



2017 ASSEMBLY BILL 926

February 9, 2018 - Introduced by Representatives NYGREN, R. BROOKS, KATZMA, KITCHENS, STEFFEN and TUSLER, cosponsored by Senators COWLES, LEMAHIEU, HANSEN and STROEBEL. Referred to Committee on Environment and Forestry.

1 **AN ACT** *to create* 23.24 (4) (b) 4., 30.12 (1g) (am), 30.125 and 30.20 (1g) (b) 3. of
2 the statutes; **relating to:** shoreline maintenance in outlying waters.

Analysis by the Legislative Reference Bureau

This bill exempts from Department of Natural Resources permitting requirements certain shoreline maintenance activities in Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor, and the Fox River from its mouth up to the dam at De Pere (outlying waters).

Under current law, a person must obtain one or more permits from DNR in order to conduct certain activities in or near navigable waterways, including placing structures or deposits in navigable waters, manually removing aquatic plants from navigable waters, and removing material from the bed of a navigable water. The bed of a navigable water includes the area between the water's edge and the ordinary high-water mark (shoreline area). This bill exempts from these permit requirements certain shoreline maintenance activities that are conducted in the shoreline area of outlying waters, including leveling sand, grooming soil, removing debris, and mowing vegetation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 23.24 (4) (b) 4. of the statutes is created to read:

ASSEMBLY BILL 926**SECTION 1**

1 23.24 (4) (b) 4. A person who engages in an activity listed under sub. (3) (a) in
2 the course of performing shoreline maintenance as authorized under s. 30.125.

3 **SECTION 2.** 30.12 (1g) (am) of the statutes is created to read:

4 30.12 (1g) (am) A deposit of sand, gravel, or stone that is necessary to perform
5 an activity authorized under s. 30.125 (2) (a).

6 **SECTION 3.** 30.125 of the statutes is created to read:

7 **30.125 Shoreline maintenance in outlying waters. (1)** In this section:

8 (a) “Outlying waters” has the meaning given in s. 29.001 (63).

9 (b) “Shoreline area” means the area that is located between the ordinary
10 high-water mark and water’s edge.

11 **(2)** If the conditions under sub. (3) are met, the permitting requirements under
12 ss. 23.24 (3) and 30.12 and the contract and permitting requirements under s. 30.20
13 do not apply to any of the following maintenance activities conducted in a shoreline
14 area of an outlying water:

15 (a) The leveling of sand or the grooming of soil if the leveling or grooming will
16 occur in an area of unconsolidated material predominately composed of sand, rock,
17 and pebble that is authorized by the owner of the riparian land that abuts the
18 shoreline area.

19 (b) The removal of debris or the mowing of vegetation that is authorized by the
20 owner of the riparian land that abuts the shoreline area.

21 **(3)** All of the following conditions apply to the activities described under sub.

22 (2):

23 (a) No material may be brought in from offsite sources to conduct the activity.

24 (b) No material removed from the riparian zone adjacent to the shoreline area
25 may be used to conduct the activity.

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1 (c) No removal of material may be conducted in an area known to contain any
2 species listed as endangered or threatened under s. 29.604 (3) or any floating bogs
3 or wild rice.

4 (d) The removal of material may not interfere with the rights of other riparian
5 owners.

6 (e) The removal of invasive species shall be conducted in a manner that
7 prevents the spread of invasive species into the waters of this state and onto adjacent
8 land.

9 (f) The activity may not involve the filling of a coastal wetland or the alteration
10 of a coastal dune.

11 **SECTION 4.** 30.20 (1g) (b) 3. of the statutes is created to read:

12 30.20 (1g) (b) 3. The removal is necessary to perform an activity authorized
13 under s. 30.125 (2).

14 (END)