

1 **SECTION 90.** 30.123 (title) of the statutes is repealed and recreated to read:

2 **30.123 (title) Regulation of bridges.**

3 **SECTION 91.** 30.123 (1) of the statutes is renumbered 30.213 (1) and amended
4 to read:

5 30.213 (1) Municipalities which construct or reconstruct highway bridges shall
6 not be required to obtain permits under this section or s. ~~30.10 or 30.12~~ or 30.123 for
7 ~~such~~ the construction or reconstruction. All municipal highway bridges shall be
8 constructed or reconstructed in accordance with standards developed under s. 84.01
9 (23).

10 **SECTION 92.** 30.123 (2) of the statutes is amended to read:

11 30.123 (2) ~~Except as provided in sub. (1) and s. 30.12 (4) Unless a permit has~~
12 been issued under sub. (4), no person may construct or maintain a bridge in, on, or
13 over navigable waters ~~unless a permit has been issued by the department under this~~
14 ~~section. The application for a permit shall contain the applicant's name and address,~~
15 ~~the proposed location of the bridge, a cross section and plan view of the navigable~~
16 ~~waters and adjacent uplands, a description of materials to be used in construction~~
17 ~~of the bridge, plans for the proposed bridge, evidence of permission to construct the~~
18 ~~bridge from the riparian owners and any other information required by the~~
19 ~~department.~~

20 **SECTION 93.** 30.123 (3) of the statutes is repealed and recreated to read:

21 30.123 (3) For a permit for a bridge crossing a navigable water that is at least
22 35 feet wide, upon receipt of a complete application, the department shall either deny
23 the application for the permit as provided in s. 30.246 (1) or shall give notice of receipt
24 of the application for the permit as provided in s. 30.244. For a permit for a bridge
25 crossing a navigable water that is less than 35 feet wide, the department shall either

1 deny the application as provided in s. 30.246 (1) or shall follow the procedure
2 allowing the department to give notice under s. 30.245.

****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?

3 **SECTION 94.** 30.123 (4) of the statutes is amended to read:

4 30.123 (4) ~~The department shall review the plans for the proposed bridge to~~
5 ~~determine whether the proposed bridge will be an obstruction to navigation or will~~
6 ~~adversely affect the flood flow capacity of the stream.~~ The department shall grant
7 the issue a permit if the proposed applied for under this section if the department
8 finds that the bridge will not materially obstruct navigation, will not materially
9 reduce the effective flood flow capacity of a stream or be, and will not be detrimental
10 to the public interest.

11 **SECTION 95.** 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.

12 **SECTION 96.** 30.123 (6) of the statutes is created to read:

13 30.123 (6) Subsections (2) to (4) do not apply to the following:

14 (a) The construction or reconstruction of highway bridges to which s. 30.213
15 applies.

16 (b) The construction, reconstruction, maintenance, or repair of bridges by the
17 department of transportation in accordance with s. 30.341.

18 **SECTION 97.** 30.124 of the statutes is renumbered 30.351, and 30.351 (1)
19 (intro.), as renumbered, is amended to read:

20 30.351 (1) (intro.) Notwithstanding ss. 30.12, 30.20, 30.44, and 30.45, and if the
21 department finds that the activity will not adversely affect the public interest or

1 private rights or interests in fish and wildlife populations, navigation, or waterway
2 flood flow capacity and will not result in environmental pollution, ~~as defined in s.~~
3 ~~299.01 (4)~~, the department may do all of the following on public lands or waters:

4 **SECTION 98.** 30.1255 of the statutes is renumbered 30.352.

5 **SECTION 99.** 30.126 (title) and (2) to (9) of the statutes are renumbered 30.266
6 (title) and (2) to (9), and 30.266 (5) (g), as renumbered, is amended to read:

7 30.266 (5) (g) *May not have improper flotation devices.* No person may
8 construct, place, or maintain a fishing raft on authorized portions of the Wolf River
9 unless each flotation device used on the fishing raft is clean and uncontaminated,
10 properly attached to the fishing raft, and properly maintained in conformity with
11 minimum standards established by the department by rule. The department shall
12 establish minimum standards for the condition, attachment, and maintenance of
13 flotation devices used on fishing rafts. This paragraph applies to any device used to
14 provide flotation for a fishing raft, including each individual barrel or styrofoam
15 coffin.

16 **SECTION 100.** 30.126 (10) (title) and (a) (title) of the statutes are repealed.

17 **SECTION 101.** 30.126 (10) (a) of the statutes is renumbered 30.381 (3) (a) and
18 amended to read:

19 30.381 (3) (a) A person who violates ~~this section, any rule promulgated under~~
20 ~~this section~~ s. 30.266 or any order issued by the department under ~~this section~~ s.
21 30.266 shall forfeit not less than \$10 nor more than \$250 for each offense. Each day
22 ~~of violation constitutes~~ during which a fishing raft exists in violation of s. 30.266 is
23 a separate offense.

24 **SECTION 102.** 30.126 (10) (b) (title) of the statutes is repealed.

1 **SECTION 103.** 30.126 (10) (b) of the statutes is renumbered 30.381 (3) (b) and
2 amended to read:

3 30.381 (3) (b) A person who violates any ordinance adopted or order issued by
4 the municipality under ~~this section s. 30.266~~ is subject to the penalty established by
5 ordinance. A Wolf River municipality may not establish this penalty at a level which
6 is less severe than the penalty established under par. (a).

7 **SECTION 104.** 30.13 (title) and (1) (intro.), (b) and (c) of the statutes are
8 amended to read:

9 **30.13 (title) Regulation of wharves, piers, and swimming rafts;**
10 **establishment of pierhead lines.** (1) CONSTRUCTION ALLOWED WITHOUT PERMIT
11 UNDER CERTAIN CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may construct
12 a wharf or pier in a navigable waterway extending beyond the ordinary high-water
13 mark or an established bulkhead line in aid of navigation without obtaining a permit
14 under s. 30.12 if all of the following conditions are met:

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

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

19 **SECTION 105.** 30.13 (1m) (intro.) and (b) of the statutes are amended to read:

20 **30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN**
21 **CIRCUMSTANCES.** (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
22 a navigable waterway for swimming and diving purposes without obtaining a permit
23 under s. 30.12 if all of the following conditions are met:

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

1 **SECTION 106.** 30.13 (3) (title) of the statutes is repealed.

2 **SECTION 107.** 30.13 (3) of the statutes is renumbered 30.323 (1), and 30.323 (1)
3 (a), as renumbered, is amended to read:

4 30.323 (1) (a) Any municipality authorized by s. ~~30.11~~ 30.321 to establish a
5 bulkhead line may also establish a pierhead line in the same manner as it is
6 authorized to establish a bulkhead line, except that a metes and bounds legal
7 description is not required nor is the map required to be prepared by a registered land
8 surveyor and except that if the municipality has created a board of harbor
9 commissioners the municipality must obtain the approval of the board concerning
10 the establishment of the pierhead line in addition to obtaining the approval of the
11 department.

12 **SECTION 108.** 30.13 (4) (b) of the statutes is amended to read:

13 30.13 (4) (b) *Interferes with riparian rights.* A wharf or pier which interferes
14 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction
15 of navigable waters unless a permit is issued for the wharf or pier under s. 30.12 or
16 unless authorization for the wharf or pier is expressly provided.

17 **SECTION 109.** 30.13 (4) (c) of the statutes is amended to read:

18 30.13 (4) (c) *Extends beyond pierhead line; exception.* A wharf or pier which
19 extends into navigable waters beyond any pierhead line established under ~~sub. (3)~~
20 s. 30.323 constitutes an unlawful obstruction of navigable waters unless a valid
21 permit, license, or authorization for the wharf or pier is ~~granted~~ issued or unless it
22 is a permissible preexisting wharf or pier. A wharf or pier is a permissible preexisting
23 wharf or pier if it existed prior to the establishment of the pierhead line, if it is not
24 extended or expanded after that date and if the ownership of the land to which it is
25 attached did not change after that date except that a wharf or pier continues its

1 status as a permissible preexisting wharf or pier for one year after the date the
2 change of ownership is recorded. The seasonal removal of a wharf or pier does not
3 affect its status as a permissible preexisting wharf or pier if it is reestablished in
4 substantially the same form. Status as a permissible preexisting wharf or pier does
5 not imply that authorization for the wharf or pier is provided for the purposes of par.
6 (a) or (b). The owner of a wharf or pier may submit evidence to the municipality that
7 it is a permissible preexisting wharf or pier at any time after the municipality
8 establishes the pierhead line.

9 **SECTION 110.** 30.13 (6) (title) of the statutes is repealed.

10 **SECTION 111.** 30.13 (6) of the statutes is renumbered 30.323 (2).

11 **SECTION 112.** 30.131 of the statutes is renumbered 30.283, and 30.283 (1)
12 (intro.) and (f) and (2), as renumbered, are amended to read:

13 30.283 (1) (intro.) Notwithstanding s. ~~30.133~~ 30.095, a wharf or pier of the type
14 which does not require a permit under ss. 30.12 (1) and 30.13 that abuts riparian land
15 and that is placed in a navigable water by a person other than the owner of the
16 riparian land may not be considered to be an unlawful structure on the grounds that
17 it is not placed and maintained by the owner if all of the following requirements are
18 met:

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

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

25 **SECTION 113.** 30.133 of the statutes is renumbered 30.095.

1 **SECTION 114.** 30.134 of the statutes is renumbered 30.85.

2 **SECTION 115.** 30.135 (1) (title) of the statutes is repealed and recreated to read:

3 30.135 (1) (title) PLACEMENT ALLOWED WITHOUT PERMIT UNDER CERTAIN
4 CIRCUMSTANCES.

 ****NOTE: I made this title consistent with the title found in s. 30.13 (1).

5 **SECTION 116.** 30.135 (1) (a) (intro.) and 2. of the statutes are amended to read:

6 30.135 (1) (a) A riparian ~~proprietor~~ owner may place a water ski platform or
7 water ski jump in a navigable waterway without obtaining a permit if all of the
8 following requirements are met:

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

11 **SECTION 117.** 30.135 (2) (a) and (4) of the statutes are amended to read:

12 30.135 (2) (a) Upon receipt of a complete permit application, the department
13 shall either order a hearing or provide notice stating that it will proceed on the
14 application without a hearing unless a substantive written objection to issuance of
15 the permit is received within 30 days after publication of the notice. The department
16 shall provide a copy of the notice to the applicant for the permit, ~~the clerk of each~~
17 ~~municipality in which the water ski platform or water ski jump is to be located~~ to each
18 representative of a local governmental unit required to receive notice under s. 30.04
19 (3), and to any other person required by law to receive notice. The department may
20 provide notice to other persons as it considers appropriate. The applicant shall
21 publish the notice as a class 1 notice under ch. 985 in a newspaper designated by the
22 department that is likely to give notice in the area to be affected by the permit. The
23 applicant shall file proof of publication under this paragraph with the department.

1 (4) EXEMPTION. ~~Section 30.02 does~~ The procedures under ss. 30.244, 30.245,
2 and 30.246 do not apply to a permit applications submitted application under this
3 section.

4 SECTION 118. 30.14 (title) of the statutes is repealed.

5 SECTION 119. 30.14 (1) (title) of the statutes is repealed.

6 SECTION 120. 30.14 (1) of the statutes is renumbered 30.327.

7 SECTION 121. 30.14 (2) of the statutes is renumbered 30.247 and amended to
8 read:

9 **30.247 Hearings by department.** Upon complaint by any person to the
10 department that any wharf, pier, or other structure exists in navigable water in
11 violation of s. 30.12 ~~or~~, 30.13, or ~~30.207~~ 30.223 or that any wharf, pier, or other
12 structure proposed to be built in navigable water will violate s. 30.12 ~~or~~, 30.13, or
13 ~~30.207~~ 30.223, the department shall investigate and may hold a hearing to
14 determine whether the wharf, pier, or other structure is or would be in violation of
15 those sections. If no hearing is held, the complainant shall be informed of the results
16 of the investigation.

17 SECTION 122. 30.15 (title) of the statutes is repealed. (1)

18 SECTION 123. 30.15 (1) (title) of the statutes is renumbered 30.98 (title) and

19 amended to read:

20 **30.98 (title) Obstructions penalized.**

21 SECTION 124. 30.15 (1) (intro.) of the statutes is renumbered 30.98 (1) (intro.).

22 SECTION 125. 30.15 (1) (a), (b) and (c) of the statutes are renumbered 30.98 (1)
23 (a), (b) and (c) and amended to read:

24 30.98 (1) (a) Unlawfully obstructs any navigable waters water and thereby
25 impairs the free navigation thereof of the navigable water.

amended to read: **BOLD**
No **PLAIN**

CAPS+SMALL - No **B**

~~30.98 (title) Obstructions penalized.~~
~~30.98 (1) (intro.) of the statutes is renumbered 30.98 (1) (intro.).~~
~~30.15 (1) (a), (b) and (c) of the statutes are renumbered 30.98 (1) (a), (b) and (c) and amended to read:~~

is a duplicate but different title for s. 30.98 (1).

(b) Unlawfully places in any navigable waters or in any tributary thereof water any substance that may float into and obstruct any such waters navigable water or that may impede their free navigation of any navigable water.

(c) Constructs or maintains in any navigable waters, water any boom not authorized by law or aids in the construction or maintenance therein, of any such boom not authorized by law.

SECTION 126. 30.15 (1) (d) of the statutes is renumbered ^{30.381} ~~30.98~~ (4) (a) and amended to read:

Except as provided in par. (b),
^{30.381} ~~30.98~~ (4) (a) Constructs Any person who constructs or places any structure or deposits any material in navigable waters in violation of s. 30.12 ~~or 30.13~~ shall forfeit not less than \$100 nor more than \$500 for each offense. Each day during which a structure or deposit of material exists in violation of s. 30.12 is a separate offense.

SECTION 127. 30.15 (3) (title) of the statutes is repealed.

SECTION 128. 30.15 (3) of the statutes is renumbered 30.98 (2).

SECTION 129. 30.16 of the statutes is renumbered 30.95.

SECTION 130. 30.18 (1) (intro.) of the statutes is created to read:

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

SECTION 131. 30.18 (1) (b) of the statutes is created to read:

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

****NOTE: The language in the definition of "major (formerly "large") diversion" is the same as the language found in s. 30.18 (3) except that I added "at least." OK?

SECTION 132. 30.18 (2) (a) (intro.) of the statutes is amended to read:

under this paragraph

1 30.18 (2) (a) ~~Streams~~ Diversions from streams. (intro.) ~~No~~ Unless a permit has
2 been issued under this section, no person may divert water from a stream in this
3 state without a permit under this section if the diversion meets either of the following
4 conditions if any of the following applies:

5 **SECTION 133.** 30.18 (2) (b) of the statutes is amended to read:

6 30.18 (2) (b) ~~Streams or~~ Major diversions from streams or lakes. ~~No~~ Unless a
7 permit has been issued under this section, no person, ~~except a person required to~~
8 ~~obtain an approval under s. 281.41,~~ may divert water from any lake ~~or stream in this~~
9 state without a permit under this section if the diversion will result in a water loss
10 averaging ~~2,000,000 gallons per day in any 30 day period above the person's~~
11 ~~authorized base level of water loss~~ is a major diversion. This paragraph does not
12 apply to a person who is required to obtain an approval under s. 281.41.

 ****Note: Mark – In this redraft, I redid s. 30.18 so that the permits are not divided
between streams and lakes. Instead, I used the structure that is under current law,
streams, and “major” diversions from either lakes or streams.

13 **SECTION 134.** 30.18 (3) (title) and (a) (title), 1. and 2. of the statutes are
14 repealed.

15 **SECTION 135.** 30.18 (3) (a) 3. of the statutes is renumbered 30.18 (3m) (a) and
16 amended to read:

17 30.18 (3m) (a) ~~For a diversion under sub. (2) (a) 2., the application shall include~~
18 ~~written~~ Written statements of consent to the diversion from all riparian owners who
19 are making beneficial use of the water proposed to be diverted.

20 **SECTION 136.** 30.18 (3) (a) 4. of the statutes is repealed.

21 **SECTION 137.** 30.18 (3) (b) of the statutes is repealed.

22 **SECTION 138.** 30.18 (3m) (intro.) of the statutes is created to read:

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

2 **SECTION 143.** 30.18 (4) (b) of the statutes is amended to read:

3 30.18 (4) (b) If a hearing on the application for a permit under this section is
4 conducted as a part of a hearing under s. 293.43, the notice and hearing provisions
5 in that section supersede the notice, mediation, and hearing provisions ~~of par. (a)~~
6 under ss. 30.244 and 30.246.

7 **SECTION 144.** 30.18 (5) (title) of the statutes is repealed and recreated to read:

8 30.18 (5) (title) ISSUANCE OF PERMITS.

9 **SECTION 145.** 30.18 (5) (a) (intro.) of the statutes is amended to read:

10 30.18 (5) (a) ~~*Streams Diversions from streams.*~~ (intro.) The department shall
11 ~~approve an application for~~ issue a permit required under sub. (2) (a) if the
12 department determines ~~both~~ that all of the following conditions apply:

13 **SECTION 146.** 30.18 (5) (a) 1. of the statutes is amended to read:

14 30.18 (5) (a) 1. ~~That the~~ The proposed diversion will not ~~injure any public rights~~
15 ~~in navigable waters~~ be detrimental to the public interest.

16 **SECTION 147.** 30.18 (5) (a) 1m. of the statutes is created to read:

17 30.18 (5) (a) 1m. The proposed diversion is for use on riparian land.

18 **SECTION 148.** 30.18 (5) (a) 2. of the statutes is amended to read:

19 30.18 (5) (a) 2. ~~That the~~ Either the water to be diverted is ~~surplus water, or if~~
20 ~~it is not surplus water, that all riparians~~ not being beneficially used or all riparian
21 owners who may be adversely affected by the diversion have consented to the
22 proposed diversion.

23 **SECTION 149.** 30.18 (5) (b) of the statutes is amended to read:

24 30.18 (5) (b) ~~*Streams Major diversions from streams or lakes.*~~ The department
25 shall ~~approve an application for~~ issue a permit required under sub. (2) (b) for a major

1 diversion if the grounds for approval specified under s. 281.35 (5) (d) are met ~~and, if~~
 2 ~~the. If a permit is also required under sub. (2) (a), if the department makes the~~
 3 ~~determinations specified under par. (a) shall issue a permit under this paragraph~~
 4 only if the conditions for a permit under par. (a) apply to the major diversion.

5 **SECTION 150.** 30.18 (6) (title) of the statutes is amended to read:

6 30.18 (6) (title) ~~PERMITS, USE OF WATER, PERMIT CONDITIONS, REPORTING; REVIEW.~~
 7 *plain semicolon*
fe
Delete semicolon

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

9 30.18 (6) (a) *Contents of permit.* The department shall specify on each permit
 10 issued under this section the quantity of water that may be diverted and the times
 11 during which water may be diverted. In addition, if the permit is one which is
 12 required under sub. (2) (b) for a major diversion, the permit shall comply with s.
 13 281.35 (6).

14 **SECTION 152.** 30.18 (6) (b) of the statutes is renumbered 30.18 (6) (dm) and
 15 amended to read:

16 30.18 (6) (dm) *Use of water.* A person who is issued a permit for the purpose
 17 of irrigation or agriculture may use the water on any land contiguous to the
 18 permittee's riparian land, but may not withdraw more water than ~~it did the~~
 19 permittee withdrew before August 1, 1957, ~~without applying to the department for~~
 20 a modification of the permit unless the department approves the additional amount
 21 to be withdrawn by modifying the permittee's permit.

22 **SECTION 153.** 30.18 (6) (c) of the statutes is renumbered 30.18 (6) (bm) and
 23 amended to read:

24 30.18 (6) (bm) *Reporting required.* ~~The department shall require each~~
 25 permittee A person who is issued a permit under this section to report its shall report
to the department the volume and rate of withdrawal and its volume and rate of

1 water loss, ~~if any~~. The report shall be in the form and at the times specified by the
2 department.

3 **SECTION 154.** 30.18 (6) (cm) 3. of the statutes is created to read:

4 30.18 (6) (cm) 3. A permit issued under this section before August 1, 1957, is
5 exempt from the review requirements under subds. 1. and 2.

6 **SECTION 155.** 30.18 (6) (d) (title) of the statutes is renumbered 30.18 (6) (cm)
7 (title).

8 **SECTION 156.** 30.18 (6) (d) of the statutes is renumbered 30.18 (6) (cm) 1. and
9 amended to read:

10 30.18 (6) (cm) 1. ~~If the permit is one that is required under sub. (2) (a), but not~~
11 ~~under sub. (2) (b), and the permit was issued on or after August 1, 1957, Except as~~
12 ~~provided in subds. 2. and 3. the department shall review the permit at least once~~
13 ~~every 5 years.~~

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

16 **SECTION 157.** 30.18 (6m) (title) of the statutes is repealed and recreated to read:

17 30.18 (6m) (title) RESCISSION.

18 **SECTION 158.** 30.18 (6m) (a) (intro.) of the statutes is amended to read:

19 30.18 (6m) (a) Streams; mandatory rescission. (intro.) The department shall
20 ~~revoke rescind~~ a permit issued under sub. (5) (a), which is not ~~subject to sub. (2) (b),~~
21 ~~if it a permit for a major diversion, if the department finds that~~ any of the following
22 applies:

23 **SECTION 159.** 30.18 (6m) (a) 1. and 2. of the statutes are amended to read:

24 30.18 (6m) (a) 1. ~~That the~~ The water being diverted is ~~no longer surplus water,~~
25 ~~except that the department may allow the diversion to continue if all riparians has~~

1 become water that is being beneficially used, unless all riparian owners adversely
2 affected by the diversion continue to consent to it.

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

5 **SECTION 160.** 30.18 (6m) (b) of the statutes is amended to read:

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

10 **SECTION 161.** 30.18 (6m) (c) of the statutes is amended to read:

11 30.18 (6m) (c) Major diversion. The department may ~~revoke a~~ rescind any
12 permit issued under sub. (5) (b) for a major diversion only as provided under s. 281.35
13 (6).

14 **SECTION 162.** 30.18 (7) of the statutes is amended to read:

15 30.18 (7) PREREQUISITES TO PROJECT CONSTRUCTION WORK. ~~After an application~~
16 ~~under this section has been filed with the department, the applicant may enter any~~
17 ~~land through which it is proposed to divert the water for the purposes of making any~~
18 ~~surveys required for drafting the plans for the project, but no work shall~~ Work may
19 not be commenced on the canal, headworks, or other structures necessary for the
20 project for which a permit has been issued under this section until the plans for the
21 same canal, headworks, or other structures have been approved by the department.
22 Any person ~~having received~~ who has been issued a permit required under sub. (2) (a)
23 for a diversion that is not a major diversion may ~~construct~~ commence the work upon
24 the land of another ~~the canal and other works~~ as authorized by the permit only after
25 the ~~damage which will be sustained by the owner or owners of such~~ of that land has

1 ~~been satisfied, or has been determined as provided for in ch. 32, and compensated for~~
2 ~~any damages that the owner will incur as a result of the work or after the final sum~~
3 ~~so for condemnation of the property under ch. 32 has been determined and all costs~~
4 ~~have been paid to the persons entitled thereto~~ owner or to the clerk of the circuit court
5 on their the owner's account.

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.

6 **SECTION 163.** 30.18 (8) of the statutes is renumbered 30.353.

7 **SECTION 164.** 30.18 (9) of the statutes is repealed.

8 **SECTION 165.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
9 and amended to read:

10 30.19 (1g) PERMITS REQUIRED. (intro.) Unless a permit has been ~~granted by the~~
11 ~~department~~ issued under this section or authorization has been granted by the
12 legislature, ~~it is unlawful~~ no person may do any of the following:

13 **SECTION 166.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
14 amended to read:

15 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
16 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~
17 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~
18 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

19 (am) Construct, dredge, or enlarge any part of the an artificial waterway water
20 body that is located within 500 feet of the ordinary high-water mark of an existing
21 navigable stream, lake or other navigable waters waterway.

22 **SECTION 167.** 30.19 (1) (b) of the statutes is renumbered 30.19 (1g) (b) and
23 amended to read:

1 30.19 (1g) (b) ~~To connect any natural or artificially constructed~~ Connect, by a
2 navigable surface channel, any navigable waterway, canal, channel, ditch, lagoon,
3 pond, lake or similar waterway or any artificial water body with an existing body of
4 a navigable water, for navigation or any other purpose waterway.

5 **SECTION 168.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
6 amended to read:

7 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
8 bank of any navigable ~~stream, lake or other body of navigable water~~ waterway where
9 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

10 **SECTION 169.** 30.19 (1b) of the statutes is created to read:

11 30.19 (1b) DEFINITION. In the section, “artificial water body” means a proposed
12 or existing body of water that does not have a history of being a lake or stream or of
13 being part of a lake or stream.

14 **SECTION 170.** 30.19 (1m) (intro.) of the statutes is amended to read:

15 30.19 (1m) ~~EXCEPTION.~~ EXCEPTIONS. (intro.) Subsection ~~(1)~~ (1g) does not apply
16 to any of the following:

17 **SECTION 171.** 30.19 (1m) (a) of the statutes is amended to read:

18 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway

19 **SECTION 172.** 30.19 (1m) (b) of the statutes is amended to read:

20 30.19 (1m) (b) Any agricultural ~~uses~~ use of land.

21 **SECTION 173.** 30.19 (1m) (c) and (d) of the statutes are repealed.

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.

22 **SECTION 174.** 30.19 (1m) (e) of the statutes is amended to read:

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

****NOTE: Mark – Under current law, s. 30.19 (1) (a), but not s. 30.19 (1) (b), uses the verb “enlarge.” However, under current law, the exemption under s. 30.19 (1m) applies to “enlargements” under s. 30.19 (1) (a) and (b), although no such enlargements are authorized under s. 30.19 (1) (b). Under this draft, ~~the activities~~ under s. 30.19 (1) (a) and (am) (s. 30.19 (1) (a) is divided into pars. (a) and (am) in the draft) are covered by this exemption; ~~activities~~ under s. 30.19 (1) (b) are not. Please let me know if you want any changes.

project

4 **SECTION 175.** 30.19 (2) (intro.) and (a) to (d) of the statutes are repealed.

5 **SECTION 176.** 30.19 (2) (e) of the statutes is renumbered 30.19 (3b) (b) and
6 amended to read:

7 30.19 (3b) (b) ~~The name and address of the secretary of any property owners’~~
8 ~~association pertaining~~ formed with respect to the bodies of water affected by the
9 ~~project or if there is no such association, the names and addresses of.~~ If no property
10 owners’ association exists, the department shall give notice to at least 5 persons who
11 own real property located adjacent to the bodies of water. If fewer than 5 persons own
12 real property located adjacent to the bodies of water, ~~the names and addresses of such~~
13 ~~persons that own real estate so located shall be given~~ department shall give notice
14 to all of these persons.

15 **SECTION 177.** 30.19 (2) (f) of the statutes is repealed.

16 **SECTION 178.** 30.19 (3) (title) of the statutes is repealed.

17 **SECTION 179.** 30.19 (3) (a) of the statutes is renumbered 30.19 (3b) (a) and
18 amended to read:

19 30.19 (3b) (a) ~~Section 30.02 (3) and (4) applies to permit applications under sub.~~
20 ~~(1) (b) and (c). Notice shall be provided to the clerks of the county and~~ The clerk of

1 ~~each~~ municipality in which the project or affected body of water is located ~~and to the~~
2 ~~persons under sub. (2) (e). For any permit application which affects the.~~

3 (c) The Milwaukee Metropolitan Sewerage District for a project that would
4 affect the Milwaukee River, the Menomonee River, the Kinnickinnic River, the Root
5 River or any tributary of those rivers, special notice shall be given to the Milwaukee
6 metropolitan sewerage district. The metropolitan sewerage district shall have 30
7 days to respond to the special notice.

plain period

8 SECTION 180. 30.19 (3) (b) of the statutes is repealed.

9 SECTION 181. 30.19 (3b) (intro.) of the statutes is created to read:

10 30.19 (3b) ~~NOTICE AND HEARING~~ ^{ACTION BY DEPARTMENT} (intro.) Upon receipt of a complete application
11 for a permit under sub. (1g), the department shall follow the procedure allowing the
12 department to give notice under s. 30.245 or shall deny the application as provided
13 in s. 30.246 (1). Upon receipt of a complete application for a permit under sub. (1g)
14 (b) or (c) for a project in which there is or will be an effect on navigable waters other
15 than an effect on water quality, the department shall give notice of receipt of the
16 application as provided in s. 30.244 or shall deny the application as provided in s.
17 30.246 (1). In addition to the notice requirements under s. 30.246 (2), the department
18 shall give notice to all of the following:

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.

19 SECTION 182. 30.19 (4) of the statutes is renumbered 30.19 (4) (intro.) and
20 amended to read:

1 30.19 (4) ISSUANCE OF PERMIT. (intro.) ~~If the department finds that the project~~
2 ~~will not injure public rights or interest, including fish and game habitat, that the~~ The
3 department shall issue a permit under this section if the department determines that
4 all of the following apply:

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

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

10 **(d)** No material injury will result to the rights of any riparian owners on any
11 body of water affected will result, the department shall issue a permit authorizing
12 the enlargement of the affected waterways of real property that abuts any water body
13 that is affected by the project.

 ****NOTE: Mark – Since “artificial water body” is a defined term, I think we should avoid the phrase “natural or artificial water body.” However, to use the phrase “natural water body or artificial water body that is affected by the project” could possibly be interpreted so that the qualifying phrase “that is affected by the project” only applies to an “artificial water body.” Therefore, I just used the phrase “any water body” since that covers both types of water bodies (and I assume there are no others) and it is similar to the language under current law. Let me know if you want any changes.

14 **SECTION 183.** 30.19 (4) (a) of the statutes is created to read:

15 30.19 (4) (a) The project will not be detrimental to the public interest.

16 **SECTION 184.** 30.19 (5) of the statutes is amended to read:

17 30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. The A permit
18 issued under this section to construct an artificial water body and to connect it to a
19 navigable waterway shall provide that all require that the artificial waterways
20 constructed under this section which are connected to navigable waterways shall be
21 water body be a public waterways . The department may impose such further

1 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~
2 ~~safety, welfare, rights and interest and to protect private rights and property~~
3 ~~waterway.~~

4 **SECTION 185.** 30.195 (1) of the statutes is amended to read:

5 30.195 (1) PERMIT REQUIRED. ~~No~~ Unless a permit has been issued under this
6 section or authorization has been granted by the legislature, no person may change
7 the course of or straighten a navigable stream without a permit issued under this
8 section or without otherwise being expressly authorized by statute to do so.

9 **SECTION 186.** 30.195 (2) of the statutes is repealed and recreated to read:

10 **30.195 (2) ACTION BY DEPARTMENT PERMIT APPLICATION.** Upon receipt of a complete application for a
11 permit under this section for an activity that involves the relocation of more than a
12 total of 500 feet in stream length, the department shall either deny the application
13 as provided in s. 30.246 (1) or shall give notice of receipt of the application as provided
14 in s. 30.244. For a permit for an activity that involves the relocation of a total of 500
15 or less feet in stream length, the department shall either deny the application as
16 provided in s. 30.246 (1) or shall follow the procedure allowing the department to give
17 notice under s. 30.245.

18 **SECTION 187.** 30.195 (3) of the statutes is renumbered 30.195 (3) (intro.) and
19 amended to read:

20 30.195 (3) GRANTING ISSUANCE OF PERMIT. (intro.) ~~Upon application therefor,~~
21 ~~the~~ The department shall grant issue a permit to the under this section if the
22 department determines that all of the following apply:

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

1 **(b) The proposed change of course or straightening of the navigable stream will**
2 improve the economic or aesthetic value of the ~~owner's~~ applicant's land and will.

3 **(c) The proposed change of course or straightening of the navigable stream will**
4 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
5 to ~~public rights or~~ the public interest.

6 **(d) The proposed change of course or straightening of the navigable stream will**
7 not be detrimental to the rights of other ~~riparians~~ riparian owners located on the
8 stream. If the department finds that the rights of ~~such riparians~~ these riparian
9 owners will be adversely affected, it may ~~grant~~ issue the permit only with ~~their~~ the
10 consent. ~~Such permit may be granted on the department's own motion after its own~~
11 ~~investigation or after public hearing and after giving prior notice of such~~
12 ~~investigation or hearing of all of these riparian owners.~~

13 **SECTION 188.** 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 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 new mandatory notice requirements under s. 30.244 and the new hearing requirements under 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 189.** 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 grants the municipality a permit. The
7 department may grant this permit to a municipality after ~~following the notice and~~
8 ~~hearing requirements under s. 30.02 (3) and (4) if it~~ the procedures under ss. 30.244
9 and 30.246 have been followed if the department finds that granting the permit:

10 **SECTION 190.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

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

12 **SECTION 191.** 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
15 or from the bed of any outlying waters of this state without first obtaining a contract
16 as provided in sub. (2).

17 **SECTION 192.** 30.20 (1) (b) of the statutes is renumbered 30.20 (1) (b) (intro.)
18 and amended to read:

19 30.20 (1) (b) (intro.) ~~Except as provided under pars. (c) and (d), no~~ No person
20 may remove any material from the bed of any lake or stream not mentioned under
21 par. (a) without first obtaining a permit from the department under sub. (2) (c).
22 unless one of the following applies:

23 **SECTION 193.** 30.20 (1) (b) 1. and 2. of the statutes are created to read:

24 30.20 (1) (b) 1. The department has issued the person a permit under sub. (3).

1 2. The department has determined under par. (c) that the removal is exempt
2 from a permit under sub. (3).

3 **SECTION 194.** 30.20 (1) (c) of the statutes is repealed and recreated to read:

4 30.20 (1) (c) The exemption under s. 30.215 does not exempt a person from the
5 permitting requirement under par. (b) if the proposed removal for an agricultural
6 purpose is from a farm drainage ditch and the proposed removal may have a
7 long-term adverse effect on cold-water fishery resources or may destroy fish
8 spawning beds or nursery areas. A person who proposes such a removal shall notify
9 the department at least 10 days before the removal is scheduled to start if the
10 removal may have such a long-term adverse effect or may destroy fish spawning
11 beds or nursery areas.

12 **SECTION 195.** 30.20 (1) (d) of the statutes is renumbered 30.263 (3) and
13 amended to read:

14 30.263 (3) The drainage board for the Duck Creek Drainage District may,
15 without a permit under ~~sub. (2) (e) s. 30.20 (3)~~, remove material from a drain that the
16 board operates in the Duck Creek Drainage District if the removal is required, under
17 rules promulgated by the department of agriculture, trade and consumer protection,
18 in order to conform the drain to specifications imposed by the department of
19 agriculture, trade and consumer protection after consulting with the department of
20 natural resources.

21 **SECTION 196.** 30.20 (2) (title), (a) and (b) of the statutes are amended to read:

22 30.20 (2) (title) CONTRACTS FOR REMOVAL FROM NAVIGABLE LAKES AND OUTLYING
23 WATERS. (a) The department, ~~whenever consistent with public rights,~~ may enter into
24 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any
25 material from the bed of any navigable lake or of any of the outlying waters, and for

1 ~~the lease or sale of the material. Every~~ if the contract is consistent with public rights.
2 Each contract entered into under this paragraph shall contain ~~such any~~ conditions
3 ~~as may be that the department determines are~~ necessary for the protection of the
4 public interest and the ~~interests~~ interest of the state ~~and~~. Each contract entered into
5 under this paragraph shall fix the compensation to be paid to the state for the
6 material so to be removed, except that ~~no~~ the contract may not require that any
7 compensation ~~may~~ be paid for the material if the contract is with a municipality, as
8 defined in s. 281.01 (6), and ~~if the material is to~~ will be used for a municipal purpose
9 and will not ~~for resale~~. ~~No~~ be resold. Each contract entered into under this
10 paragraph may not run for ~~a longer period~~ more than 5 years.

11 (b) The department, ~~whenever consistent with public rights~~, may enter into
12 ~~contracts~~ a contract on behalf of the state for the removal of any mineral, ore ~~and~~,
13 ~~or other material from beneath the bed of a navigable lakes and waters, where water~~
14 that the state may own if the contract will be consistent with public rights and if the
15 ~~waters would~~ navigable water will not be disturbed in the removal operation ~~and for~~
16 ~~the lease and sale of such mineral, material and ore and provide the necessary~~
17 ~~regulations for all acts incident thereto. Every such~~. Each contract entered into
18 under this paragraph shall contain ~~such any~~ conditions as ~~may be that the~~
19 ~~department determines are~~ necessary for the protection of the public interest and the
20 ~~interests~~ interest of the state, ~~and~~. Each contract entered into under this paragraph
21 shall fix the compensation to be paid to the state for the ~~material, mineral and ore~~
22 ~~so~~ mineral, ore, or other material to be removed. ~~No~~ Each contract entered into,
23 ~~pursuant to~~ under this paragraph, shall ~~may not~~ run for ~~a longer period~~ more than
24 75 years. ~~Should any doubt exist as to whether the state, in fact, owns such lake bed~~
25 ~~or stream bed such contract or lease shall be for such interests, if any, as the state~~

1 ~~may own. Title to the royalties to be paid when~~ After mining operations are have
2 begun, the department shall be determined at such future time as determine the date
3 before which the royalties for ores so sold are paid or any mineral, ore, or other
4 material that is removed and sold are due and payable.

5 **SECTION 197.** 30.20 (2) (c) of the statutes is renumbered 30.20 (3) (a) and
6 amended to read:

7 30.20 (3) (a) ~~A permit~~ The department may issue a permit to remove material
8 from the bed of any lake or stream ~~not included~~ described in sub. (1) (a) ~~may be issued~~
9 by if the department ~~if it~~ finds that the issuance of ~~such a~~ the permit will be
10 consistent with the public interest in the ~~water involved. A permit or contract issued~~
11 ~~under this paragraph may be issued for up to 10 years if the applicant notifies the~~
12 ~~department at least 30 days before removing any material~~ lake or stream.

13 **SECTION 198.** 30.20 (3) (title) and (b) of the statutes are created to read:

14 30.20 (3) (title) PERMITS FOR REMOVAL FROM OTHER WATERS.

15 (b) If an applicant for a permit under par. (a) submits the application at least
16 30 days before the proposed date of the removal, the department may issue the
17 permit for a period of up to 10 years.

18 **SECTION 199.** 30.20 (4) of the statutes is created to read:

19 (30.20 (4) ^{ACTION BY DEPARTMENT} ~~NOTICE AND HEARING~~) (a) Upon receipt of a complete application for
20 a permit or contract under this section for an activity that involves the removal of
21 3,000 or more cubic yards of material, the department shall either deny the
22 application as provided in s. 30.246 (1) or shall give notice of receipt of the application
23 as provided in s. 30.244, except as provided in par. (b).

1 (b) The department shall either deny the application as provided in s. 30.246
2 (1) or shall follow the procedure allowing the department to give notice under s.
3 30.245 if any of the following applies:

- 4 1. The activity involves of the removal of less than 3,000 cubic yards of material.
- 5 2. The activity involves the restoration of the original dimensions of an area
6 legally dredged during the 10 years before the date of application for the permit or
7 contract.

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 ss. 30.244, 30.245, and 30.246 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.

8 **SECTION 200.** 30.202 of the statutes is renumbered 30.333, and 30.333 (3), as
9 renumbered, is amended to read:

10 30.333 (3) EXEMPTION FROM STATUTES AND RULES. Dredge spoil disposal activities
11 authorized under sub. (2) are exempt from any prohibition, restriction, requirement,
12 permit, license, approval, authorization, fee, notice, hearing, procedure, or penalty
13 specified under this chapter, s. 29.601, ~~30.01 to 30.20, 30.21 to 30.99, 59.692, 61.351,~~
14 62.231, or 87.30, or chs. 281 to 285 or 289 to 299, except s. 281.48, or specified in any
15 rule promulgated, order issued, or ordinance adopted under those sections or
16 chapters.

17 **SECTION 201.** 30.2025 of the statutes is renumbered 30.278, and 30.278 (5) (d),
18 as renumbered is amended to read:

19 30.278 (5) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~
20 (4).

21 **SECTION 202.** 30.2026 of the statutes is renumbered 30.279, and 30.279 (2) (d)
22 and (3) (a), as renumbered, are amended to read:

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

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

13 **SECTION 203.** 30.203 of the statutes is renumbered 30.355, and 30.355 (4) (d),
14 as renumbered, is amended to read:

15 30.355 (4) (d) It may not cause environmental pollution, ~~as defined in s. 299.01~~
16 (4).

17 **SECTION 204.** 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.

18 **SECTION 205.** 30.2037 of the statutes is renumbered 30.267.

19 **SECTION 206.** 30.204 of the statutes is renumbered 30.373, and 30.373 (5), as
20 renumbered, is amended to read:

21 30.373 (5) **EXEMPTION FROM CERTAIN STATUTES AND RULES.** Activities of the
22 department in conducting the lake acidification experiment are exempt from any
23 prohibition, restriction, requirement, permit, license, approval, authorization, fee,

1 notice, hearing, procedure, or penalty specified under this subchapter and subchs.
2 V 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~~
3 ~~30.99, 59.692, 61.351, 62.231,~~ 87.30, 287.81, 299.15 to 299.23, 299.91, 299.95, or
4 299.97 or chs. 281, 283 or 289 to 292 or specified in any rule promulgated, order
5 issued, or ordinance adopted under any of those sections or chapters.

6 SECTION 207. 30.205 of the statutes is renumbered 30.335, and 30.335 (title),
7 as renumbered, is amended to read:

8 **30.335 (title) Water resources development projects; federal**
9 **agreements.**

10 SECTION 208. 30.206 of the statutes is renumbered 30.221, and 30.221 (1) and
11 (7), as renumbered, are amended to read:

12 30.221 (1) For activities or projects which require a permit ~~or approval~~ under
13 ss. 30.12 (3) (a) and 30.19 ~~(1)~~ (1g) (a), the department may issue a general permit
14 authorizing a class of activities, according to rules promulgated by the department.
15 Before issuing general permits, the department shall determine, after an
16 environmental analysis and notice and hearing under ss. 227.17 and 227.18, that the
17 cumulative adverse environmental impact of the class of activity is insignificant and
18 that issuance of the general permit will not injure public rights or interest, cause
19 environmental pollution, ~~as defined in s. 299.01 (4),~~ or result in material injury to the
20 rights of any riparian owner.

21 (7) This section does not apply to an application for a general permit for the
22 Wolf River and Fox River basin area or any area designated under s. ~~30.207~~ 30.223
23 (1m) if the application for the general permit may be submitted under s. ~~30.207~~
24 30.223.

1 **SECTION 209.** 30.207 of the statutes is renumbered 30.223, and 30.223 (1), (3)
2 (a) and (c) 6., (4) (c) 1., (5), (6) (a) and (7) (a) and (b), as renumbered, are amended to
3 read:

4 **30.223 (1) GEOGRAPHICAL AREA.** For purposes of this section and s. ~~30.12 (3) (b)~~
5 30.276, the Wolf River and Fox River basin area consists of all of Winnebago County;
6 the portion and shoreline of Lake Poygan in Waushara County; the area south of
7 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
8 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
9 portion of Outagamie County south and east of USH 41; that portion of Waupaca
10 County that includes the town of Mukwa, city of New London, town of Caledonia,
11 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
12 in the town of Weyauwega.

13 **(3) (a)** Any local entity, ~~as defined~~ listed in s. 30.77 ~~(3) (dm)~~ (11) (a), any group
14 of 10 riparian owners who will be affected by the issuance of a general permit, or any
15 contractor who is or has been involved in the construction of structures or along
16 navigable waters may apply for a general permit under this section.

17 **(c) 6.** The names and addresses of at least 5 persons who own ~~real~~ property
18 located adjacent to the navigable waters located in the proposed permit area. If fewer
19 than 5 persons own ~~real~~ property adjacent to ~~such~~ these waters, the application shall
20 include the names and addresses of all of these persons.

21 **(4) (c) 1.** Any local entity, ~~as defined~~ in s. 30.77 ~~(3) (dm)~~, (11) (a) that has an
22 interest in the quality or use of or that has jurisdiction over the navigable waters
23 located in the proposed permit area.

24 **(5) ~~HEARING REQUIREMENTS~~ NOTICE AND HEARING.** If an activity for which an
25 application for ~~which~~ a general permit has been submitted would be subject to the

1 ~~hearing and notice~~ provisions under s. ~~30.02 (3) and (4)~~ 30.244 or 30.245 for the
2 issuance of an individual permit, the department shall comply with those provisions.
3 ~~Notice and hearing shall be required on an application for a general permit under~~
4 ~~this section only if a notice and hearing are required under s. 30.02 (3) and (4) for the~~
5 ~~activity as part of an application for an individual permit under this chapter.~~

****NOTE: Mark – In giving me redraft instructions for s. 30.207 (5) you indicated that the last sentence of that subsection was still necessary and not just another way of stating the requirement in the first sentence of that subsection. After rereading it, I still feel that it is redundant. Let's discuss this.

6 (6) (a) The department shall issue a general permit under this section if the
7 department determines that the cumulative adverse environmental impact of the
8 activity in the proposed permit area is insignificant and that the issuance of the
9 general permit will not injure public rights or interest, cause environmental
10 pollution, ~~as defined in s. 299.01 (4)~~, or result in material injury to the rights of any
11 riparian owners.

12 (7) (a) At least 15 days before beginning the activity that is authorized by a
13 general permit under this section, the person who wishes to conduct the activity shall
14 submit a notice to the department and shall pay the fee specified in s. ~~30.28~~ 30.243
15 (2) (b) 2. The notice shall describe the activity, state the name of the person that will
16 be conducting the activity, and state the site where the activity will be conducted.
17 The notice shall also contain a statement signed by the person conducting the
18 activity that the person will act in conformance with the standards contained in the
19 general permit.

****NOTE: Re: s. 30.207 (3) (a) and (4) (c) 1., check RNK's draft to verify that the changes work.

20 (b) Upon receipt of a notice that complies with par. (a), the department may
21 inform the person that the activity may not be conducted under the general permit

1 if conditions at the site where the activity would be conducted would cause adverse
2 environmental impact, injure public rights and interests, or cause environmental
3 pollution, ~~as defined in s. 299.01 (4)~~. The department shall respond to the person
4 within 15 days after receiving the notice. Failure of the department to respond
5 within 15 days shall constitute the department's approval of the activity under the
6 general permit.

7 **SECTION 210.** 30.21 of the statutes is renumbered 30.293.

8 **SECTION 211.** 30.213 (title) of the statutes is created to read:

9 **30.213 (title) Municipal bridge construction.**

10 **SECTION 212.** 30.215 of the statutes is created to read:

11 **30.215 Farm drainage ditches.** Except as provided in s. 30.20 (1) (c), a project
12 that is for an agricultural purpose and is located in or adjacent to a farm drainage
13 ditch is exempt from the requirement for a permit, contract, or approval under this
14 subchapter unless it is shown, by means of a U.S. geological survey map or other
15 reliable scientific evidence, that the farm drainage ditch was a stream that was a
16 navigable water prior to ditching.

NOTE: The current statute related to farm drainage ditches is as follows:

"30.10 (4) (c) Notwithstanding any other provision of law, farm drainage ditches are not navigable within the meaning of this section unless it is shown that the ditches were navigable streams before ditching. For purposes of this paragraph, "farm drainage ditch" means any artificial channel which drains water from lands which are used for agricultural purposes."

The proposed language in new s. 30.215 differs in 2 key respects from the current statute. The primary difference is that the exemption clearly applies to a project for an agricultural purpose, not to the farm drainage ditch itself. Thus, a project for other than agricultural purposes would require a permit, even though the drainage ditch was originally constructed as and continues to be used as a farm drainage ditch.

The other difference is that the statute specifies the kind of evidence that may be used to show stream history.

17 **SECTION 213.** 30.24 of the statutes is renumbered 30.357.

18 **SECTION 214.** 30.243 (3) (c) of the statutes is created to read:

19 30.243 (3) (c) This section does not apply to a permit issued under s. 30.221.