



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2017 Wisconsin Act 214
[2017 Assembly Bill 935]

**General Permit for Removal of
Material From Certain Inland
Waters**

Wisconsin law generally requires a person to obtain an individual permit or be authorized under a general permit before removing material from the bed of a navigable water. [s. 30.20, Stats.]

2017 Wisconsin Act 214 directs the Department of Natural Resources (DNR) to create a statewide general permit authorizing riparian owners to remove material from the bed of a navigable water in certain circumstances. Under the Act, the general permit applies to the removal of material from an inland water¹ that is an impoundment or associated feature, if all of the following conditions are satisfied:

- The removal occurs within the riparian owner's riparian zone.²
- The riparian owner's riparian zone abuts a navigable water that is affected by a man-made impoundment.³
- The material removed is unconsolidated sediment that was deposited after the navigable water was affected by the impoundment.

¹ The Act defines "inland waters" to mean waters other than Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor, and the Fox River from its mouth to the dam at De Pere.

² The Act defines "riparian zone" to mean the area that extends from riparian land waterward to the line of navigation, as determined by a method that establishes riparian zone lines between adjacent riparian owners in a manner that equitably apportions access to the depth of the water required to operate a boat on the water.

³ Owners of land directly adjacent to an impoundment may not be "riparian" owners under current Wisconsin case law. [See, *Movrich v. Lobermeier*, 2018 WI 9.]

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- The removal does not occur in a waterbody that the DNR has designated as an outstanding or exceptional resource water.⁴
- The total amount of material removed does not exceed 50 cubic yards per year.
- The material is removed to allow the riparian owner to navigate from the shoreline of his or her riparian property to the line of navigation.⁵
- When removing and disposing of the material, the riparian owner uses best management practices established by the DNR and published on the DNR's website.

The Act requires the DNR to issue the general permit within six months after the Act takes effect, and to create it in consultation with local governmental units established for the purpose of managing lakes and other waterways.

Finally, the Act designates the application fee amounts for the general permit. Specifically, the Act specifies that the DNR must establish fees of \$350 for an application submitted by an association or group and \$60 for an application submitted by an individual.

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⁴ Designated outstanding and exceptional resource waters are enumerated in ss. NR 102.10 and 102.11, Wis. Adm. Code.

⁵ The Act defines "line of navigation" to mean the depth of a navigable water required to operate a boat on the navigable water.