

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 07/11/2001

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau 6-8742

By/Representing: Hotynski

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Subject: Nat. Res. - nav. waters

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**Pre Topic:**

LFB:.....Hotynski -

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**Topic:**

Retaining wall construction allowance

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**Instructions:**

See Attached

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**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:**

**<END>**

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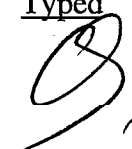
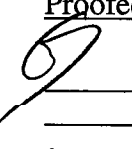
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water*

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1.*

**RETAINING WALL CONSTRUCTION ALLOWANCE**

**Conference Committee:** Modify the Senate provision to only include the first paragraph (to delete provisions generally allowing a riparian owner to construct a retaining wall statewide without a DNR permit).

effective date of the bill, as long as the repair or improvement does not alter the footprint of the building or is conducted in an area where construction is permitted under the ordinance.

## 76. RETAINING WALL CONSTRUCTION ALLOWANCE

**Senate:** Delete the provision that would have allowed a riparian owner to construct a retaining wall (a vertical wall designed to prevent 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 from the bed of the navigable water 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 filter fabric lining containing a layer of gravel extends from the landward side of the retaining wall 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, delete Joint Finance provisions that would have allowed 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.~~

~~The substitute amendment would 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 of the land; (b) four feet above the ordinary high water mark, or (c) only high enough to prevent overtopping by wave action.~~

**Assembly:** No change to Joint Finance.

4 95

(RMnotrun)

LFB Hoytinski

~~SDU:..... Keckhaver - CN 1034~~ Remove DNR permitting exemption for certain retaining walls construction allowance

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

~~CAUCUS~~ SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

Fox COMPONENT

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

2 → 1. Page 492, line 3: delete <sup>lines 3 to 24</sup> the material beginning with that line and ending  
3 with page 494, line 8.

4 2. Page 497, line 22: delete the material beginning with that line and ending  
5 (with page 498, line 6.)

6 (END)



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb2076/1  
RNK:hmh&cjs:rs

LFB:.....Hotynski - Retaining wall construction allowance

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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