



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 257

**Proclamation of a State of Emergency
Relating to the Permitting of Replacement Bridges and Culverts**

WHEREAS, heavy rainfall in areas saturated with continual summer rains beginning on or about June 7, 2008 is causing widespread flooding in the State of Wisconsin; and

WHEREAS, the widespread flooding has caused potential damage to bridges and culverts, including those crossing public waters which are essential for access to primary residences, businesses and farms in the State of Wisconsin; and

WHEREAS, this potential for substantial damage creates a need to replace bridges and culverts crossing public waters which are essential for access to primary residences, businesses and farms in the State of Wisconsin; and

WHEREAS, bridges and culverts properly designed and installed can be placed or maintained in public waters with minimal damage to fish and wildlife, water quality, natural scenic beauty or navigation; and

WHEREAS, Wisconsin Statutes Section 30.123 requires that bridges and culverts must be placed or maintained in public waters pursuant to a permit issued by the Department of Natural Resources; and

WHEREAS, Wisconsin Statutes Section 30.123(8) requires notice provisions that are too lengthy to allow for essential access to primary residences, businesses and farms under the current flooding conditions;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of this state, specifically by Wisconsin Statutes Sections 166.03(1)(b)1 and 166.03(1)(b)5 do hereby order:

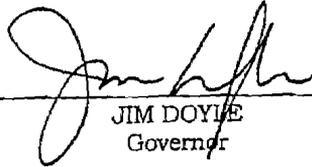
1. That the statutory notice provisions of Wisconsin Statutes Section 30.123(8) relating to the placement or maintenance of bridges or culverts over or in public waters be suspended for 30 days following the signing of this order for bridges or culverts that are essential for access to primary residences, businesses and farms; and
2. That individual permits may be issued for replacement or modification of previously-unauthorized bridges or culverts where the following conditions have been followed:
 - a) The person proposing to replace the bridge or culvert has made application to the appropriate Department of Natural Resources service center office; and
 - b) The proposed site of the bridge or culvert replacement has been field inspected where determined to be necessary by Department of Natural Resources personnel. The Department is directed to conduct the field investigation or otherwise respond within 24 hours of the request to replace the bridge or culvert; and
 - c) The on-site inspector will grant immediate written authority if the bridge or culvert will meet the standards of the general permit or will not be detrimental to the public interest in navigable waters. The on-site

inspector may authorize the proposed bridge or culvert subject whatever conditions he or she deems necessary to ensure that the bridge or culvert will not be detrimental to the public interest in navigable waters. Such conditions may include but are not limited to size of bridge or culvert; exact location of bridge or culvert; installation methods or specifications; and maintenance practices; and

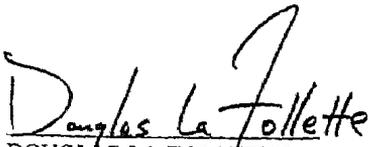
3. That the Department of Natural Resources will maintain active surveillance on bridges and culverts authorized under the procedures established pursuant to this order to ensure that only duly authorized installation of bridges and culverts occurs; and
4. That this order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing Wisconsin Statutes Section 30.123 permits, any permits issued pursuant to this order; any conditions of any such permits, or any bridges or culverts placed or maintained without authorization pursuant to Wisconsin Statutes Section 30.123, or this Order; and
5. That this order is not to be construed in any manner as limiting the rights of any citizen to appeal a decision of the Department under Wisconsin Statutes Section 30.209 or Chapter 227; and
6. That the Department of Natural Resources is authorized to modify, or if necessary rescind, any emergency permit to replace a bridge or culvert if it becomes apparent that unduly adverse impacts to public interests are being caused or aggravated by such permit, and any modification or rescission shall be in writing to the permittee.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this eleventh day of June in the year two thousand and eight.


JIM DOYLE
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State