

1 **SECTION 63.** 30.12 (3) (bt) 1. to 8. of the statutes are renumbered 30.276 (1) to
2 (8).

3 **SECTION 64.** 30.12 (3) (bt) 9. of the statutes is renumbered 30.276 (9).

4 **SECTION 65.** 30.12 (3) (c) of the statutes is amended to read:

5 30.12 (3) (c) The department may promulgate rules ~~deemed necessary~~ to carry
6 out the purposes of par. (a) 6., including rules to establish minimum standards to
7 govern the architectural features of boat shelters and the number of boat shelters
8 that may be constructed adjacent to a parcel of land. The rules may not govern the
9 aesthetic features or color of boat shelters. The standards shall be designed to assure
10 the structural soundness and durability of a boat shelter. A municipality may enact
11 ordinances not inconsistent with this section or with rules promulgated under this
12 section regulating the architectural features of boat shelters.

13 **SECTION 66.** 30.12 (3) (d) of the statutes is repealed.

NOTE: Under current law, the DNR does not have general authority to issue a permit under s. 30.12 to “deposit any material”. This section allows the DNR to issue a permit to deposit material upon the bed of a navigable water, but uses a different standard for the DNR to make its determination. This bill adds an additional criterion for approval of a permit to deposit material in navigable waters--the deposit must “promote public rights and interests in navigable waters”.

A new “short form” permit is added in new s. 30.12 (4) (a) 10. for intake and outfall structures.

14 **SECTION 67.** 30.12 (4) (title) of the statutes is repealed.

15 **SECTION 68.** 30.12 (4) (a) of the statutes is renumbered 30.341 (2) and amended
16 to read:

17 30.341 (2) Activities affecting waters of the state ~~as defined in s. 281.01 (18)~~
18 that are carried out under the direction and supervision of the department of
19 transportation in connection with highway, bridge, or other transportation project
20 design, location, construction, reconstruction, maintenance, and repair are not
21 subject to the prohibitions or permit or approval requirements specified under this

PLAIN

1 section or s. 29.601, ~~30.11~~ 30.12, 30.123, 30.19, 30.195, 30.20, 30.321, 30.343, 59.692,
 2 61.351, 62.231, or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However,
 3 at the earliest practical time prior to the commencement of these activities, the
 4 department of transportation shall notify the department of the location, nature, and
 5 extent of the proposed work that may affect the waters of the state.

*** NOTE: Mark ~~the~~ The phrase "except s. 281.48" remains in s. 30.202(3) as

6 SECTION 69. 30.12 (4) (b) of the statutes is renumbered 30.341 (3) and amended
 7 to read:

well
as in
other
natural
resources
provisions
so I left
it in.

8 30.341 (3) The exemption under ~~par. (a)~~ sub. (1) does not apply unless the
 9 activity is accomplished in accordance with interdepartmental liaison procedures
 10 established by the department and the department of transportation for the purpose
 11 of minimizing the adverse environmental impact, if any, of the activity.

See ss.
20.370(3)

12 SECTION 70. 30.12 (4) (c) of the statutes is renumbered 30.341 (4) and amended
 13 to read:

(ma) and
(4)(mg)
and
29.601
(3)(b).

14 30.341 (4) If the department determines that there is reasonable cause to
 15 believe that an activity being carried out under this ~~subsection~~ section is not in
 16 compliance with the environmental protection requirements developed through
 17 interdepartmental liaison procedures, it shall notify the department of
 18 transportation. If the secretary and the secretary of transportation are unable to
 19 agree upon the methods or time schedules to be used to correct the alleged
 20 noncompliance, the secretary, notwithstanding the exemption provided in this
 21 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
 22 appropriate.

23 SECTION 71. 30.12 (4) (d) of the statutes is renumbered 30.341 (5).

24 SECTION 72. 30.12 (4) (e) of the statutes is renumbered 30.341 (6) and amended
 25 to read:

1 30.341 (6) Except as may be required otherwise under s. 1.11, no public notice
2 or hearing is required in connection with any interdepartmental consultation and
3 cooperation under this ~~subsection~~ section.

4 **SECTION 73.** 30.12 (4) (f) of the statutes is renumbered 30.341 (7) and amended
5 to read:

6 30.341 (7) This ~~subsection~~ section does not apply to activities in the Lower
7 Wisconsin State Riverway, as defined in s. 30.40 (15).

8 **SECTION 74.** 30.12 (4m) of the statutes is renumbered 30.263 (2), and 30.263
9 (2) (intro.), as renumbered, is amended to read:

10 30.263 (2) ~~DUCK CREEK DRAINAGE DISTRICT STRUCTURES~~ STRUCTURES AND
11 DEPOSITS. (intro.) ~~Subsection~~ Section 30.12 (1) does not apply to a structure or deposit
12 that the drainage board for the Duck Creek Drainage District places in a drain that
13 the board operates in the Duck Creek Drainage District if either of the following
14 applies:

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component
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SECTION 75. 30.12 (5) ~~(title)~~ of the statutes is repealed and recreated to read:

30.12 (5) (title) PENALTIES.

17 **SECTION 76.** 30.12 (5) of the statutes is renumbered 30.12 (5) (b) and amended
18 to read:

19 30.12 (5) (b) Any person ~~violating~~ who violates this section or any term or
20 condition of a permit issued pursuant thereto under this section, and if it is alleged
21 in the indictment, information, or complaint and proved or admitted on trial or
22 ascertained by the court after conviction that the person was previously convicted
23 within a period of 5 years for a violation of this section or any term or condition of a
24 permit issued under this section, shall be fined not more than \$1,000 or imprisoned
25 for not more than 6 months or both.

***NOTE: MGG: Section 30.12 (5) has a number of grammatical problems, not the "and it is alleged" phrase — to what is the conjunction "and" attached (there should be a first and second parallel phrase); "if" has been added before "it is alleged" but that does not cure the problem. Also, the intent may be to say that both violations occurred within one 5-year period, but the statute does not say that. Have MGD review this later version.

~~***NOTE: Re: 30.12 (5). Shouldn't these penalties be in s. 30.381?~~

~~SECTION 77. 30.12 (5) (a) of the statutes is created to read:~~

~~30.12 (5) (a) Any person who violates this section or any term or condition of a permit issued under this section is subject to the penalty under s. 30.381 (1).~~

~~***NOTE: There is a conflict between s. 30.12 (5) (a) and (b). Which one applies when a person falls into the 5-year-period language~~

~~NOTE: The criminal penalty in current law for violation of s. 30.12 permit requirements is the only criminal penalty in subch. II. This section keeps the criminal penalty for repeat violators and adds a civil forfeiture as the basic penalty.~~

~~SECTION 78. 30.121 (title) (2) and (3) of the statutes are renumbered 30.281 (title) (2) and (3).~~

~~SECTION 79. 30.121 (3g) of the statutes is renumbered 30.281 (3g)~~

~~SECTION 80. 30.121 (3m) of the statutes is renumbered 30.281 (3m)~~

~~SECTION 81. 30.121 (3r) of the statutes is renumbered 30.281 (3r)~~

SECTION 82. 30.121 (4) of the statutes is renumbered 30.281 (4) and amended

to read:

30.281 (4) MAJOR REPAIR, ABANDONED STRUCTURES AND OBSTRUCTIONS TO NAVIGATION. The owner of a boathouse or a fixed houseboat which extends beyond the ordinary high-water mark of any navigable waterway and which is in a major state of disrepair or is a material obstruction to navigation may be ordered by the department to remove the structure from the waterway. The department shall follow the procedures set forth in s. 30.03 (4) (a) 30.96 (1) for ordering removal of a structure. If such a structure is abandoned and the department, after due diligence, cannot locate the owner, the department shall utilize the procedures set forth in s. 31.187 (1) for removing the abandoned structure.

1 SECTION 83. 30.121 (5) and (6) of the statutes are renumbered 30.281 (5) and
2 (6).

3 ~~SECTION 84. 30.121 (7) of the statutes is renumbered 30.281 (2).~~

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4 SECTION 85. 30.122 of the statutes is renumbered 30.217 and amended to read:

5 **30.217 Unauthorized structures.** All permanent alterations, deposits, or
6 structures affecting navigable waters, other than boathouses, which were
7 constructed before December 9, 1977 and which did not require a permit at the time
8 of construction, shall be presumed in conformity with the law, ~~unless a written~~
9 ~~complaint is filed within 180 days of December 9, 1977.~~ Upon the filing of a
10 complaint, the department shall proceed with an action to enforce the applicable
11 statutes.

NOTE: The time period for filing a written complaint has long since expired, and has no bearing on current structures.

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12 SECTION 86. ~~30.123 (title) of the statutes is amended to read:~~

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Regulation of bridges

13 30.123 (title) ~~Bridge construction and maintenance, permit)~~

~~Note: MGG. Check all titles for permitting sections for consistency.~~

14 SECTION 87. 30.123 (1) of the statutes is renumbered 30.213 (1) and amended
15 to read:

16 30.213 (1) Municipalities which construct or reconstruct highway bridges shall
17 not be required to obtain permits under this section or s. ~~30.10 or 30.12~~ or 30.123 for
18 such the construction or reconstruction. All municipal highway bridges shall be
19 constructed or reconstructed in accordance with standards developed under s. 84.01
20 (23).

21 SECTION 88. 30.123 (2) of the statutes is amended to read:

22 30.123 (2) ~~Except as provided in sub. (1) and s. 30.12 (4)~~ PERMIT REQUIRED.
23 Unless a permit has been granted by the department ^{issued} under sub. (4), no person may

1 construct or maintain a bridge in, on, or over navigable waters ~~unless a permit has~~
2 ~~been issued by the department under this section. The application for a permit shall~~
3 ~~contain the applicant's name and address, the proposed location of the bridge, a cross~~
4 ~~section and plan view of the navigable waters and adjacent uplands, a description~~
5 ~~of materials to be used in construction of the bridge, plans for the proposed bridge,~~
6 ~~evidence of permission to construct the bridge from the riparian owners and any~~
7 ~~other information required by the department.~~

8 **SECTION 89.** 30.123 (3) of the statutes is amended to read:

9 30.123 (3) ~~Upon receipt of a complete application, the department shall follow~~
10 ~~the notice and hearing provisions of s. 30.02 (3) and (4) The notice and hearing~~
11 ~~provisions of s. 30.245 apply to a permit applied for under this section, except that~~
12 ~~no notice or hearing is required for proposed bridges which would cross a bridge~~
13 ~~crossing a navigable waters water that is less than 35 feet wide.~~

****NOTE: Regarding s. 30.123 (3): Current law is ambiguous. Is it a navigable water than is never wider than 35 feet or is it a navigable water that is less than 35 feet wide at the point where the bridge crosses. Do you want to correct?

14 **SECTION 90.** 30.123 (4) of the statutes is amended to read:

15 30.123 (4) ~~The department shall review the plans for the proposed bridge to~~
16 ~~determine whether the proposed bridge will be an obstruction to navigation or will~~
17 ~~adversely affect the flood flow capacity of the stream. The department shall grant~~
18 ~~the ^{ISSUE} a permit if the proposed applied for under this section if the department finds~~
19 ~~that the bridge will not materially obstruct navigation, will not materially reduce the~~
20 ~~effective flood flow capacity of a stream ~~or be, and will not be~~ detrimental to the public~~
21 ~~interest.~~

****NOTE: Re: 30.123 (4) : The 3 criteria in s. 30.123 (4) are cumulative. The "or" in current law has been changed to "and".

22 **SECTION 91.** 30.123 (5) of the statutes is repealed.

NOTE: This repeals a requirement that bridges constructed over navigable streams be maintained in a safe condition, as determined by the DNR. The DNR does not have the expertise to review bridge safety and maintenance.

1 SECTION 92. 30.123 (6) of the statutes is created to read:

2 30.123 (6) Subsections (2) to (4) do not apply to the following:

- 3 ~~The construction or reconstruction of~~
 4 (a) ~~Highway bridges constructed or reconstructed under s. 30.213 by~~
~~municipalities.~~ *to which s. 30.213 applies*
- 5 (b) ~~Bridges constructed and maintained by the department of transportation~~
 6 ~~under s. 30.341.~~ *The construction, reconstruction, maintenance, or repair of*
in accordance with

7 SECTION 93. 30.124 of the statutes is renumbered 30.351, and 30.351 (1)

8 (intro.), as renumbered, is amended to read:

9 30.351 (1) (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
 10 department finds that the activity will not adversely affect the public interest or
 11 private rights or interests in fish and wildlife populations, navigation, or waterway
 12 flood flow capacity and will not result in environmental pollution, ~~as defined in s.~~
 13 ~~299.01 (4)~~, the department may do all of the following on public lands or waters:

14 SECTION 94. 30.1255 of the statutes is renumbered ~~30.91~~ ^{30.352} ✓

15 SECTION 95. 30.126 (title) and (2) to (9) of the statutes are renumbered 30.266

16 (title) and (2) to (9), and 30.266 (5) (g), as renumbered, is amended to read:

17 30.266 (5) (g) *May not have improper flotation devices.* No person may
 18 construct, place, or maintain a fishing raft on authorized portions of the Wolf River
 19 unless each flotation device used on the fishing raft is clean and uncontaminated,
 20 properly attached to the fishing raft, and properly maintained in conformity with
 21 minimum standards established by the department by rule. The department shall
 22 establish minimum standards for the condition, attachment, and maintenance of
 23 flotation devices used on fishing rafts. This paragraph applies to any device used to

1 provide flotation for a fishing raft, including each individual barrel or styrofoam
2 coffin.

(a defined term)

***NOTE: Why not ^{make} ~~put~~ this last sentence in s. 30.126 (5) (g), as renumbered, in s. 30.266 (1)?

and

3 SECTION 96. 30.126 (10) (title) ~~(a) (title) and (b) (title)~~ of the statutes are
4 repealed.

5 SECTION 97. 30.126 (10) ^(a) of the statutes is renumbered 30.381 ⁽³⁾ and amended
6 to read:

FISHING RAFTS.

(3) → (a)
SET

7 30.381 ⁽³⁾ ^(a) A person who violates this section, any rule promulgated under
8 this section s. 30.266 or any order issued by the department under this section s.
9 30.266 shall forfeit not less than \$10 nor more than \$250 for each offense. Each day
10 during which a fishing raft exists in violation of s. 30.266 is
of violation constitutes a separate offense.

11 (b) A person who violates any ordinance adopted or order issued by the
12 municipality under this section s. 30.266 is subject to the penalty established by
13 ordinance. A Wolf River municipality may not establish this penalty at a level which
14 is less severe than the penalty established under par. (a).

→ SORT ← SEC. #. CR; 30.381 (3) (title) & 30.381 (3) (title) (CS)
SECTION 98. 30.13 (title) and (1) (intro.), (b) and (c) of the statutes are amended

Fishing Rafts.

16 to read:
17 30.13 (title) Regulation of wharves, piers, and swimming rafts;

18 establishment of pierhead lines. (1) CONSTRUCTION ALLOWED WITHOUT PERMIT
19 UNDER CERTAIN CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may construct
20 a wharf or pier in a navigable waterway extending beyond the ordinary high-water
21 mark or an established bulkhead line in aid of navigation without obtaining a permit
22 under s. 30.12 if all of the following conditions are met:

SECTION RP; 30.126 (b) (title) → (10)
SECTION RA; 30.126 (b); 30.381 (3) (b)
L (10)

1 (b) The wharf or pier does not interfere with rights of other riparian ~~proprietors~~
2 owners.

3 (c) The wharf or pier does not extend beyond any pierhead line which is
4 established under ~~sub. (3)~~ s. 30.323.

5 **SECTION 99.** 30.13 (1m) (intro.) and (b) of the statutes are amended to read:

6 **30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN**
7 **CIRCUMSTANCES.** (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
8 a navigable waterway for swimming and diving purposes without obtaining a permit
9 under s. 30.12 if all of the following conditions are met:

10 (b) The swimming raft does not interfere with rights of other riparian
11 ~~proprietors~~ owners.

12 **SECTION 100.** 30.13 (3) (title) of the statutes is repealed.

13 **SECTION 101.** 30.13 (3) of the statutes is renumbered 30.323 (1), and 30.323 (1)
14 (a), as renumbered, is amended to read:

15 **30.323 (1) (a)** Any municipality authorized by s. ~~30.11~~ 30.321 to establish a
16 bulkhead line may also establish a pierhead line in the same manner as it is
17 authorized to establish a bulkhead line, except that a metes and bounds legal
18 description is not required nor is the map required to be prepared by a registered land
19 surveyor and except that if the municipality has created a board of harbor
20 commissioners the municipality must obtain the approval of the board concerning
21 the establishment of the pierhead line in addition to obtaining the approval of the
22 department.

23 **SECTION 102.** 30.13 (4) (b) of the statutes is amended to read:

24 **30.13 (4) (b)** *Interferes with riparian rights.* A wharf or pier which interferes
25 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction

1 of navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or
2 unless authorization for the wharf or pier is expressly provided.

3 **SECTION 103.** 30.13 (4) (c) of the statutes is amended to read:

4 30.13 (4) (c) *Extends beyond pierhead line; exception.* A wharf or pier which
5 extends into navigable waters beyond any pierhead line established under ~~sub. (3)~~
6 s. 30.323 constitutes an unlawful obstruction of navigable waters unless a valid
7 permit, license, or authorization for the wharf or pier is ~~granted~~^{issued} or unless it is a
8 permissible preexisting wharf or pier. A wharf or pier is a permissible preexisting
9 wharf or pier if it existed prior to the establishment of the pierhead line, if it is not
10 extended or expanded after that date and if the ownership of the land to which it is
11 attached did not change after that date except that a wharf or pier continues its
12 status as a permissible preexisting wharf or pier for one year after the date the
13 change of ownership is recorded. The seasonal removal of a wharf or pier does not
14 affect its status as a permissible preexisting wharf or pier if it is reestablished in
15 substantially the same form. Status as a permissible preexisting wharf or pier does
16 not imply that authorization for the wharf or pier is provided for the purposes of par.
17 (a) or (b). The owner of a wharf or pier may submit evidence to the municipality that
18 it is a permissible preexisting wharf or pier at any time after the municipality
19 establishes the pierhead line.

20 **SECTION 104.** 30.13 (6) (title) of the statutes is repealed.

21 **SECTION 105.** 30.13 (6) of the statutes is renumbered 30.323 (2).

22 **SECTION 106.** 30.131 of the statutes is renumbered 30.283, and 30.283 (1)
23 (intro.) and (f) and (2), as renumbered, are amended to read:

24 30.283 (1) (intro.) Notwithstanding s. ~~30.133~~ 30.095, a wharf or pier of the type
25 which does not require a permit under ss. 30.12 (1) and 30.13 that abuts riparian land

1 and that is placed in a navigable water by a person other than the owner of the
2 riparian land may not be considered to be an unlawful structure on the grounds that
3 it is not placed and maintained by the owner if all of the following requirements are
4 met:

5 (f) The placement of the wharf or pier complies with the provisions of this
6 ~~chapter, with any rules promulgated under this chapter~~ subchapter and with any
7 applicable municipal regulations or ordinances.

8 (2) Notwithstanding s. ~~30.133~~ 30.095, an easement under sub. (1) may be
9 conveyed if it is conveyed at the same time, and to the same person, that the land to
10 which the easement is appurtenant is conveyed.

11 **SECTION 107.** 30.133 of the statutes is renumbered 30.095.

~~***NOTE. The treatment of s. 30.134 is missing.~~

SECTION # . RN; 30.134 ; ~~30.235~~ 30.235 ✓

12 **SECTION 108.** 30.135 (1) (a) (intro.) and 2. of the statutes are amended to read:

13 30.135 (1) (a) A riparian ~~proprietor~~ owner may place a water ski platform or
14 water ski jump in a navigable waterway without obtaining a permit if all of the
15 following requirements are met:

16 2. The platform or jump does not interfere with rights of other riparian
17 ~~proprietors~~ owners.

18 **SECTION 109.** 30.135 (2) (a) and (4) of the statutes are amended to read:

19 30.135 (2) (a) Upon receipt of a complete permit application, the department
20 shall either order a hearing or provide notice stating that it will proceed on the
21 application without a hearing unless a substantive written objection to issuance of
22 the permit is received within 30 days after publication of the notice. The department
23 shall provide a copy of the notice to the applicant for the permit, ~~the clerk of each~~
24 municipality in which the water ski platform or water ski jump is to be located to each

1 local governmental unit required to receive notice under s. 30.04 (2), and to any other
2 person required by law to receive notice. The department may provide notice to other
3 persons as it considers appropriate. The applicant shall publish the notice as a class
4 1 notice under ch. 985 in a newspaper designated by the department that is likely
5 to give notice in the area affected. The applicant shall file proof of publication with
6 the department.

7 (4) EXEMPTION. ~~Section 30.02 does~~ The notice and hearing provisions of s.
8 30.245 do not apply to a permit applications submitted applied for under this section.

9 SECTION 110. 30.14 (title) of the statutes is repealed.

10 SECTION 111. 30.14 (1) (title) of the statutes is repealed.

11 SECTION 112. 30.14 (1) of the statutes is renumbered 30.327.

12 SECTION 113. 30.14 (2) of the statutes is renumbered 30.247 and amended to
13 read:

14 **30.247 Hearings by department.** Upon complaint by any person to the
15 department that any wharf, pier, or other structure exists in navigable water in
16 violation of s. 30.12 ~~or~~, 30.13, or ~~30.207~~ 30.223 or that any wharf, pier, or other
17 structure proposed to be built in navigable water will violate s. 30.12 ~~or~~, 30.13, or
18 ~~30.207~~ 30.223, the department shall investigate and may hold a hearing to
19 determine whether the wharf, pier, or other structure is or would be in violation of
20 those sections. If no hearing is held, the complainant shall be informed of the results
21 of the investigation.

22 SECTION 114. 30.15 (title) of the statutes is repealed.

23 ~~SECTION 115. 30.15 (1) (title) of the statutes is repealed.~~

24 ~~SECTION 116. 30.15 (1) (intro.) and (a) to (c) of the statutes are renumbered~~
25 ~~30.98 (1) (intro.) and (a) to (c).~~

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(2) (a)

1 SECTION 117. 30.15 (1) (d) of the statutes is renumbered 30.381 and
2 amended to read:

(a)
① (2) STRUCTURES AND DEPOSITS

3 30.381 (a) Constructs Any person who constructs or places any structure or
4 deposits any material in navigable waters in violation of s. 30.12 ~~or 30.13~~ shall forfeit
5 not less than \$100 nor more than \$500 for each offense. Each day during which a
6 structure or deposit ^{of material} exists in violation of this subsection ^{Keep s. 30.12} is a separate offense.

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7 ~~SECTION 118. 30.15 (3) of the statutes is renumbered 30.98 (2).~~

8 SECTION 119. 30.16 of the statutes is renumbered 30.95.

9 SECTION 120. 30.18 (1) (intro.) of the statutes is created to read:

10 30.18 (1) DEFINITIONS. (intro.) In this section:

11 SECTION 121. 30.18 (1) (b) of the statutes is created to read:

12 30.18 (1) (b) "Large diversion" means a diversion that will result in a water loss
13 averaging, in any 30-day period, at least 2,000,000 gallons per day above a
14 permittee's base level of water loss.

15 SECTION 122. 30.18 (2) (a) (intro.) of the statutes is amended to read:

16 30.18 (2) (a) Streams Divisions from streams. (intro.) No Unless a permit has
17 been granted ^{issued} by the department ~~under this section, no person may divert water from~~
18 ~~a stream in this state without a permit under this section if the diversion meets~~
19 ~~either of the following conditions if any of the following applies:~~

20 SECTION 123. 30.18 (2) (a) 3. of the statutes is created to read:

21 30.18 (2) (a) 3. The diversion is a large diversion.

22 SECTION 124. 30.18 (2) (b) of the statutes is amended to read:

23 30.18 (2) (b) Streams or Divisions from lakes. No Unless a permit has been
24 granted ^{issued} by the department ~~under this section, no person, except a person required~~
25 ~~to obtain an approval under s. 281.41, may divert water from any lake or stream in~~

1 ~~this state without a permit under this section if the diversion will result in a water~~
2 ~~loss averaging 2,000,000 gallons per day in any 30-day period above the person's~~
3 ~~authorized base level of water loss is a large diversion.~~

4 **SECTION 125.** 30.18 (2) (c) of the statutes is created to read:

5 30.18 (2) (c) *Exception.* A person who is required to obtain an approval under
6 s. 281.41 to divert water is exempt from the permitting procedures in this section.

7 **SECTION 126.** 30.18 (3) (title) and (a) (title), 1. and 2. of the statutes are
8 repealed.

9 **SECTION 127.** 30.18 (3) (a) 3. of the statutes is renumbered 30.18 (3m) (a) and
10 amended to read:

11 30.18 (3m) (a) ~~For a diversion under sub. (2) (a) 2., the application shall include~~
12 ~~written~~ Written statements of consent to the diversion from all riparian owners who
13 are making beneficial use of the water proposed to be diverted.

14 **SECTION 128.** 30.18 (3) (a) 4. of the statutes is repealed.

15 **SECTION 129.** 30.18 (3) (b) of the statutes is repealed.

16 **SECTION 130.** 30.18 (3m) (intro.) of the statutes is created to read:

17 30.18 (3m) APPLICATIONS FOR PERMITS; SPECIFIC REQUIREMENTS. (intro.) An
18 application for a permit under this section to divert water from a stream for the
19 purpose of agriculture or irrigation shall include all of the following:

20 **SECTION 131.** 30.18 (3m) (b) of the statutes is created to read:

21 30.18 (3m) (b) Evidence of permission or authority to enter any land through
22 which it is proposed to divert the water for the purpose of obtaining information
23 required for drafting the plans for the project.

24 **SECTION 132.** 30.18 (4) (title) of the statutes is amended to read:

25 30.18 (4) (title) NOTICE ~~OF~~ AND HEARING ON APPLICATION.

1 **SECTION 133.** 30.18 (4) (a) of the statutes is amended to read:

2 30.18 (4) (a) Upon receipt of a complete application for a permit under this
3 section, the department shall follow the notice and hearing procedures under s. ~~30.02~~
4 ~~(3) and (4)~~ 30.245.

5 ~~(am)~~ In addition to the notice requirements under s. ~~30.02 (3) and (4)~~ 30.245,
6 the department shall mail a copy of the notice to ~~every person upon whose land any~~
7 ~~part of the canal or any other structure will be located, to the~~ all of the following:

8 3. The clerk of the next town municipality that is the next municipality
9 downstream, to the.

10 4. The clerk of any village or city each municipality in which the lake or stream
11 from which water is proposed to be diverted is located and which is adjacent to any
12 municipality in which the diversion will take place and to each.

13 5. Each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

14 **SECTION 134.** 30.18 (4) (am) 1. and 2. of the statutes are created to read:

15 30.18 (4) (am) 1. Each owner of land over which water is proposed to be
16 diverted.

17 2. Each local governmental unit under s. 30.04 (2).

18 **SECTION 135.** 30.18 (4) (b) of the statutes is amended to read:

19 30.18 (4) (b) If a hearing on the application for a permit under this section is
20 conducted as a part of a hearing under s. 293.43, the notice and hearing provisions
21 in that section supersede the notice and hearing provisions of ~~par. (a)~~ s. 30.245.

22 **SECTION 136.** 30.18 (5) (title) of the statutes is repealed and recreated to read:

23 30.18 (5) (title) ~~GRANTING~~ ^{ISSUANCE} OF PERMITS.

24 **SECTION 137.** 30.18 (5) (a) (intro.) of the statutes is amended to read:

1 30.18 (5) (a) *Streams*. (intro.) The department shall approve an application
2 for a permit required under sub. (2) (a) to divert water from ~~streams~~ a stream if the
3 department determines both that all of the following apply:

4 **SECTION 138.** 30.18 (5) (a) 1. of the statutes is amended to read:

5 30.18 (5) (a) 1. ~~That the~~ The proposed diversion will not injure any public rights
6 in navigable waters be detrimental to the public interest.

 ****NOTE: Isn't this a substantive change? Doesn't this mean any public interest,
not just the public's interest in navigable waters?

7 **SECTION 139.** 30.18 (5) (a) 1m. of the statutes is created to read:

8 30.18 (5) (a) 1m. The proposed diversion is for use on riparian land.

 ****NOTE: Again, isn't this a substantive change?

9 **SECTION 140.** 30.18 (5) (a) 2. of the statutes is amended to read:

10 30.18 (5) (a) 2. ~~That the~~ Either the water to be diverted is surplus water, or if
11 it is not surplus water, that all riparians not being beneficially used for all riparian
12 owners who may be adversely affected by the diversion have consented to the
13 proposed diversion.

approval specified

14 **SECTION 141.** 30.18 (5) (a) 3. of the statutes is created to read:

15 30.18 (5) (a) 3. The grounds for ~~granting a permit~~ under s. 281.35 (5) (d) are met
16 if the diversion is a large diversion.

17 **SECTION 142.** 30.18 (5) (b) of the statutes is amended to read:

18 30.18 (5) (b) ~~*Streams or lakes*~~ Lakes. The department shall approve an
19 application for a permit required under sub. (2) (b) to divert water from a lake if the
20 grounds for approval specified under s. 281.35 (5) (d) are met ~~and, if the permit is also~~
21 ~~required under sub. (2) (a), if the department makes the determinations specified~~
22 ~~under par. (a).~~

23 **SECTION 143.** 30.18 (6) (title) of the statutes is amended to read:

1 30.18 (6) (title) ~~PERMITS; USE OF WATER;~~ PERMIT CONDITIONS; REPORTING; REVIEW.

2 SECTION 144. 30.18 (6) (a) of the statutes is amended to read:

PLAIN

3 30.18 (6) (a) *Contents of permit.* The department shall specify on each permit
4 ~~issued~~ granted under this section the quantity of water that may be diverted and the
5 times during which water may be diverted. In addition, if the permit is one which
6 is required under sub. (2) ~~(b)~~ for a large diversion, the permit shall comply with s.
7 281.35 (6).

8 SECTION 145. 30.18 (6) (b) of the statutes is renumbered 30.18 (6) (dm) and
9 amended to read:

who is PLAIN

10 30.18 (6) (dm) *Use of water.* A person ~~issued~~ who is granted a permit for the
11 purpose of irrigation or agriculture may use the water on any land contiguous to the
12 permittee's riparian land, but may not withdraw more water than ~~it did~~ the
13 permittee withdrew before August 1, 1957, ~~without applying to the department for~~
14 ~~a modification of the permit unless the department approves the additional amount~~
15 to be withdrawn by modifying the permittee's permit.

16 SECTION 146. 30.18 (6) (c) of the statutes is renumbered 30.18 (6) (bm) and
17 amended to read:

18 30.18 (6) (bm) *Reporting required.* ~~The department shall require each~~
19 ~~permittee~~ A person who is granted ~~a permit~~ issued under this section ~~to report its~~ shall
20 report to the department the volume and rate of withdrawal and its volume and rate
21 of water loss, ~~if any.~~ The report shall be in the form and at the times specified by the
22 department.

23 SECTION 147. 30.18 (6) (cm) 3. of the statutes is created to read:

24 30.18 (6) (cm) 3. A permit ~~granted~~ issued under this section before August 1, 1957, is
25 exempt from the review requirements under subds. 1. and 2.

duplicate

SECTION 148. 30.18(6) (cm) 3 of the statutes is created to read:

30.18 (6) (cm) 3. A permit granted under this section before August 1, 1957, is exempt from the review requirements under subds. 1. and 2.

SECTION 149. 30.18 (6) (d) (title) of the statutes is renumbered 30.18 (6) (cm) (title).

SECTION 150. 30.18 (6) (d) of the statutes is renumbered 30.18 (6) (cm) 1. and amended to read:

30.18 (6) (cm) 1. ~~If the permit is one that is required under sub. (2) (a), but not under sub. (2) (b), and the permit was issued on or after August 1, 1957, Except as provided in subds. 2. and 3. the department shall review the permit at least once every 5 years.~~

strike → ~~under sub. (2) (b)~~

2. If the permit is one that is required ~~for a large diversion~~, the department shall review the permit as required under s. 281.35 (6) (b).

SECTION 151. 30.18 (6m) (a) (intro.) of the statutes is amended to read:

30.18 (6m) (a) ^{PLAIN} ~~Streams; mandatory revocation.~~ (intro.) The department shall revoke a permit issued ~~granted~~ under sub. (5) (a), which is not subject to sub. (2) (b), if it a permit for a large diversion, if the department finds that any of the following applies:

SECTION 152. 30.18 (6m) (a) 1. and 2. of the statutes are amended to read:

30.18 (6m) (a) 1. ~~That the~~ The water being diverted is no longer surplus water, except that the department may allow the diversion to continue if all riparians has become water that is being beneficially used, unless all riparian owners adversely affected by the diversion continue to consent to it.

2. If the diversion is from a stream designated by the department as a trout stream, ~~that~~ the revocation is desirable for conservation purposes.

PLAIN

SECTION 153. 30.18 (6m) (b) of the statutes is amended to read:

30.18 (6m) (b) Streams; discretionary revocation. The department may revoke any permit ~~issued granted~~ under sub. (5) (a), which is not subject to sub. (2) (b), if it a permit for a large diversion, if the department finds that the diversion is detrimental to the stream from which the water is diverted.

PLAIN

SECTION 154. 30.18 (6m) (c) of the statutes is amended to read:

30.18 (6m) (c) Large diversion. The department may revoke a permit ~~issued granted~~ under sub. (5) (b) this section for a large diversion only as provided under s. 281.35 (6).

SECTION 155. 30.18 (7) of the statutes is amended to read:

~~30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION. After an application under this section has been filed with the department, the applicant may enter any land through which it is proposed to divert the water for the purposes of making any surveys required for drafting the plans for the project, but no work shall Work may not be commenced on the canal, headworks, or other structures necessary for the project for which a permit has been granted under this section until the plans for the same canal, headworks, or other structures have been approved by the department. Any person having received who has been granted a permit required under sub. (2) (a) (5) (a) for a diversion that is not a large diversion may construct upon the land of another the canal, headworks, and other ~~works~~ structures authorized by the permit after the damage which will be sustained by the owner or owners of such land has been satisfied, or has been determined as provided for in ch. 32, and after the final sum so determined and all costs have been paid to the persons entitled thereto or to the clerk of the circuit court on their account.~~

~~****NOTE: Bob Nelson is looking at the stricken phrases at the end of s. 30.18 (7). Those phrases will need redrafting.~~

✓
— INSECT
44-1

NOTE: Current s. 30.18 (7) allows the applicant to "enter any land through which it is proposed to divert water", after the permit application is filed, to conduct surveys. This provision is deleted, and replaced by a requirement in new s. 30.18 (3m) (a) for the applicant to obtain permission or authority to enter the land.

1 **SECTION 156.** 30.18 (8) of the statutes is renumbered 30.353 and amended to
2 read:

3 **30.353 Department may raise water elevations.** If after examination and
4 investigation the department determines that it is necessary to raise water
5 elevations in any navigable ~~stream or lake~~ ^{body of water} for conservation purposes, the
6 department may, if funds are available from any source other than license fees,
7 determine and establish the elevations to which the water may be raised or
8 maintained, but the water elevation may not be established below the normal
9 elevation. If any lands are damaged by raising the water levels above normal and
10 the department cannot acquire the right to flow the lands by agreement with the
11 owner, the department may acquire the lands or the right to flow the lands by
12 condemnation under ch. 32.

~~****NOTE: If this stat. is not amended, remove the text from the bill.~~

~~****NOTE: Bob Nelson is looking at s. 30.18 (8) concerning the condemnation language.~~

13 **SECTION 157.** 30.18 (9) of the statutes is repealed.

14 **SECTION 158.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
15 and amended to read:

16 **30.19 (1g) PERMITS REQUIRED.** (intro.) Unless a permit has been granted by the
17 ~~department or authorization~~ ^{issued under this section or} has been granted by the legislature, it is unlawful ~~to do~~
18 any of the following: ^{to plain}

no person may do

1 SECTION 159. 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
2 amended to read:

3 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
4 waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the
5 purpose is ~~ultimate connection with an existing navigable stream, lake or other~~
6 ~~navigable waters, or where~~ water body that connects with ^{an existing} ~~navigable waterway.~~

7 (am) Construct, dredge, or enlarge any part of the an artificial waterway that ^{water}
8 is located within 500 feet of the ordinary high-water mark of an existing navigable ^{body}
9 stream, lake or other navigable waters waterway.

10 SECTION 160. 30.19 (1) (b) of the statutes is renumbered 30.19 (1g) (b) and
11 amended to read:

12 30.19 (1g) (b) ~~To connect any natural or artificially constructed~~ Connect, by a
13 navigable surface channel, any navigable waterway, canal, channel, ditch, lagoon,
14 pond, lake or similar waterway or any artificial water body with ^{(an existing body of}
15 ~~navigable water, for navigation or any other purpose~~ waterway. ^{PLAIN}

16 SECTION 161. 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
17 amended to read:

18 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
19 bank of any navigable stream, lake or other body of navigable water waterway where
20 the area exposed by such the grading or removal will exceed 10,000 square feet.

21 SECTION 162. 30.19 (1b) of the statutes is created to read:

22 30.19 (1b) DEFINITION. In the section, "artificial water body" means a proposed
23 or existing body of water that does not have a history of being a natural body of water
24 or part of a natural body of water.

***NOTE: Review ^{later draft as to use of} in light of use of "lake or stream" in original draft.

SECTION 163. 30.19 (1m) (intro.) of the statutes is amended to read:

30.19 (1m) ~~EXCEPTION.~~ EXCEPTIONS. (intro.) Subsection ~~(1)~~ (1g) does not apply to any of the following:

SECTION 164. 30.19 (1m) (a) of the statutes is amended to read:

30.19 (1m) (a) The construction ~~and~~ or repair of any public highways ~~highway~~.

SECTION 165. 30.19 (1m) (b) of the statutes is amended to read:

30.19 (1m) (b) Any agricultural ~~uses~~ use of land. *and not s. 30.19 (1)(am) or (b)*

SECTION 166. 30.19 (1m) (c) and ~~(d)~~ of the statutes are repealed.

SECTION 167. 30.19 (1m) (e) of the statutes is amended to read:

30.19 (1m) (e) Any work required to maintain the original dimensions of an enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a permit or legislative authorization under sub. ~~(1)(a) or (b)~~ (1g) (a).

****NOTE: Under s. 30.19 (1m) (e) enlargements are authorized only under s. 30.19 (1) (a) ~~what~~. Is the above what is intended?

SECTION 168. 30.19 (2) (intro.) and (a) to (d) of the statutes are repealed.

SECTION 169. 30.19 (2) (e) of the statutes is renumbered 30.19 (3b) (b) 3. and amended to read:

30.19 (3b) (b) 3. The ~~name and address of the secretary of~~ ^{STET-plain} any property owners' association ~~pertaining~~ formed with respect to the ~~bodies of water~~ natural water bodies and artificial water bodies affected by the project ~~or if there is no such association, the names and addresses of.~~ If no property owners' association exists, the department shall provide notice to at least 5 persons who own real property located adjacent to the ~~bodies of water~~ natural water bodies and artificial water bodies. ^{PLAIN} If fewer than 5 persons own real property located adjacent to the ~~bodies of~~ water, ^{PLAIN} the names and addresses of such ~~natural water bodies and artificial water~~ ^{PLAIN}

1 bodies, the department shall provide notice to these persons that own real estate so
2 located shall be given.

the in should apply
****NOTE: Check terminology's. 30.19 (2) (e): shouldn't this be limited to navigable any
waters, whether or not they are artificial? body of water, navigable vs non-
navigable, artificial vs natural?

3 SECTION 170. 30.19 (2) (f) of the statutes is repealed.

4 SECTION 171. 30.19 (3) (title) of the statutes is repealed.

5 SECTION 172. 30.19.(3) (a) of the statutes is renumbered 30.19 (3b) (b) 4. and
6 amended to read:

7 30.19 (3b) (b) 4. ~~Section 30.02 (3) and (4) applies to permit applications under~~
8 ~~sub. (1) (b) and (c). Notice shall be provided to the clerks of the county and~~
9 ~~municipality in which the project or affected body of water is located and to the~~
10 ~~persons under sub. (2) (e). For The Milwaukee Metropolitan Sewerage District for~~
11 ~~any permit application which affects for a project that would affect the Milwaukee~~
12 ~~River, the Menomonee River, the Kinnickinnic River, the Root River, or any tributary~~
13 ~~of those rivers, special notice shall be given to the Milwaukee metropolitan sewerage~~
14 ~~district. The metropolitan sewerage district shall have 30 days to respond to the~~
15 ~~special notice.~~

16 SECTION 173. 30.19 (3) (b) of the statutes is repealed.

17 SECTION 174. 30.19 (3b) of the statutes is created to read:

18 30.19 (3b) NOTICE AND HEARING UPON APPLICATION. (a) Upon receipt of a complete
19 application for a permit under ^{sub. (1g) (b) or (c) ✓} ~~(this section)~~ the department shall follow the notice
20 and hearing procedures under s. 30.245.

21 (b) In addition to the notice requirements under s. 30.245, the department shall
22 provide notice to all of the following:

- 23 1. Each local governmental unit under s. 30.04 (2).

1 2. The clerk of each municipality in which the project or affected artificial water
2 body or navigable waterway is located.

^{Mark A}
 ****NOTE: Regarding the phrase "provide notice" here and elsewhere in the draft:
 Written? E-mail? Internet posting?

What type of notice?

3 **SECTION 175.** 30.19 (4) of the statutes is renumbered 30.19 (4) (intro.) and
4 amended to read:

5 30.19 (4) ISSUANCE OF PERMIT. (intro.) ~~If the department finds that the project~~
6 ~~will not injure public rights or interest, including fish and game habitat, that the~~ The
7 ~~department shall grant~~ ^{issue} a permit applied for under this section if the department
8 determines that all of the following apply:

9 (b) The project will not cause environmental pollution as defined in s. 299.01
10 (4), that any.

11 (c) Any enlargement connected to a navigable waterways conforms to the
12 requirement of waterway complies with all of the laws for the relating to platting of
13 land and for sanitation and that no.

14 (d) No material injury will result to the rights of any riparian owners ~~on any~~
15 ~~body of water affected will result, the department shall issue a permit authorizing~~
16 ~~the enlargement of the affected waterways~~ of land that abuts a natural water body
17 or artificial water body that is affected by the project.

18 **SECTION 176.** 30.19 (4) (a) of the statutes is created to read:

19 30.19 (4) (a) The project will not be detrimental to the public interest.

20 **SECTION 177.** 30.19 (5) of the statutes is amended to read:

21 30.19 (5) ~~CONDITIONS OF PERMIT~~ PERMIT CONDITIONS. ~~The~~ A permit issued under
22 this section to construct an artificial water body and to connect it to a navigable
23 waterway shall provide that all require that the artificial waterways constructed

1 under this section which are connected to navigable waterways shall be water body
2 be a public waterways. The department may impose such further conditions in the
3 permit as it finds reasonably necessary to protect public health, safety, welfare,
4 rights and interest and to protect private rights and property waterway.

****NOTE: Section 30.19 needs to be checked regarding the following terminology:
"navigable waterway/ water body/ body of water".

****NOTE: This is the only place in this subchapter where "pubic waterway" will be
used. Should this term be changed?

NOTE: This provision continues the applicability of notice and hearing provisions
only to permit applications under sub. (2) (b) and (c). Under the current statute, the notice
and hearing is not required for dredging artificial water bodies for the purpose of
connection to a navigable waterway or where part of the artificial water body is within
500 feet of the ordinary high-water mark of the navigable waterway. In addition, an
exemption from the notice and hearing is provided for grading or removing topsoil from
the bank of navigable waters where the only effect is on water quality. This exemption
allows DNR to develop a "short form" permit for grading or removing topsoil from the
bank where advance notice is given to the department and the work conforms to rules of
the department that describe methods for such work.

NOTE: Current s. 30.19, which requires a permit for enlargement and protection
of waterways, contains an exception for navigable lakes and streams and any portion of
Lake Michigan within Milwaukee County. This exception is not included in this bill so
that s. 30.19 will apply uniformly to all navigable waters. However, current s. 30.05
(renumbered s. 30.223) continues to apply where lake bed grants have been made.

SECTION 178. 30.195 (1) of the statutes is amended to read:

30.195 (1) PERMIT REQUIRED. ~~No~~ ^{authorization has granted by the legislature} Unless a permit has been ^{issued} granted by the
~~department~~ under this section or unless a statute expressly authorizes the activity,
no person may change the course of or straighten a navigable stream without a
permit issued under this section or without otherwise being expressly authorized by
statute to do so. ^{being authorized by statute}

****NOTE: ~~I don't like this language:~~ "issued by DNR under section"; DNR is
redundant. Plus what about ^{the} ~~the legislature?~~ ^{granted} ^{this}

SECTION 179. 30.195 (2) of the statutes is repealed and recreated to read:

30.195 (2) PERMIT APPLICATION. Upon receipt of a complete application for a
permit under this section, the department shall follow the notice and hearing

1 procedures under s. 30.245 if the activity involves the relocation of more than a total
2 of 500 feet in stream length.

****NOTE: ~~And~~ what if it is less than 500 feet in length? *Additional language is needed.*

3 SECTION 180. 30.195 (3) of the statutes is renumbered 30.195 (3) (intro.) and
4 amended to read:

5 30.195 (3) ~~GRANTING~~ ^{ISSUANCE} OF PERMIT. (intro.) ~~Upon application therefor, the~~ The
6 department shall ~~grant~~ ^{ISSUE} a permit ~~to the~~ applied for under this section if the
7 department determines that all of the following apply:

8 (a) The applicant is the owner of any the land to change the course of or
9 straighten a upon which the change in course or straightening of the navigable
10 stream on such land, if such will occur.

11 (b) The proposed change of course or straightening of the navigable stream will
12 improve the economic or aesthetic value of the owner's ^{value} applicant's land and will.

13 (c) The proposed change of course or straightening of the navigable stream will
14 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
15 to public rights or the public interest.

16 (d) The proposed change of course or straightening of the navigable stream will
17 not be detrimental to the rights of other riparians riparian owners located on the
18 stream. If the department finds that the rights of such riparians these riparian
19 owners will be adversely affected, it ^{plain} may grant ^{ISSUE} the permit only with their the consent

20 ~~Such permit may be granted on the department's own motion after its own~~
21 ~~investigation or after public hearing and after giving prior notice of such~~
22 ~~investigation or hearing of all of these riparian owners.~~

23 SECTION 181. 30.195 (4) and (7) of the statutes are repealed.

NOTE: It is not clear whether current s. 30.195 is subject to the requirement of a notice and hearing. Current s. 30.02 provides that the notice and hearing provisions of

*lps:
delete the space here.*

that statute apply in any proceeding under ch. 30 where public notice is required. Under s. 30.195 (3), the DNR may issue a permit either on its own motion or after a public hearing. This does not appear to be a clear statement that a public hearing is required, and it is therefore uncertain whether the notice and hearing requirement of current s. 30.02 applies. This bill makes the permit under s. 30.195 subject to the notice and hearing requirements of new s. 30.245 for relocation of more than 500 feet of stream length, which corresponds with the division between type II and type III actions regarding stream locations for environmental review under ch. NR 150, Wis. Adm. Code.

This bill eliminates the current provision in s. 30.195 (4) that states that no common law liability and no liability under any other statute for damages resulting from the change in the course of the stream or straightening a stream is affected by s. 30.195. Nothing in current s. 30.195, or s. 30.195 as amended by this bill, suggests that an exemption from liability is created. Compliance with the provisions in a permit under s. 30.195 may have a bearing on the issue of negligence, but current s. 30.195 (4) is unnecessary. Also, the provision in the current statute that creates a presumption of exercising due care in complying with a permit is better addressed by the court as part of a negligence action.

The exception for land owned by Milwaukee County or a city, village or town in Milwaukee County is deleted. This provision was originally created as part of s. 30.195 when it was adopted in 1961, and was added as a floor amendment. This exception is not included in this bill so that s. 30.195 will apply uniformly to all navigable waters.

1 **SECTION 182.** 30.196 of the statutes is renumbered 30.313, and 30.313 (intro.),
2 as renumbered, is amended to read:

3 **30.313 Enclosure of navigable waters; issuance of permits to**
4 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
5 placing, or restricting navigable waters into an enclosed drain, conduit, storm sewer,
6 or similar structure if the department ^{issues} grants the municipality a permit. The
7 department may ^{issue} grant this permit to a municipality after following the notice and
8 hearing requirements under s. 30.02 (3) and (4) if it 30.245 if the department finds
9 that ^{issuing} granting the permit:

10 **SECTION 183.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

11 30.20 (1) (title) CONTRACT OR PERMIT REQUIRED.

12 **SECTION 184.** 30.20 (1) (a) of the statutes is amended to read:

13 30.20 (1) (a) No Unless a contract has been entered into with the department
14 under sub. (2), no person may remove any material from the bed of any navigable lake

1 or from the bed of any outlying waters of this state without first obtaining a contract
2 as provided in sub. (2).

3 SECTION 185. 30.20 (1) (b) of the statutes is amended to read:

4 30.20 (1) (b) ~~Except as provided under pars. (c) and (d), no~~ Unless a permit has
5 ~~been issued by the department under sub. (3), no~~ person may remove any material
6 from the bed of any lake or stream not mentioned under described in par. (a) without
7 first obtaining a permit from the department under sub. (2) (e).

(X) *****NOTE: I added "under sub. (3)". OK? Or is the intent to refer to other permits
issued by DNR? *(.44)*

8 SECTION 186. 30.20 (1) (c) 1. of the statutes is repealed.

9 SECTION 187. 30.20 (1) (c) 2. of the statutes is renumbered 30.215 (2) (a) 2. and
10 amended to read:

11 30.215 (2) (a) 2. The proposed project involves the proposed removal of material
12 from the farm drainage ditch and the department may require a permit under sub.
13 (2) (e) for a removal under subd. 1. only if it finds that the proposed removal may have
14 a long-term adverse effect on cold-water fishery resources or may destroy fish
15 spawning beds or nursery areas.

16 SECTION 188. 30.20 (1) (c) 3. of the statutes is renumbered 30.215 (2) (b) and
17 amended to read:

18 30.215 (2) (b) ~~A person who proposes a removal under subd. 1. which of~~
19 material from a farm drainage ditch under the exemption under this subsection that
20 may have an effect on cold-water fishery resources or may affect fish spawning beds
21 or nursery areas shall ^{the person} notify the department at least 10 days prior to the proposed
22 removal. The department shall determine whether a permit is necessary under s.
23 30.20 (1) (b) within the 10-day period.

Handwritten notes and markings:
- X par.(a)2. if
- and the removal
- If a
- plain
- plain
- UMS
- INSERT
- 52-23
- apply for a permit under 30.20(1)(b)

~~***NOTE: Cannot proceed without a permit? Something is missing here.~~

1 **SECTION 189.** 30.20 (1) (d) of the statutes is renumbered 30.263 (3) and
2 amended to read:

3 30.263 (3) The drainage board for the Duck Creek Drainage District may,
4 without a permit under sub. (2) (e) s. 30.20 (3), remove material from a drain that the
5 board operates in the Duck Creek Drainage District if the removal is required, under
6 rules promulgated by the department of agriculture, trade and consumer protection,
7 in order to conform the drain to specifications imposed by the department of
8 agriculture, trade and consumer protection after consulting with the department of
9 natural resources.

10 **SECTION 190.** 30.20 (2) (title), (a) and (b) of the statutes are amended to read:

11 30.20 (2) (title) CONTRACTS FOR REMOVAL FROM NAVIGABLE LAKES AND OUTLYING
12 WATERS. (a) The department, ~~whenever consistent with public rights,~~ may enter into
13 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
14 material from the bed of any navigable lake or of any of the outlying waters, and for
15 ~~the lease or sale of the material.~~ Every. Each contract entered into under this
16 paragraph shall contain ~~such~~ any conditions ~~as may be~~ that the department
17 determines are necessary for the protection of the public interest and the ~~interests~~
18 interest of the state ~~and.~~ Each contract entered into under this paragraph shall fix
19 the compensation to be paid to the state for the material so to be removed, except that
20 ~~no~~ the contract may not require that any compensation ~~may~~ be paid for the material
21 if the contract is with a municipality, as defined in s. 281.01 (6), and if the material
22 ~~is to~~ will be used for a municipal purpose and will not for resale. ~~No~~ be resold. Each
23 contract entered into under this paragraph may not run for ~~a longer period~~ more
24 than 5 years.

1 (b) The department, ~~whenever consistent with public rights,~~ may enter into
 2 ~~contracts~~ a contract on behalf of the state for the removal of any mineral, ore and,
 3 ~~or other material from beneath the bed of a navigable lakes and waters, where water~~
 4 ~~that the state may own if the contract will be consistent with public rights and if the~~
 5 ~~waters would navigable water will~~ not be disturbed in the removal operation and for
 6 ~~the lease and sale of such mineral, material and ore and provide the necessary~~
 7 ~~regulations for all acts incident thereto. Every such.~~ Each contract entered into
 8 under this paragraph shall contain such any conditions as may be that the
 9 department determines are necessary for the protection of the public interest and the
 10 interests interest of the state, and. Each contract entered into under this paragraph
 11 shall fix the compensation to be paid to the state for the ~~material, mineral and ore~~
 12 ~~so~~ mineral, ore, or other material to be removed. ~~No~~ Each contract entered into,
 13 pursuant to under this paragraph, shall may not run for ~~a longer period~~ more than
 14 75 years. ~~Should any doubt exist as to whether the state, in fact, owns such lake bed~~
 15 ~~or stream bed such contract or lease shall be for such interests, if any, as the state~~
 16 ~~may own. Title to the royalties to be paid when~~ After mining operations are have
 17 begun, the department shall be determined at such future time as determine the date
 18 before which the royalties for ores so sold are paid or any mineral, ore, or other
 19 material that is removed and sold are due and payable.

(a)

20 SECTION 191. 30.20 (2) (c) of the statutes is renumbered 30.20 (3) and amended
 21 to read:

(a)

22 30.20 (3) ~~PERMITS FOR REMOVAL FROM OTHER WATERS.~~ A permit The department
 23 may issue a permit to remove material from the bed of any lake or stream not
 24 ~~included~~ described in sub. (1) (a) ~~may be issued by~~ if the department ~~if it~~ finds that
 25 the issuance of such a ~~the~~ permit will be consistent with the public interest in the

1 water involved lake or stream. A permit or contract issued under this paragraph
2 ~~subsection~~ may be issued for up to 10 years if the applicant notifies the department
3 ~~at least 30 days before removing any material.~~

(X)

the 30-day time frame in s. 30.20:
****NOTE: Regarding ~~30.20(2)(b)~~ What if less than 30 days notice is given?

NOTE: Current s. 30.20 does not contain a requirement for public notice or a hearing under s. 30.02. This bill makes a permit or contract under s. 30.20 subject to the notice and hearing requirements of new s. 30.245 for dredging that involves the removal of more than 3,000 cubic yards, which corresponds with the threshold for a type II action for purposes of environmental review under ch. NR 150, Wis. Adm. Code.

110-65
330
INSERT
55-31 ✓

4 SECTION 192. 30.202 of the statutes is renumbered 30.333, and 30.333 (3), as
5 renumbered, is amended to read:

6 30.333 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities
7 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,
8 permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty
9 specified under this chapter, s. 29.601, 30.01 to 30.20, 30.21 to 30.99, 59.692, or 87.30,
10 or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any rule promulgated,
11 order issued, or ordinance adopted under those sections or chapters.

Keep

61.351, 62.231, ✓

****NOTE: In s. 30.202 (3), should underscored "chapter" be "subchapter?"

12 SECTION 193. 30.2025 of the statutes is renumbered 30.278, and 30.278 (5) (d),
13 as renumbered is amended to read:

14 30.278 (5) (d) It may not cause environmental pollution, as defined in s. 299.01
15 (4).

16 SECTION 194. 30.2026 of the statutes is renumbered 30.279, and 30.279 (2) (d)
17 and (3) (a), as renumbered, are amended to read:

18 30.279 (2) (d) The village of Belleville shall create any artificial barrier under
19 this section in compliance with all state laws that relate to navigable bodies of water,
20 except s. 30.12 (1) and (2).

1 **(3)** (a) The village of Belleville shall maintain any artificial barrier created as
2 authorized under sub. (1). If a landowner of more than 500 feet of Lake Belle View
3 shoreline, a portion of which is located within 1,000 feet of any such artificial barrier,
4 is dissatisfied with the manner in which the village of Belleville is maintaining the
5 barrier, the owner may maintain the barrier in lieu of the village, upon approval of
6 the department. The village or a landowner who maintains the barrier shall comply
7 with all state laws that relate to navigable bodies of water, except s. 30.12 (1) and (2).
8 The department may require the village of Belleville or the landowner to maintain
9 the barrier in a structurally and functionally adequate condition.

 ****NOTE: I removed the cross-references to s. 30.12 (2) in s. 30.279 (2) (d) and (3)
(a), as renumbered, because they seemed redundant and confusing.

10 **SECTION 195.** 30.203 of the statutes is renumbered 30.355, and 30.355 (4) (d),
11 as renumbered, is amended to read:

12 30.355 (4) (d) It may not cause environmental pollution, as defined in s. 299.01
13 (4).

14 **SECTION 196.** 30.2035 of the statutes is repealed.

 NOTE: The repealed statute requires the DNR to undertake a shoreline protection
study. This study has been issued and the DNR is in the process of promulgating rules.

15 **SECTION 197.** 30.2037 of the statutes is renumbered 30.267.

16 **SECTION 198.** 30.204 of the statutes is renumbered 30.373, and 30.373 (5), as
17 renumbered, is amended to read:

18 30.373 (5) EXEMPTION FROM CERTAIN STATUTES AND RULES. Activities of the
19 department in conducting the lake acidification experiment are exempt from any
20 prohibition, restriction, requirement, permit, license, approval, authorization, fee,
21 notice, hearing, procedure, or penalty specified under this subchapter and subchs.

22 ~~IV and VI~~ and ~~s. 29.601 (3), 30.01 to 30.03, 30.06 to 30.16, 30.18 to 30.29, 30.50 to~~

30.335 (title) WATER RESOURCES DEVELOPMENT PROJECTS;
61.351, 62.231, FEDERAL AGREEMENTS.

SECTION 198

1 30.99, 59.692, 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95, or 299.97 or chs. 281,
2 283 or 289 to 292 or specified in any rule promulgated, order issued, or ordinance
3 adopted under any of those sections or chapters.

***NOTE: Are any of the changes in the cross-references in s. 30.373 (5) substantive changes?

***NOTE: The cross-reference changes in s. 30.204 (5) vary from the cross-reference changes in s. 30.202 (3). Is that intentional?

Fix component 4

SECTION 199. 30.205 of the statutes is renumbered 30.335 (1) and 30.335 (title), as renumbered, is amended to read:

SECTION 200. 30.206 of the statutes is renumbered 30.221, and 30.221 (1) and (7), as renumbered, are amended to read:

30.221 (1) For activities which require a permit or approval under ss. 30.12 (3) (a) and 30.19 (1) (1g) (a), the department may issue a general permit authorizing a class of activities, according to rules promulgated by the department. Before issuing general permits, the department shall determine, after an environmental analysis and notice and hearing under ss. 227.17 and 227.18, that the cumulative adverse environmental impact of the class of activity is insignificant and that issuance of the general permit will not injure public rights or interest, cause environmental pollution, as defined in s. 299.01 (4), or result in material injury to the rights of any riparian owner.

(7) This section does not apply to an application for a general permit for the Wolf River and Fox River basin area or any area designated under s. 30.207 30.223 (1m) if the application for the general permit may be submitted under s. 30.207 30.223.

Mark - Do you want to change
***NOTE: Should the reference in s. 30.206 (3m) and (6) be to "subchapter" instead of to "chapter"?