisance deposits in an efficient manner. Currently, lakefront property owners are only allowed to remove plant and animal nuisance deposits by hand as existing statutes preclude them from using mechanized removal methods without an individual permit. As water levels decrease and the volume of public nuisance deposits increases, property owners lose ability to remove unwanted deposits by hand.

The mechanical removal of large algal accumulations has been accomplished with front-end loaders, backhoes or beach grooming equipment. However, precautions must be taken to avoid damaging sensitive beach vegetation and near shore habitat for fish and wildlife.

References
Harris, Vicki. 2004. "*Cladophora* Confounds Coastal Communities –Public Perceptions and Management Dilemmas" in *Cladophora* Research and Management in the Great Lakes Proceedings of a Workshop Held at the Great Lakes WATER Institute, University of Wisconsin-Milwaukee, December 8, 2004

Printed on Recycled Paper

Stauffer, Rebekah. 2004. "*Cladophora*: How is it Handled?" in *Cladophora* Research and Management in the Great Lakes Proceedings of a Workshop Held at the Great Lakes WATER Institute, University of Wisconsin-Milwaukee, December 8, 2004

UW Sea Grant. 2005. "Nuisance Algae on Lake Michigan Shores"

Whitman, Richard L, Dawn A. Shively, Heather Pawlik, Meredith B. Nevers, and Muruleedhara N. Byappanahalli. 2003. "Occurrence of Escherichia coli and Enterococci in *Cladophora* (Chlorophyta) in Nearshore Water and Beach Sand of Lake Michigan". Applied and Environmental Microbiology 69(8): 4714–4719

2. Summary of Rule Proposal

The operation of motor vehicles and the removal or disturbance of materials on the beds of navigable waterways (also know as dredging) is regulated by Wis. Stats. Chapter 30 and Wisconsin Administrative Code Chapter NR 345. The statutes and current rule allows lakefront property owners to apply for an individual permit to use mechanized methods to remove plant and animal nuisance deposits. 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 a new general permit. The general permit would permit lakefront property owners to remove large plant and animal nuisance deposits (*Cladophora*, mussel shells, dead fish, etc.) on the beds of outlying navigable waters (as defined in s. 29.001 (63), Stats.) 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. A permanent rule will be developed based on input relating to the emergency rule.

There are currently no specific state standards for *Cladophora* removal. By promulgating a new general permit with standards for mechanized removal we will be able to ensure that sensitive beach vegetation and near shore habitat impacts are avoided. Some of the new general permit standards proposed include:

- the removal will be limited to plant and animal nuisance deposits in the swash zone of the waterway,
- the total amount of material removed must be less than 3000 cubic yards,
- the General Permit issued is for the one time removal of the plant and animal nuisance deposit, and
- equipment used must skim the nuisance deposit off the top of the lakebed and minimize any impact to the lakebed and surrounding vegetation.

3. How does this proposal affect existing policy?

The proposed emergency rule revision provides procedures and standards which are necessary to administer the regulation of dredging activities in navigable waters under chapter 30, Stats. The rule revision does not represent a change in policy but represents a change in permit process.

4. Has the Board dealt with these issues before?

No

5. Who will be impacted by the proposed rules? How?

All types of waterfront property owners along the shores of outlying waters- from private landowners to business, builders and developers; will benefit from the additional general permits provided in the emergency rules, and the clear procedures and standards. Aquatic plant managers, Municipalities, NRCS and other agencies or contractors who remove unwanted aquatic plants and dead animals from shoreline

will benefit fro the streamlined general permits. The public who use and enjoy Wisconsin's navigable waters will also benefit from standards established to protect the public interest.

6. Information on environmental analysis, if needed.
The Bureau of Environmental Analysis and Review has determined that these rule revisions are a Type III action under s. NR 150, Wis. Adm. Code, and no environmental analysis is required. [150.03 (6) (b)]

7. Recommendation.
Department staff recommends adoption of the proposed emergency rule revision to NR 345 as described in the attached Natural Resource Board Order WT-26-07(E)

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R10/2000)

Fiscal Estimate — 2007 Session

		LRB Number	Amendment Number if Applicable
☒ Original	☐ Updated		
☐ Corrected	☐ Supplemental	Bill Number	Administrative Rule Number NR 345

Subject

Standards for dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits

Fiscal Effect

State: ☐ No State Fiscal Effect
☐ Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation
☐ Decrease Existing Appropriation
☐ Create New Appropriation

☒ Increase Existing Revenues
☐ Decrease Existing Revenues

☐ Increase Costs — May be possible to absorb within agency's budget.
☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No Local Government Costs
☐ Indeterminate

1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory
5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others
☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

20.370 (4) (bi)

Assumptions Used in Arriving at Fiscal Estimate

Summary:

This rule package creates general permits for dredging (including the operation of a motor vehicle) on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits that would otherwise be subject to individual permits under current law.

Assumptions:

Department staff that work in the areas that would be affected by the new general permit report that approximately 20 requests are made annually for permission to dredge on Great Lakes beds. Under current law, approximately 2 of these requests actually result in an application for an individual permit at a cost of $500 each, for an estimated total annual revenue of $1,000 (2 permit applications x $500).

Based on knowledge of beach conditions, Department staff estimate that the implementation of a general permit, as well as the streamlined permit process that goes with it, will double the number of requests for permission to dredge on Great Lakes beds from 20 to 40 annually, and that all 40 requests will result in actual permit applications.

Fiscal Estimate:

The Department estimates that under the proposed rule, approximately 2 dredging requests per year will continue to require a $500 individual permit, for a total of $1,000 in individual permit revenue. It is estimated that the remaining 38 requests will require general permits, for a total of $1,900 in general permit revenue (38 general permits x $50/each). Therefore, total revenue for individual and general permits is estimated to be $2,900, which represents a $1,900 increase over revenue generated under current law.

Long-Range Fiscal Implications

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	04-23-07

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number NR 345

Assumptions Used in Arriving at Fiscal Estimate – Continued

The rule change will have no impact on local government costs.

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2047 (R10/2000)

Fiscal Estimate Worksheet — 2007 Session

Detailed Estimate of Annual Fiscal Effect

		LRB Number	Amendment Number if Applicable
☐ Original	☐ Updated		
☐ Corrected	☐ Supplemental	Bill Number	Administrative Rule Number NR 345

Subject

Standards for dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations — Salaries and Fringes	$	$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	$	$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	$	$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues — Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes	$	$ -
GPR Earned		-
FED		-
PRO/PRS	1,900	-
SEG/SEG-S		-
Total State Revenues	$ 1,900	$ -

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	$	$
Net Change in Revenues	$ 1,900	$

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
Joe Polasek	266-2794	04-23-07

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 345.04(2)(a)3., (b), (c)(intro.) and 9. and (j); and to create NR 345.03(10e), (10s) and (13m), 345.04(2)(a)2m., and (im) relating to general permits for dredging in Great Lakes navigable waterways.

WT-26-07(E)

Summary Prepared by the Department of Natural Resources

Statutory Authority: ss. 30.20(1), (1k), (1t) and (2), 30.206, 227.11(2) and 227.24, Stats.

Statutes Interpreted: ss. 30.20(1), (1g), (1k), (1m), (1t) and (2) and 30.206, Stats.

Explanation of Agency Authority:
The Department has authority under s. 30.20, Stats., to promulgate rules that establish installation practices, construction and design requirements and limitations on the location of dredging conducted under statutory exemptions. The Department has authority under ss. 30.20 and 30.206, Stats., to promulgate rules to establish general permits.

Related statute or rule:
These rules relate directly to regulation of activities in navigable waters under ch. 30, Stats., waters designations in ch. NR 1, and the NR 300 series of rules.

Plain Language Analysis:
The purpose of this rule revision is to modify the existing rule to establish a new general permit with appropriate conditions. This rule revision establishes standards for projects to be eligible for a general permit for dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits. The proposed emergency rule establishes a general permit for an activity that would otherwise require an individual permit.

Federal Regulatory Analysis:
Any activity that results in a discharge (including deposits and structures) into "waters of the United States" is regulated by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. An Individual Permit from the Corps is required, unless Wisconsin regulates the project in its entirety under ch. 30, Stats., in which case the project is authorized by the Corps under general permits GP-01-WI or GP-LOP-WI. Dredging or discharge into waters declared navigable under Section 10, Rivers and Harbors Act, 1899 is also regulated, and requires an Individual Permit from the Corps.

Comparison with Adjacent States:
Minnesota – Individual permit required (joint application with Corps). Exempts dredging in water courses with total drainage area of less than 5 square miles and not trout water. Prohibits dredging in number of cases including where dredging would not provide an effective solution to the problem. Similar information requirements and permit conditions to Wisconsin's.

Michigan – Individual dredging permit required for all dredging from inland lakes and streams from MDEQ (Section 404 program has been assumed by state, so state permit serves as federal permit); individual permit dredging permit required from MDNR and Corps for dredging from Great Lakes waters and connecting waterways.

Iowa – Individual permit (joint application with Corps) required for all dredging projects in Iowa waters. Similar information requirements. Standard Corps permit conditions.

Illinois – Individual permit required to dredge from navigable waters. Disposal may require separate permit from Illinois EPA. Separate dredging permit required from Corps in navigable waters of the U.S.

Summary of Factual Data and Analytical Methodologies: Substantial published scientific literature on the effects on fish, wildlife and water quality during and after physical alterations to lake and streambeds is the basis for the rule parameters. In addition, data on actual field conditions during and after such alterations from department files is applied.

Analysis and Documents Supporting Determination of Small Business Effect: Any person placing a structure or making similar physical modifications to public navigable waters either qualifies for an exemption or must obtain a general or individual permit under state statute. To comply, small businesses follow the same requirements as other waterfront property owners: (1) make a self-determination of exemption using web-based tools provided by the department or describe their activity on an exemption determination request form; (2) complete a general permit application; or (3) complete an individual permit application. Schedules, application steps and compliance/reporting requirements are very basic for all applicants, and most projects can be planned and conducted by individuals with no specific professional background.

Anticipated Private Sector Costs: No significant fiscal effect on the private sector is anticipated.

Effect on Small Business: Dredging contractors, marinas and other waterfront businesses who wish to conduct dredging activities will be affected by the rule. Specific standards will provide clarity and consistency in the permitting process.

Agency Contact Person: Martin Griffin, MartinP.Griffin@wisconsin.gov, (608) 266-2996

SECTION 1. NR 345.03 (10e), (10s) and (13m) are created to read:

NR 345.03 (10e) "Outlying waters" has the meaning in s. 29.001 (63), Stats., and means Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor, and the Fox River from its mouth up to the dam at DePere.

(10s) "Plant and animal nuisance deposit" means a recent and natural deposit within the swash zone of a waterway of Zebra and Quaga Mussels, dead fish, Cladophora or similar biological material caused by wave action in a quantity that is causing an annoyance, damage, or health issue to the public or waterway.

Note: "Plant and animal nuisance deposit" does not include the natural deposition of the native lakebed material like sand, cobble, silt, detritus, and other organic material.

(13m) "Swash zone" as defined by the United States Army Corps of Engineers Coastal Engineering Manual, means the zone of wave action on the beach, which moves as water levels vary, extending from the limit of run-down to the limit of run-up.

Note: The "swash zone" does not typically include areas that are stabilized with vegetation.

SECTION 2. NR 345.04 (2)(a)2. is created to read:

NR 345.04(2)(a)2m. If the department determines that the dredging proposal submitted under this section has the potential to impact an archaeological site or historic structure in accordance with 44.40, Stats., the application shall be deemed incomplete. The department may not consider the application complete or issue a general permit until the applicant submits documentation to demonstrate that the dredging project avoids impacts to the archaeological site or historic structure, or completes and documents requested investigations of archaeological sites and/or historic structures in accordance with 44.40, Stats. Reports of completed archaeological and/or historic structures investigations for such

projects are subject to departmental and Wisconsin Historical Society review and approval in advance of permit issuance.

SECTION 3. NR 345.04(2)(a)3. is amended to read:

NR 345.04(2)(a)3. If the applicant modifies their dredging project plans to meet the requirements of subd. 2.or 2m, the modified plans shall be submitted before the department can consider the application complete or issue a general permit.

SECTION 4. NR 345.04 (2) (b) is amended to read:

NR 345.04(2)(b) *Applicable activities*. Dredging that meets all of the standards in pars. (c) and either (d), (f), (h), ~~or~~ (i) or (im) is eligible for a general permit under ss. 30.20 (1t) (b) and 30.206, Stats. Dredging that meets all of the standards in pars. (c) and either (e) or (g) is eligible for a general permit under ss. 30.20 (1t) (a) and (am) and 30.206, Stats.

SECTION 5. NR 345.04(2)(c)(intro.), 7. and 9. are amended to read:

NR 345.04(2)(c) *General permit standards*. (intro.) In order to be eligible for a general permit, projects must meet all of the general permit standards in par. (c) in the addition to the specific activity standards in par. (d) ~~or~~ (e) , or (im).

7. Erosion control measures shall meet or exceed the technical standards for erosion control approved by the department under subch. V of ch. NR 151. Any area where topsoil is exposed during construction shall be immediately seeded and mulched ~~or riprapped~~ to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

Note: These standards can be found at the following website: http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm

9. All equipment used for the project shall be de-contaminated following the most current protocols for invasive and exotic viruses and species prior to use and after use. All equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, sheet pile and pumps shall be thoroughly disinfected. To the extent practicable, equipment and gear used on outlying waters should not be used in inland lakes and rivers.

Note: The most current decontamination protocols can be found at the following website http://dnr.wi.gov/ under the topic "Waterway and Wetland Permits"

SECTION 6. NR 345.04(2)(im) is created to read:

NR 345.04(2)(im) *Standards for removal of plant and animal nuisance deposits*. The removal shall only be located in "outlying waters".

1. This general permit is for the one time removal of the "plant and animal nuisance deposit". Only 3 general permit for "plant and animal nuisance deposit" shall be issued for each area of a waterbody on an annual basis

2. The removal may not be located where there are public rights features as described in s. NR 1.06 or in waters in ecologically significant coastal wetlands along Lakes Michigan and Superior as identified in the Coastal Wetlands of Wisconsin (DNR-CMP project).

Note: The Coastal Wetlands of Wisconsin's Great Lakes can be found at the following website http://dnr.wi.gov/org/land/er/nhi/projects/ under the topic "Coastal Wetlands".

3. The removal shall only be located within the swash zone of the waterway.

4. The removal is limited to the "plant and animal nuisance deposit" only. The removal of native lakebed material shall be limited to the extent practicable not to exceed a "de minimus" amount.

Note: The material may contain trash which should be removed along with the plant and animal nuisance deposit.

5. If rooted vegetation will be impacted, the project must conform with the vegetation removal standards of ch. NR 109.

6. The total amount of material removed shall be less than 3000 cubic yards.

7. This general permit does not authorize the redistribution of native bed material or the placement of additional sand/stone, etc.

8. Equipment used shall be designed to skim only the plant and animal nuisance deposit off of the native lakebed material. The equipment shall be used in a manner that minimizes the impacts to the native lakebed material and surrounding vegetation. The equipment shall remove the material along a path parallel to the shore within the swash zone.

9. If the removed material will be disposed of by landspreading, the material shall be incorporated into the soil by plowing or disking within 24 hours.

10. Unless using a developed boat launch, equipment used in the removal shall access the swash zone along one path perpendicular to the shore. The chosen route shall minimize the impact to the shoreline and vegetated lakebed.

SECTION 7. NR 345.04(2)(j) is amended to read:

NR 345.04(2)(j) *Individual permit or contract required*. 1. Activities which do not meet the standards in par. (c) and either (d), (e), (f), (g), (h), (i), (im) or (j) shall require an individual permit or contract.

2. The department has authority under s. 30.206 (3r), Stats., to require an individual permit or contract in lieu of a general permit.

SECTION 8. STATEMENT OF EMERGENCY. The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The Wisconsin Legislature enacted 2003 Wisconsin Act 118 to streamline the regulatory process for activities in public trust waters. The state has an affirmative duty to administer the law in a manner consistent with the public trust responsibilities of the State of Wisconsin under Article IX, Section I of the Wisconsin Constitution.

Act 118 identifies certain activities that may be undertaken under a general permit. There are no statutory general permits for dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove algae, mussels, dead fish and similar large plant and animal nuisance deposits. Without emergency rules to create general permits, all dredging, including operation of a motor vehicle, on the beds of the Great Lakes to remove plant and animal nuisance deposits require an individual permit with an automatic 30-day public notice. The required 30-day comment period will unnecessarily delay projects that otherwise could go ahead with prescribed conditions established in a general permit. To carry out the intention of Act 118 to speed decision-making but not diminish the public trust in state waters, these emergency rules are required to establish general permits to be in effect for the 2007 summer season,

with specific standards for operation of a motor vehicle, on the beds of the Great Lakes to remove plant and animal nuisance deposits.

SECTION 9. EFFECTIVE DATE. This rule shall take effect the day of publication in the official state newspaper.

SECTION 10. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on_____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)