

2001 DRAFTING REQUEST

Senate Amendment (SA-SSA1-SB55)

Received: 06/15/2001

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

SDC:.....Keckhaver - CN1034,

Topic:

Remove DNR permitting exemption for certain retaining walls

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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2001

Date (time) needed _____

LRB b 0951 / 11

AMDT TO BUDGET SUB AMDT

RNK: hnh

Sec form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT
~~TO SENATE AMENDMENT~~
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

At the locations indicated, amend the substitute amendment (amendment) as follows:

✓
#. Page 492, line 3...: delete the material beginning with that line and ending with page 494, line 8.

✓
#. Page 497, line 27...: delete the material beginning with that line and ending with page 498, line 6.
(End)

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

~~#. Page, line~~

RNK

CN1034

Delete Freestanding Motion 299, which allows a riparian owner to construct a retaining wall above the ordinary high water mark regardless of any other current regulations or permitting requirements.

DNR -- WATER QUALITY

Retaining Wall Construction Allowances

Motion:

Move to allow a riparian owner to construct a retaining wall (a vertical wall designed to prevent riparian land from eroding into a navigable water) above the ordinary high water mark regardless of any other current regulations or permitting requirements, if: (a) the area exposed by grading or removal of top soil does not exceed 10,000 square feet; (b) any material removed between the retaining wall and the ordinary high water mark during construction will be replaced with comparable material or riprap within 30 days; and (c) the retaining wall meets the following construction standards: (1) the wall incorporates adequate bracing and anchors to ensure structural stability; (2) a layer of gravel is placed in back of the landward side of the retaining wall in a filter fabric lining to facilitate drainage; (3) the base of the wall extends to a sufficient depth into the waterway bed to ensure structural stability and prevent wall failure; and (4) the ends of the wall are placed into the bank to prevent erosion or scouring.

Further, allow a riparian owner to construct a retaining wall in a navigable waterway in the Wolf River and Fox River basin area (defined to consist of all of Winnebago County; the portion and shoreline of Lake Poygan in Waushara County; the area south of STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that portion of Outagamie County south and east of USH 41; that portion of Waupaca County that includes the town of Mukwa, city of New London, town of Caledonia, town of Fremont, and the portion and shoreline of Partridge Lake and the Wolf River in the town of Weyauwega) that extends beyond the ordinary high water mark without obtaining a DNR waterway permit under s. 30.12 if it meets all of the standards outlined below.

Require that the retaining wall be either a new or replacement wall located in a connected artificial enlargement to a navigable water, or be a replacement of an existing retaining wall in a navigable water. Further require that if the retaining wall is a replacement wall, that it be constructed not more than two feet waterward of any existing retaining wall. Require riprap be placed at the base of the waterward side of the retaining wall up to the waterline, except for mooring locations where the level of riprap can be reduced to allow adequate space for the mooring of one or more watercraft. In addition to meeting the construction standards specified in

1-4 above, require that the retaining wall be constructed of treated wood and built at the lesser of: (a) the existing grade, (b) four feet above the ordinary high water mark, or (c) only high enough to prevent overtopping by wave action.

Note:

Under current law, structures and deposits may not be placed in navigable waters without a waterway permit from DNR.

RE:

Budget Drafting Instructions – Retaining Wall Construction Allowances.

~~CP4011~~ -

Important

.....
The action taken by the JFC would allow for uncontrolled building of retaining walls on Navigable Waterways.

Reference: Joint Finance Motion #299, relating to retaining wall construction allowances.

- Delete the action taken by the Joint Committee on Finance with regards to motion #299.

M66

