

06/25/2001 04:19:05 PM

Page 1

2001 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-SB55)**Received: **06/23/2001**Received By: **gibsom**Wanted: **Soon**

Identical to LRB:

For: **Assembly Republican Caucus**By/Representing: **Tessmer**This file may be shown to any legislator: **NO**Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,

Topic:

Use of exposed shore areas

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>
/1	gibsom 06/25/2001	wjackson 06/25/2001	rschluet 06/25/2001	_____	lrb_docadmin 06/25/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/23/2001

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Tessmer

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Tessmer - AM94,


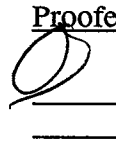
Topic:

Use of exposed shore areas

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>
/1	gibsom	1 Wlj 6/25					
				6-25-01			

FE Sent For:

<END>

B. Public Access to Private Land Up to the High Water Mark

MOW 1707

Agency affected: DNR

Repeal and recreate 30.134 of the statutes so that the public can only use private land up to the normal high water mark of a navigable waterway when it is necessary to exit the waterway in order to bypass an obstruction.

Fiscal impact: None

Location/Status: New motion, WLC: 0171/1 (Johnsrud, Albers, Rhoades)

C. Changes to the Chapter 30 permitting process on Lake Michigan/Green Bay

The motion makes several reforms to the Chapter 30 permitting process on Lake Michigan/Green Bay:

1. Establish the Lake Shore Basin Committee to provide recommendations to the DNR on Chapter 30 permit applications. The Lake Shore Basin consists of Door, Brown and Kewaunee Counties. The Committee shall consist of five members, one appointed by each of the three county boards and two by the Governor. The DNR would forward all Ch. 30 applications to the Committee for their consideration, and the Committee may provide recommendations for any applications they receive. The Lake Shore Basin Committee's recommendations shall be forwarded to the DNR for consideration in the permitting process, and the Committee will be allowed to participate in any hearing held on an application.
2. Applicants would have the option of bypassing the Administrative Law Judge (currently up to 3 years to review a case) and going directly to circuit court for a contested hearing. This option would be offered statewide.
3. Currently, every Ch. 30 applicant in Door County for an individual recreational pier is required to complete an Environmental Assessment (EA) for their project. Pier and dredging applicants would not be required to complete an EA for their project unless the DNR provides a written justification for an EA which considers the proposed action in light of the standards in NR 150, Wis. Adm. Code. All applications for Ch. 30, Stats., permits for noncommercial projects will be presumed to be Type III actions under WEPA, NR 150.03 (3), Wis. Adm. Code. Applicants would have the right to file a notice of substitution of an Administrative Law Judge (ALJ) in the same manner as the right of substitution is accorded to litigants in circuit court, 801.58, Stats.
4. Venue for all 227.53, Stats., judicial review shall be the county in which the petitioner has a residence, the county where the property that is involved in the review is located, or any county chosen by the petitioner, except if the petitioner is the agency. In that case, venue will be in the county where the agency's office that issued the decision is located.
5. Any person making an objection to the issuance of a permit pursuant to a notice published under 30.02, Stats., must pay a filing fee of \$25 at the time the objection is filed.
6. Anyone filing a written objection to the issuance of a permit under the provisions of



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1707/1

MGG:.....

WJ

soon

RMR

(D-N)

ARC:.....Tessmer – AM94, Use of exposed shore areas

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
CAUCUS ASSEMBLY AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2001 SENATE BILL 55

✓

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 494, line ¹⁹~~18~~: after that line insert:

3 "SECTION 1255b. 30.134 (title) of the statutes is amended to read:

4 30.134 (title) Use of exposed shore areas along streams bodies of water.

5 ~~SECTION 1255d.~~ 30.134 (1) (e) of the statutes is repealed.

6 PLAIN SECTION 1255h. 30.134 (2) of the statutes is amended to read:

7 30.134 (2) AUTHORIZATION. Members of the public may use any exposed shore
8 area of a stream navigable body of water without the permission of the riparian to
9 engage in a water-related recreational activity ^{is} only if it necessary to exit the body
10 of water in order to bypass an obstruction.

PLAIN

of the statutes is renumbered 30.134(3)(a) and

Please fix Component

1
2
3
4
5
6

SECTION 1255j. 30.134 (3) (a) (intro.) ~~is~~ amended to read:

30.134 (3) (a) In ~~engaging in a water~~ related recreational activity in the using
an exposed shore area of a stream, as authorized under sub. (2), a member of the
public may not do any of the following: enter the exposed shore area except from the
water, from a point of public access on the ~~body of water~~ stream, or with the permission of
the riparian.

7
8
9
10
11
12
13
14
15

History: 1999 a. 9.

- SECTION 1255k. 30.134 (3) (a) 1. of the statutes is repealed.
- ~~SECTION 1255m. 30.134 (3) (a) 2. of the statutes is repealed.~~
- SECTION 1255n. 30.134 (3) (a) 2. of the statutes is repealed.
- SECTION 1255p. 30.134 (3) (a) 3. of the statutes is repealed.
- SECTION 1255q. 30.134 (3) (a) 4. of the statutes is repealed.
- SECTION 1255r. 30.134 (3) (a) 5. of the statutes is repealed.
- SECTION 1255s. 30.134 (3) (a) 6. of the statutes is repealed.
- SECTION 1255t. 30.134 (3) (a) 7. of the statutes is repealed.
- SECTION 1255u. 30.134 (3) (b) of the statutes is repealed.

16
17
18
19

SECTION 1255v. 30.134 (3) (c) of the statutes is amended to read:
30.134(3) (c) Use of an exposed shore area ~~of a stream~~ by members of the public
does not grant an easement or other right to the exposed shore area that is greater
than the right granted to the public under this section.

20
21
22

History: 1999 a. 9.

SECTION 1255w. 30.134 (4) (a) of the statutes is amended to read:
30.134 (4) (a) No riparian may prohibit a member of the public from using, as
authorized under this section, an exposed shore arca ~~of a stream~~.

23

History: 1999 a. 9.

SECTION 1255x. 30.134 (4) (b) of the statutes is amended to read:

1 30.134 (4) (b) No riparian may charge a fee for the use, as authorized under this
2 section, of an exposed shore area of a stream.

3 History: 1999 a. 9.

3 SECTION 1255y. 30.134 (4) (c) of the statutes is amended to read:
4 30.134 (4) (c) No person may obstruct a highway with the intention to impede
5 or prohibit access by the public to an exposed shore area of a stream, as authorized
6 under this section." *SIST*

7 History: 1999 a. 9.

7 SECTION 1255z. 30.134 (5) (intro.) of the statutes is amended to read:
8 30.134 (5) EXCEPTIONS. (intro.) The right granted to the public to engage in
9 recreational activities on under this section to use an exposed shore area of a stream
10 does not apply to any of the following:"

11 History: 1999 a. 9.

11 2. Page 1237, line 4: after that line insert:
12 "SECTION 3938z. 943.13 (4m) (c) of the statutes is amended to read:
13 943.13 (4m) (c) A person entering or remaining on any exposed shore area of
14 a stream navigable body of water as authorized under s. 30.134."

15 History: 1971 c. 317; 1977 c. 173, 295; 1979 c. 32; 1983 a. 418; 1987 a. 27; 1989 a. 31; 1993 a. 342, 486; 1995 a. 45, 451; 1997 a. 248; 1999 a. 9.

(END)

ff The drafting instructions in the "package" expanded this to include other navigable waters (i.e. lakes) besides streams. But I left it only for streams. OK?

MGV

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1707/1dn
MGG:wlj:rs

June 25, 2001

because
Exposed shore areas of lakes

beyond the ordinary

The drafting instructions in the "package" expanded this to include other navigable waters (i.e. lakes) besides streams. ~~But~~ I left it only for streams. ~~on~~ lake beds.

are already in

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

I got this
from Ron in
typing

Robin

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1707/1dn
MGG:wlj:rs

June 25, 2001

However

The drafting instructions in the "package" expanded this to include other navigable waters (i.e. lakes) besides streams. ~~But~~ I left it only for streams. ~~OK~~

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

because "exposed shore areas" of lakes are owned by the state and not ~~be~~ by the riparian

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1707/1dn
MGG:wlj:rs

June 25, 2001

The drafting instructions in the "package" expanded this to include other navigable waters (i.e. lakes) besides streams. However, I left it only for streams because "exposed shore areas" of lakes are owned by the state and not by the riparian.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



ARC:.....Tessmer – AM94, Use of exposed shore areas

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 494, line 19: after that line insert:

3 **“SECTION 1255d.** 30.134 (1) (e) of the statutes is repealed.

4 **SECTION 1255h.** 30.134 (2) of the statutes is amended to read:

5 30.134 (2) AUTHORIZATION. Members of the public may use any exposed shore
6 area of a stream without the permission of the riparian to engage in a water-related
7 recreational activity only if it is necessary to exit the body of water to bypass an
8 obstruction.

9 **SECTION 1255j.** 30.134 (3) (a) (intro.) of the statutes is renumbered 30.134 (3)

10 (a) and amended to read:

