



State of Wisconsin  
2003 - 2004 LEGISLATURE

RMR  
LRB-3040/P1  
MGG/RPN:1:....

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IRCT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Gen. Coet.

1 AN ACT *Gen. Coet.* relating to: structures, deposits, and other activities in or near  
2 navigable waters, notice and hearing procedures for issuing permits to place  
3 structures and materials and to conduct activities in or near navigable waters,  
4 and granting rule-making authority.

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will provided in a later version.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

5 SECTION 1. 29.601 (5) (a) of the statutes is amended to read:  
6 29.601 (5) (a) This section does not apply to any activities carried out under the  
7 direction and supervision of the department of transportation in connection with the  
8 construction, reconstruction, maintenance and repair of highways and bridges in  
9 accordance with s. 30.12 (4) 30.2022.

History: 1971 c. 73; 1975 c. 363, 365; 1977 c. 130; 1981 c. 226 s. 13; 1983 a. 410; 1985 a. 332 s. 251 (1); 1989 a. 335; 1995 a. 227; 1997 a. 27; 1997 a. 248 ss. 448 to 457; Stats. 1997 s. 29.601.

1 SECTION 2. 30.01 (1am) of the statutes is created to read:

2 30.01 (1am) "Area of special natural resource interest" means any of the  
3 following:

4 (a) A wetland, as defined in s. 23.32 (1), that is located in shorelands, as defined  
5 in s. 59.692 (1) (b).

6 (b) A state natural area designated or dedicated under ss. 23.27 to 23.29.

7 (c) A surface water identified by the department as an outstanding or  
8 exceptional resource water under s. 281.15.

9 (d) An area that possesses significant scientific value, as determined by the  
10 department.

\*\*\*\*NOTE: I did not include "scientific area" because the term is not used in the  
statutes. The language above is based on s. 281.37 (1) (a) (intro.).

11 SECTION 3. 30.01 (6b) of the statutes is amended to read:

12 30.01 (6b) "Substantive written objection" means a written statement giving  
13 specific reasons why a proposed project under ss. 30.02 to 30.38 may violate the  
14 statutory provisions applicable to the project and specifying that the person making  
15 the objection will appear and present information supporting the objection in a  
16 contested case hearing.

History: 1983 a. 189; 1985 a. 243, 332; 1987 a. 374 ss. 1 to 9, 25, 34, 35, 46 to 49, 70, 76; 1987 a. 403; 1989 a. 56; 1993 a. 236; 1995 a. 227; 1997 a. 27, 248; 1999 a. 9.

17 SECTION 4. 30.015 of the statutes is renumbered 30.208 (2) and amended to  
18 read:

19 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ <sup>plain</sup> PROCEDURE FOR  
20 COMPLETING APPLICATIONS In issuing individual permits under this chapter  
21 subchapter, the department shall initially determine whether a complete application  
22 for the permit has been submitted and, no later than 60 days after the application  
23 is submitted, notify the applicant in writing about the initial determination of

1 completeness. If the department determines that the application is incomplete, the  
 2 notice shall state the reason for the determination and the specific items of  
 3 information necessary to make the application complete. An applicant may  
 4 supplement and resubmit an application that the department has determined to be  
 5 incomplete. There is no limit on the number of times that an applicant may resubmit  
 6 an application that the department has determined to be incomplete under this  
 7 section. The department may not demand items of information that are not specified  
 8 in the notice as a condition for determining whether the application is complete  
 9 unless both the department and the applicant agree or unless the applicant makes  
 10 material additions or alterations to the activity project for which the application has  
 11 been submitted. The rules promulgated under s. 299.05 apply only to applications  
 12 for individual permits under this subchapter that the department has determined  
 13 to be complete.

History: 2001 a. 16.

\*\*\*\*NOTE: I changed "chapter" to "subchapter" in s. 30.015 and used the term  
 "subchapter" elsewhere in this draft since the only other permits to which these  
 procedures may apply outside of subch. II would be mooring permits under s. 30.722, and  
 I did not think it was your intent to have these procedures apply to these mooring permits.  
 If I am incorrect, this will need redrafting.

\*\*\*\*NOTE: The interaction between ss. 30.015 and s. 299.05 (1) seems confusing so  
 I added the last sentence in s. 30.015.

14 SECTION 5. 30.02 of the statutes is repealed.

15 SECTION 6. 30.07 of the statutes is renumbered 30.2095, and 30.2095 (1) (a),  
 16 as renumbered, is amended to read:

17 30.2095 (1) (a) Except as provided in par. (b), every permit or contract issued  
 18 under ss. 30.01 to 30.29 for which a time limit is not provided by s. 30.20 (2) is void  
 19 unless the activity or project is completed within 3 years after the permit or contract  
 20 was issued.

History: 1987 a. 374.

Fix  
Component

1 SECTION 7. 30.10 (4) (a) of the statutes is amended to read:

2 30.10 (4) (a) This section does not impair the powers granted by law under s.  
3 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,  
4 arches, or culverts over streams.

5 History: 1977 c. 190, 272, 418; 1981 c. 339; 1991 a. 316; 1999 a. 9.

6 SECTION 8. 30.12 (title) of the statutes is amended to read:

7 30.12 (title) Structures and deposits in navigable waters prohibited;  
8 exceptions; penalty.

9 History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35,  
10 248; 1999 a. 9; 2001 a. 16.

11 SECTION 9. 30.12 (1) (intro.) of the statutes is amended to read:

12 30.12 (1) ~~GENERAL PROHIBITION PERMITS REQUIRED.~~ (intro.) ~~Except as provided~~  
13 ~~under subs. (4) and (4m), unless a~~ Unless an individual or general permit has been  
14 ~~granted by the department pursuant to statute or~~ issued under this section or  
15 ~~authorization has been granted by the legislature has otherwise authorized~~  
16 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~  
17 the following:

18 SECTION 10. 30.12 (1) (a) of the statutes is amended to read:

19 30.12 (1) (a) ~~To deposit~~ Deposit any material or ~~to place~~ any structure upon the  
20 bed of any navigable water where no bulkhead line has been established; ~~or,~~

21 SECTION 11. 30.12 (1) (b) of the statutes is amended to read:

22 30.12 (1) (b) ~~To deposit~~ Deposit any material or ~~to place~~ any structure upon the  
23 bed of any navigable water beyond a lawfully established bulkhead line.

24 SECTION 12. 30.12 (1g) (intro.) of the statutes ~~is~~ created to read:

25 ~~30.12 (1g)~~ EXEMPTIONS. ~~A riparian owner is exempt from the permit~~  
26 requirements under this section for the placement of a structure or the deposit of  
27 material if the structure or ~~the~~ material will be located in an area other than an area

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1 of special natural resource interest, will not interfere with the rights of other riparian  
2 owners or with public navigation, and is any of the following:

3 ~~SECTION 13. 30.12 (1g) (a) 3 of the statutes is created to read:~~

4 ~~30.12 (1g) (a)~~ A deposit of sand, gravel, or stone that totals less than 2 cubic  
5 yards in any 5-year period.

6 ~~SECTION 14. 30.12 (1g) (a) 4 of the statutes is created to read:~~

7 ~~30.12 (1g) (a) 4~~ (b) A structure placed on a seasonal basis that is less 100 square  
8 feet in size and that is within 200 feet of the ordinary high-water mark.

9 ~~SECTION 15. 30.12 (1g) (a) 5 of the statutes is created to read:~~

10 ~~30.12 (1g) (a) 5~~ (e) A boat shelter, boat hoist, or boat lift that is placed on a  
11 seasonal basis adjacent to the riparian owner's pier or pier or to the shoreline on the  
12 riparian owner's property.

13 ~~SECTION 16. 30.12 (1g) (a) 6 of the statutes is created to read:~~

14 ~~30.12 (1g) (a) 6~~ (f) A pier that is no more than 6 feet wide, that extends no further  
15 than to a point where the water is 3 feet deep at its maximum depth, or to the point,  
16 where there is adequate depth for mooring a boat or using a boat hoist or lift,  
17 whichever is closer to the shoreline, and which has no more that 2 boat slips for the  
18 first 50 feet of riparian owner's shoreline footage and no more than one additional  
19 boat slip for each additional 50 feet of the riparian owner's shoreline.

20 ~~SECTION 17. 30.12 (1g) (a) 7 of the statutes is created to read:~~

21 ~~30.12 (1g) (a) 7~~ (g) A wharf.

22 ~~SECTION 18. 30.12 (1g) (a) 8 of the statutes is created to read:~~

23 ~~30.12 (1g) (a) 8~~ (h) An intake or outfall structure that is required as part of a  
24 storm water management plan or a wastewater facilities plan approved or authorized by the  
25 department under ch. 283.

Insert 6-7

~~NOTE~~ Have RCT review.

1 SECTION 19. 30.12 (2) of the statutes is repealed.

2 SECTION 20. 30.12 (3) (title) of the statutes is repealed and recreated to read:  
3 30.12 (3) (title) GENERAL PERMITS.

4 SECTION 21. 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to  
5 read:

6 30.12 (3) (a) (intro.) The department shall issue statewide general permits  
7 under <sup>5.</sup> 30.206 that authorize riparian owners to do all of the following:

~~8 SECTION 22. 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (4) (c).~~

~~9 SECTION 23. 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (4) (d).~~

10 SECTION 24. 30.12 (3) (a) 6. of the statutes is amended to read:

11 30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property  
12 for the purpose of storing or protecting watercraft and associated materials, except  
13 that no <sup>general</sup> permit may be granted issued for a permanent boat shelter which is  
14 constructed after May 3, 1988, if the property on which the permanent boat shelter  
15 is to be located also contains a boathouse within 75 feet of the ordinary high-water  
16 mark or if there is a boathouse over navigable waters adjacent to the owner's  
17 property.

History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.

18 SECTION 25. 30.12 (3) (a) 9. of the statutes is created to read:

19 30.12 (3) (a) 9. Place an intake or outfall structure that is less than 6 feet from  
20 the water side of the ordinary high-water mark and that is less than 25% <sup>percent</sup> of the width  
21 of the channel in which it is placed.

22 SECTION 26. 30.12 (3) (b) of the statutes is repealed.

23 SECTION 27. 30.12 (3) (bn) of the statutes is repealed.

1 SECTION 28. 30.12 (3) (br) of the statutes is created to read:

2 30.12 (3) (br) The department may promulgate rules that identify structures  
3 or deposits, in addition to those listed in par. (a), that may be authorized by statewide  
4 general permits.

5 SECTION 29. 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (2)  
6 (intro.) and amended to read:

7 30.2023 (2) (intro.) A riparian owner is exempt from the permit requirements  
8 under sub. (2) and this subsection s. 3012 for a structure that is placed on the bed of  
9 a navigable water in the Wolf River and Fox River basin area, as described in s.  
10 30.207 (1), and that extends beyond the ordinary high-water mark, if the following  
11 conditions apply:

History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.

12 SECTION 30. 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (2)  
13 (a) to (i). issued under

14 SECTION 31. 30.12 (3) (c) of the statutes is amended to read:

15 30.12 (3) (c) The department may promulgate rules deemed necessary to carry  
16 impose same no strike & move.  
17 the condition of a general permit issued purposes of par. (a) 6., including rules to  
18 establish minimum standards to govern the architectural features of boat shelters PLAIN  
19 and the number of boat shelters that may be constructed adjacent to a parcel of land  
20 subject to the general permit. The rules conditions may not govern the aesthetic  
21 features or color of boat shelters. The standards conditions shall be designed to  
22 assure the structural soundness and durability of a boat shelter. A municipality may  
enact ordinances not inconsistent with this section or with rules promulgated under  
that are consistent paragraph and

~~paragraph and~~ <sup>with</sup> ~~any~~ ~~imposed on~~ ~~that are~~  
~~this section regulating conditions of a general permit issued to regulate the~~  
~~architectural features of boat shelters under the jurisdiction of the municipality.~~

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History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.

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SECTION 32. 30.12 (3) (d) of the statutes is repealed.

SECTION 33. 30.12 (3m) of the statutes is created to read:

30.12 (3m) INDIVIDUAL PERMITS. (a) A riparian owner may apply to the department for an individual permit that is required under sub. (1) in order to place a structure for the owner's use or to deposit any material.

(b) The notice and hearing provisions of s. 30.208 (3) to (6) shall apply to a permit applied for under par. (a).

(c) The department shall issue an individual permit for a structure pursuant to an application under par. (a) if the department finds that all of the following apply:

- 1. The structure will not materially obstruct navigation.
- 2. The structure will not be detrimental to the public interest.
- 3. The structure will not materially reduce the flood flow capacity of a stream.

(d) The department shall issue an individual permit for a deposit pursuant to an application under par. (a) if the department finds that all of the following apply:

- 1. The material will be placed for the purpose of improving habitat or maintaining littoral drift.
- 2. The material will not materially obstruct navigation.
- 3. The material will not materially reduce the flood flow capacity of a stream.
- 4. The deposit of the material will not be detrimental to the public interest.
- 5. The deposit of the material will promote public rights and interests in navigable waters.

SECTION 34. 30.12 (4) (title) of the statutes is repealed.



*delete component*

*(title)*

*replaced*

~~SECTION 35. 30.12 (4) of the statutes is renumbered and amended to read:~~

2 SECTION 36. 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and  
3 amended to read:

4 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),  
5 that are carried out under the direction and supervision of the department of  
6 transportation in connection with highway, bridge, or other transportation project  
7 design, location, construction, reconstruction, maintenance, and repair are not  
8 subject to the prohibitions or permit or approval requirements specified under this  
9 section or s. 29.601, 30.11 ~~30.12~~ <sup>30.12</sup>, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231,  
10 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest  
11 practical time prior to the commencement of these activities, the department of  
12 transportation shall notify the department of the location, nature, and extent of the  
13 proposed work that may affect the waters of the state.

14 SECTION 37. 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and  
15 amended to read:

16 30.2022 (2) The exemption under ~~par. (a) sub. (1)~~ <sup>✓</sup> sub. (1) does not apply unless the  
17 activity is accomplished in accordance with interdepartmental liaison procedures  
18 established by the department and the department of transportation for the purpose  
19 of minimizing the adverse environmental impact, if any, of the activity.

20 SECTION 38. 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and  
21 amended to read:

22 30.2022 (3) If the department determines that there is reasonable cause to  
23 believe that an activity being carried out under this ~~subsection~~ section is not in  
24 compliance with the environmental protection requirements developed through  
25 interdepartmental liaison procedures, it shall notify the department of

1 transportation. If the secretary and the secretary of transportation are unable to  
2 agree upon the methods or time schedules to be used to correct the alleged  
3 noncompliance, the secretary, notwithstanding the exemption provided in this  
4 subsection section, may proceed with enforcement actions as the secretary deems  
5 appropriate.

6 SECTION 39. 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

7 SECTION 40. 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and  
8 amended to read:

9 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice  
10 or hearing is required in connection with any interdepartmental consultation and  
11 cooperation under this subsection section.

12 SECTION 41. 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended  
13 to read:

14 30.2022 (6) This subsection section does not apply to activities in the Lower  
15 Wisconsin State Riverway, as defined in s. 30.40 (15).

16 SECTION 42. 30.12 (4m) of the statutes is renumbered 30.12 (4m) and 30.12

17 (1m) (c) (intro.), as renumbered, is amended to read:

18 30.12 (1m) (c) (intro.) ~~DUCK CREEK DRAINAGE DISTRICT STRUCTURES AND DEPOSITS~~

19 Subsection (1) does not apply to a structure or deposit that the drainage board for  
20 the Duck Creek Drainage District places in a drain that the board operates in the  
21 Duck Creek Drainage District is exempt from the permit requirements under this  
22 section if either of the following applies:

23 SECTION 43. 30.12 (5) of the statutes is repealed.

24 SECTION 44. 30.123 (title) of the statutes is repealed and recreated to read:

25 30.123 (title) **Bridges and culverts.**

1 SECTION 45. 30.123 (1) of the statutes is renumbered 30.1235 and amended to  
2 read:

3 <sup>(b)</sup> 30.1235 **Municipal bridge construction.** Municipalities which construct or  
4 reconstruct highway bridges shall not be required to obtain permits under ~~this~~  
5 ~~section or s. 30.10 or~~ <sup>s.</sup> 30.12 or 30.123 for such ~~the~~ <sup>that</sup> construction or reconstruction. All  
6 municipal highway bridges shall be constructed or reconstructed in accordance with  
7 standards developed under s. 84.01 (23).

8 ~~SECTION 46. 30.123 (2) (title) of the statutes is created to read:~~

9 ~~30.123 (2) (title)~~ PERMITS REQUIRED.

10 SECTION 47. 30.123 (2) of the statutes is amended to read:

History: 1977 c. 196; Stats. 1977 s. 30.122; 1977 c. 272; Stats. 1977 s. 30.123; 1987 a. 374.

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

History: 1977 c. 190; Stats. 1977 s. 30.122; 1977 c. 272; Stats. 1977 s. 30.123; 1987 a. 374.

21 SECTION 48. 30.123 (3) of the statutes is repealed.

22 SECTION 49. 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and  
23 amended to read:

1           30.123 (8) (c) ~~The department shall review the plans for the proposed bridge~~  
 2 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~  
 3 ~~adversely affect the flood flow capacity of the stream.~~ The department shall grant  
 4 the issue an individual permit if the proposed pursuant to an application under par.  
 5 (a) if the department finds that the bridge or culvert will not materially obstruct  
 6 navigation, will not materially reduce the effective flood flow capacity of a stream or  
 7 be, and will not be detrimental to the public interest.

8           SECTION 50. 30.123 (5) of the statutes is repealed.

9           SECTION 51. 30.123 (6) of the statutes is created to read:

10           30.123 (6) EXEMPTIONS. A riparian owner is exempt from the permit  
 11 requirements under this section for all of the following:

12           (a) The construction and maintenance of highway bridges to which s. 30.1235  
 13 applies.

14           (b) The construction and maintenance of bridges by the department of  
 15 transportation in accordance with s. 30.201<sup>X 30.2022</sup>

16           (c) The construction and maintenance of culverts that are not ~~greater~~  
 17 inches in diameter and that are part of private roads or private driveways.

\*\*\*\*NOTE: Note that the restriction under s. 30.123 (2) under current law and in this draft is limited to "construction" and "maintenance". Therefore, for consistency and so that the exemption does not exceed the scope of the restriction, I have included only "construction" and "maintenance" in the list of exemptions under s. 30.123 (6).

18           SECTION 52. 30.123 (7) of the statutes is created to read:

19           30.123 (7) GENERAL PERMITS (a) The department shall issue statewide general  
 20 permits under s. 30.206 that authorize riparian owners to do all of the following:

21           1. Construct and maintain a bridge that will cross a navigable water that is less  
 22 than 35 feet wide.

23           2. Construct and maintain a culvert with an inside diameter that does not  
exceed 60 inches.

*have an inside diameter that does not exceed 48 inches*

*greater*

✓ I drafted this to be 60 inches in diameter,  
 \*\*\*\*NOTE: The draft provided did not finish this sentence. Please advise.  
 not in length. OK

1 (b) The department may promulgate rules that identify bridges or culverts, in  
 2 addition to those listed in par. (a), that may be authorized by statewide general  
 3 permits.

4 SECTION 53. 30.123 (8) of the statutes is created to read:

5 30.123 (8) INDIVIDUAL PERMITS, (a) A riparian owner may apply to the  
 6 department for an individual permit that is required under sub. (1) in order to  
 7 construct or maintain a bridge or culvert.

8 (b) The notice and hearing provisions of s. 30.208 (3) to (6) shall apply to a  
 9 permit applied for under par. (a).

10 ~~SECTION 54. 30.1235 (title) of the statutes is created to read:~~

11 ~~30.1235 (title) Municipal bridge construction.~~

12 SECTION 55. 30.13 (1) of the statutes is repealed.

13 SECTION 56. 30.13 (4) (d) of the statutes is repealed.

14 History: 1981 c. 252; 1987 a. 374; 1999 a. 150 ss. 3, 120, 123, 125, 127, 129, 131, 133.

14 SECTION 57. 30.135 (1) (a) (intro.) of the statutes is amended to read:

15 30.135 (1) (a) (intro.) A riparian proprietor may place placing a water ski  
 16 platform or water ski jump in a navigable waterway without obtaining a is exempt  
 17 from the permit requirements under this chapter if all of the following requirements  
 18 are met:

19 History: 1997 a. 27.

19 SECTION 58. 30.135 (1) (b) of the statutes is amended to read:

20 30.135 (1) (b) If the department determines that any of the requirements under  
 21 par. (a) are not met, the riparian owner shall submit a permit an application for an  
 22 individual permit to the department.

23 History: 1997 a. 27.

23 SECTION 59. 30.135 (2) (a) of the statutes is amended to read:

1           30.135 (2) (a) Upon receipt of a complete ~~permit~~ application for an individual  
2 permit, the department shall either order a hearing or provide notice stating that it  
3 will proceed on the application without a hearing unless a substantive written  
4 objection to issuance of the permit is received within 30 days after publication of the  
5 notice. The department shall provide a copy of the notice to the applicant for the  
6 permit, the clerk of each municipality in which the water ski platform or water ski  
7 jump is to be located and to any other person required by law to receive notice. The  
8 department may provide notice to other persons as it considers appropriate. The  
9 applicant shall publish the notice as a class 1 notice under ch. 985 in a newspaper  
10 designated by the department that is likely to give notice in the area affected. The  
11 applicant shall file proof of publication with the department.

History: 1997 a. 27.

12           **SECTION 60.** 30.135 (4) of the statutes is amended to read:

13           30.135 (4) **EXEMPTION.** Section ~~30.02~~ 30.208 (3) to (6) does not apply to permit  
14 applications submitted under this section.

History: 1997 a. 27.

15           **SECTION 61.** 30.14 (2) of the statutes is amended to read:

16           30.14 (2) **HEARINGS BY DEPARTMENT.** Upon complaint by any person to the  
17 department that any wharf, pier or other structure exists in navigable water in  
18 violation of s. 30.12 or 30.13 ~~or 30.207~~ or that any wharf, pier or other structure  
19 proposed to be built in navigable water will violate s. 30.12 or 30.13 ~~or 30.207~~, the  
20 department shall investigate and may hold a hearing to determine whether the  
21 wharf, pier, or other structure is or would be in violation of those sections. If no  
22 hearing is held, the complainant shall be informed of the results of the investigation.

History: 1987 a. 374; 1997 a. 174.

23           **SECTION 62.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

1           30.18 (2) (a) *Streams*. (intro.) No person may divert water from a stream in  
 2 this state without ~~a~~ an individual permit under this section if the diversion meets  
 3 either of the following conditions:

4 History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

**SECTION 63.** 30.18 (2) (b) of the statutes is amended to read:

5           30.18 (2) (b) *Streams or lakes*. No person, except a person required to obtain  
 6 an approval under s. 281.41, may divert water from any lake or stream in this state  
 7 without ~~a~~ an individual permit under this section if the diversion will result in a water  
 8 loss averaging 2,000,000 gallons per day in any 30-day period above the person's  
 9 authorized base level of water loss.

10 History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

**SECTION 64.** 30.18 (4) (a) of the statutes is amended to read:

11           30.18 (4) (a) Upon receipt of a complete application, the department shall  
 12 follow the notice and hearing procedures under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (6).  
 13 In addition to ~~the notice requirements providing notice as required under s. 30.02 (3)~~  
 14 ~~and (4)~~ 30.208 (3) and (5), the department shall mail a copy of the notice to every *plain*  
 15 person upon whose land any part of the canal or any other structure will be located,  
 16 to the clerk of the next town downstream, to the clerk of any village or city in which  
 17 the lake or stream is located and which is adjacent to any municipality in which the  
 18 diversion will take place and to each person specified in s. 281.35 (5) (b) or (6) (f), if  
 19 applicable.

20 History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

**SECTION 65.** 30.18 (6) (b) of the statutes is amended to read:

21           30.18 (6) (b) *Use of water*. A person issued a permit under this section for the  
 22 purpose of irrigation or agriculture may use the water on any land contiguous to the

1 permittee's riparian land, but may not withdraw more water than it did before  
2 August 1, 1957, without applying to the department for a modification of the permit.

Fix component 3

History: 1979 c. 221; 1985 a. 60; 1987 a. 374; 1995 a. 227.

SECTION 66. 30.18 (9) of the statutes is repealed.

\*\*\*\*NOTE: Since navigable water permits are now subject to the specific procedures under s. 30.209, s. 30.18 (9) is repealed. See 30.209 (2).

4 SECTION 67. 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)  
5 and amended to read:

6

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

9 SECTION 68. 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and  
10 amended to read:

11 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial  
12 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~  
13 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~  
14 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

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

18 SECTION 69. 30.19 (1) (b) of the statutes is renumbered 30.19 (1g) (b) and  
19 amended to read:

20 30.19 (1g) (b) ~~To connect any natural or artificially constructed~~ Connect, by a  
21 navigable surface channel, any navigable waterway, canal, channel, ditch, lagoon,  
22 pond, lake or similar waterway or any artificial water body with an existing body of  
23 a navigable water, for navigation or any other purpose waterway.



1 SECTION 70. 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and  
2 amended to read:

3 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove ~~top soil~~ topsoil from the  
4 bank of any navigable ~~stream, lake or other body of navigable water~~ waterway where  
5 the area exposed by such the grading or removal will exceed 10,000 square feet.

6 SECTION 71. 30.19 (1b) of the statutes is created to read:

7 30.19 (1b) DEFINITION. In the section, "artificial water body" means a proposed  
8 or existing body of water that does not have a history of being a lake or stream or of  
9 being part of a lake or stream.

10 SECTION 72. 30.19 (1m) (intro.) of the statutes is amended to read:

11 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS <sup>plain</sup> (intro.) ~~Subsection (1) does not apply to~~  
12 A person is exempt from the permit requirements under this section for any of the  
13 following:

History: 1971 c. 273; 1979 c. 34 s. 2102 (39) (g); 1979 c. 221; 1983 a. 36; 1987 a. 374; 1995 a. 227.

14 SECTION 73. 30.19 (1m) (a) of the statutes is amended to read:

15 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway.

16 SECTION 74. 30.19 (1m) (b) of the statutes is amended to read:

17 30.19 (1m) (b) Any agricultural uses use of land.

18 SECTION 75. 30.19 (1m) (c) and (d) of the statutes are repealed.

19 SECTION 76. 30.19 (1m) (e) of the statutes is amended to read:

20 30.19 (1m) (e) Any work required to maintain the original dimensions of an  
21 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a  
22 permit or legislative authorization under sub. (1) (a) or ~~(b)~~ (1g) (a) or (am).

23 SECTION 77. 30.19 (1m) (f) of the statutes is created to read:

1 30.19 (1m) (f) Any work required to maintain any water body that serves as  
2 a connection under sub. (1g) (b).

3 SECTION 78. 30.19 (1m) (g) of the statutes is created to read:

4 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial  
5 water body that is within 500 feet of the ordinary high-water mark of a navigable  
6 waterway, if the artificial water body does not have a surface connection to any  
7 navigable waterway other than an overflow device and if the construction,  
8 dredging, or enlargement is part of a stormwater management plan or wastewater  
9 facilities plan approved or authorized by the department under ch. 283.

✓ \*\*\*\*NOTE: Have RCT review. by

10 SECTION 79. 30.19 (1m) (h) of the statutes is created to read:

11 30.19 (1m) (h) Grading or removal of topsoil from the bank of a navigable  
12 waterway that is not located in an area of special natural resource interest and where  
13 the area exposed by the grading or removal will exceed 10,000 square feet, if any of  
14 the following apply: applies is authorized by

15 1. The grading or removal is part of a stormwater permit issued by the  
16 department of natural resources or the department of corrections. discharge

\*\*\*\*NOTE: Have RCT review.

17 2. The grading or removal is authorized under an ordinance under s. 59.692,  
18 61.351, or 62.231.

19 SECTION 80. 30.19 (2) of the statutes is repealed.

20 SECTION 81. 30.19 (3) of the statutes is repealed.

21 SECTION 82. 30.19 (3r) of the statutes is created to read:

22 30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general  
23 permits under s. 30.206 that authorize persons to do all of the following:

1           1. Engage in an activity specified in sub. (1g) (a), (am), or (b) that is not exempt  
 2 under sub. (1m) (g) if the construction, dredging, enlargement, or connection is part  
 3 of a stormwater management plan or wastewater facility plan approved or  
 4 authorized by the department under ch. 283.

\*\*\*NOTE: Have RCI review.

5           2. Engage in an activity specified in sub. (1g) (a) or (am) if the construction,  
 6 dredging, or enlargement is designed to enhance wetlands or wildlife habitat.

\*\*\*NOTE: I omitted the phrase "waterfowl habitat" because that would be included in "wildlife habitat".

7           3. Engage in an activity specified in sub. (1g) (c) if the area exposed by the  
 8 grading or removal will exceed 10,000 square feet.

9           (b) The department may promulgate rules that identify other types of  
 10 activities, in addition to those listed in par. (a), that may be authorized by statewide  
 11 general permits.

12           SECTION 83. 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and  
 13 amended to read:

14           30.19 (4) ISSUANCE OF PERMIT INDIVIDUAL PERMITS (c) (intro.) If the department

15 finds that the project will not injure public rights or interest, including fish and game  
 16 habitat, that the project ~~the department~~ shall issue an individual permit pursuant

17 to an application under par. (a) if the department finds that all of the following apply:

18           2. The activity will not cause environmental pollution, as defined in s. 299.01  
 19 (4), that any,

20           3. Any enlargement connected to a navigable waterways conforms to the  
 21 requirement of waterway complies with all of the laws for the relating to platting of  
 22 land and for sanitation and that no.

move

SEC. #. A.M.; 30.19 (4) (title)

(title)

# 30.19 (4) B The

plain

~~the department~~

if the department finds that all of the following apply:

2,

1           4. No material injury will result to the rights of any riparian owners ~~on any~~  
2 ~~body of water affected will result, the department shall issue a permit authorizing~~  
3 ~~the enlargement of the affected waterways of real property that abuts any water body~~  
4 that is affected by the activity.

5           SECTION 84. 30.19 (4) (a) of the statutes is created to read:

6           30.19 (4) (a) A person may apply to the department for an individual permit  
7 <sup>(7)</sup> to engage in activities for which a permit <sup>e</sup> is required under sub. (1g) <sup>✓</sup>.

8           SECTION 85. 30.19 (4) (b) of the statutes is created to read:

9           30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (6) <sup>✓</sup> apply to  
10 a permit applied for under par. (a).

11           SECTION 86. 30.19 (4) (c) 1. <sup>✓</sup> of the statutes is created to read:

12           30.19 (4) (c) 1. The activity will not be detrimental to the public interest. <sup>✓</sup>

13           SECTION 87. 30.19 (5) of the statutes is amended to read:

14           30.19 (5) ~~CONDITIONS OF PERMIT REQUIREMENT FOR PUBLIC ACCESS.~~ The A permit  
15 issued under this section to construct an artificial water body and to connect it to a  
16 navigable waterway shall provide that all require that the artificial waterways  
17 constructed under this section which are connected to navigable waterways shall be  
18 water body be a public waterways. <sup>J</sup> ~~The department may impose such further~~  
19 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~  
20 ~~safety, welfare, rights and interest and to protect private rights and property~~  
21 waterway. <sup>plain</sup>

22           SECTION 88. 30.195 (1) of the statutes is amended to read:

23           30.195 (1) PERMIT REQUIRED. ~~No~~ Unless a permit has been issued under this  
24 section or authorization has been granted by the legislature, no person may change

1 the course of or ~~straighten~~ a navigable stream without a permit issued under this  
2 section or without otherwise being expressly authorized by statute to do so.

3 SECTION 89. 30.195 (1m) of the statutes is created to read:

4 30.195 (1m) GENERAL PERMITS (a) The department shall issue statewide general  
5 permits under <sup>S.</sup> 30.206 that authorize riparian owners to change the course of or  
6 straighten a navigable stream under the following circumstances:

7 1. The change or straightening involves a relocation of less than a total of 500  
8 feet in stream length.

9 2. The change or straightening involves a relocation of a stream with an  
10 average flow of less than ~~.....~~ 2 cubic feet per second.

\*\*\*NOTE: The draft provided did not finish this sentence. Please advise.

11 (b) The department may promulgate rules that identify other circumstances,  
12 in addition to those listed in par. (a), that may be authorized by statewide general  
13 permits.

14 SECTION 90. 30.195 (2) of the statutes is repealed and recreated to read:

15 30.195 (2) INDIVIDUAL PERMITS. (a) A person may apply to the department for  
16 an individual permit to engage in activities for which a permit is required under sub.  
17 (1).

18 (b) The notice and hearing provisions of s. 30.208 (3) to (6) apply to a permit  
19 applied for under par. (a) if the activity subject to the permit involves the relocation  
20 of more than a total of 500 feet in stream length.

21 → SEC. #. RP; 30.195 (3) (title)  
SECTION 91. 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and  
22 amended to read:

1

30.195 (2) ~~ISSUANCE OF PERMITS~~ (c) Upon application therefor, the The

2

department shall ~~grant a~~ issue ~~an individual~~ permit ~~to the~~ applied for under this

3

section if the department determines that all of the following apply:

4

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

7

2. The proposed change of course or straightening of the navigable stream will  
improve the economic or aesthetic value of the owner's applicant's land and will.

9

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

12

4. The proposed change of course or straightening of the navigable stream will  
not be detrimental to the rights of other riparians riparian owners located on the  
stream. ~~If the department finds that the rights of such riparians will be adversely~~  
~~affected, it may grant the permit only with their consent. Such permit may be~~  
~~granted on the department's own motion after its own investigation or after public~~  
~~hearing and after giving prior notice of such investigation or hearing or all of these~~  
riparian owners have consented to the issuance of the permit.

18

19

SECTION 92. 30.195 (4) of the statutes is repealed.

20

SECTION 93. 30.195 (7) of the statutes is repealed.

21

SECTION 94. 30.196 (intro.) of the statutes is amended to read:

22

**30.196 Enclosure of navigable waters; issuance of permits to**  
**municipalities.** (intro.) A municipality may enclose navigable waters by directing,  
placing or restricting navigable waters into an enclosed drain, conduit, storm sewer  
or similar structure if the department grants the municipality ~~a~~ an individual

25

1 permit. The department may grant this permit to a municipality after following the  
 2 notice and hearing requirements under s. ~~30.02 (3)~~ and (4) ~~30.208 (3) to (6)~~ if it finds  
 3 that granting the permit:

History: 1981 c. 19; 1987 a. 374.

4 SECTION 95. 30.20 (1) (title) of the statutes is repealed and recreated to read:

5 30.20 (1) (title) PERMITS REQUIRED.

6 SECTION 96. 30.20 (1) (a) of the statutes is amended to read:

7 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department  
 8 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no  
 9 person may remove any material from the bed of any a natural navigable lake or from  
 10 the bed of any outlying waters of ~~this state without first obtaining a contract as~~  
 11 ~~provided in sub. (2).~~

12 SECTION 97. 30.20 (1) (b) of the statutes is amended to read:

13 30.20 (1) (b) ~~(intro)~~ Except as provided under pars. (c) and (d), Unless a permit  
 14 has been issued by the department under sub. (2) (c) or authorization has been  
 15 granted by the legislature, no person may remove any material from the bed of any  
 16 lake or navigable stream not mentioned under par. (a) ~~without first obtaining a~~  
 17 ~~permit from the department under sub. (2) (e).~~

History: 1977 c. 391; 1979 c. 34 s. 2102 (39) (g); 1981 c. 330; 1983 a. 27 s. 2202 (38); 1985 a. 332 s. 251 (1); 1987 a. 374; 1999 a. 9, 185.

18 SECTION 98. 30.20 (1) (c) of the statutes is repealed.

19 SECTION 99. 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c).

20 SECTION 100. 30.20 (1g) ~~(title), (a) and (b)~~ of the statutes ~~are~~ created to read:

21 30.20 (1g) EXEMPTIONS. (a) The exemption under s. 30.215 does not exempt  
 22 a person from the permit requirement under sub. (1) (b) if the department finds that  
 23 the proposed removal may have a long-term adverse effect on cold-water fishery  
 24 resources or may destroy fish spawning beds or nursery areas. A person who

and if any of the following applies:

1 proposes such a removal shall notify the department at least 10 days before the  
2 removal is scheduled to start if the removal may have such a long-term adverse effect  
3 or may destroy fish spawning beds or nursery areas.

4 SECTION 101. 30.20 (1g) (b) of the statutes is created to read:

5 ~~30.20 (1g)~~ (b) A person is exempt from the permit or contract requirements  
6 under subs. (1r) and (2) for removal of material if the material does not contain  
7 hazardous substances, the material will be placed in an upland area, and the  
8 material is not being removed from an area of special natural resource interests.

9 1. The removal will be from an area from which material has been previously  
10 removed, the removal is for maintenance purposes, and the material to be removed  
11 does not exceed 3,000 cubic yards.

12 2. The removal will be from an area from which no material has been previously  
13 removed and the material to be removed does not exceed 300 cubic yards.

14 3. The removal will be from a nonnavigable lake or stream.

15 SECTION 102. 30.20 (1r) of the statutes is created to read:

16 30.20 (1r) GENERAL PERMITS. (a) The department shall issue statewide general  
17 permits under s. 30.206, ~~authorize~~ riparian <sup>ing</sup> owners to do all of the following:

18 1. Remove material for the purpose of <sup>that authorize</sup> maintaining an area where the amount  
19 previously removed exceeds more than 3,000 cubic yards of material.

20 2. Remove from 300 cubic years to 3,000 cubic yards in an area where no  
21 previous removal of material has occurred.

22 (b) The department may promulgate rules that identify other types of  
23 removals, in addition to those listed in par. (a), that may be authorized by statewide  
24 general permits.

25 SECTION 103. 30.20 (2) (title) of the statutes is amended to read:



if the material ✓

1 30.20 (2) (title) ~~CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.~~

2 History: 1977 c. 391; 1979 c. 34 s. 2102 (39) (g); 1981 c. 330; 1983 a. 27 s. 2202 (38); 1985 a. 332 s. 251 (1); 1987 a. 374; 1999 a. 9, 185.

2 SECTION 104. 30.20 (2) (a) and (b) of the statutes are amended to read:

3 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may  
 4 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale  
 5 of any material from the bed of any navigable lake or of any of the outlying waters,  
 6 ~~and for the lease or sale of the material.~~ Every if the contract is consistent with public  
 7 rights. A person seeking to enter <sup>INTD</sup> such a contract shall apply to the department. Each  
 8 contract entered into under this paragraph shall contain such any conditions as may  
 9 be that the department determines are necessary for the protection of the public  
 10 interest and the ~~interests~~ <sup>se</sup> interest <sup>plain</sup> of the state and. Each contract entered into under  
 11 this paragraph shall also fix the amount of compensation to be paid to the state for  
 12 the material so to be removed, except that no the contract may not require that any  
 13 compensation may be paid for the material if the contract is with a municipality, as  
 14 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and  
 15 ~~not for resale. No~~ ~~will not be resold.~~ Each contract entered into under this paragraph  
 16 may not run for a longer period more than 5 years.

17 (b) The department, ~~whenever consistent with public rights,~~ may enter into  
 18 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any  
 19 mineral, ore and, or other material from beneath the bed of a navigable lakes and  
 20 waters, where <sup>the</sup> water that the state may own if the contract will be consistent with  
 21 public rights and if the waters would navigable water will not be disturbed in the  
 22 removal operation and for the lease and sale of such mineral, material and ore and  
 23 provide the necessary regulations for all acts incident thereto. Every such. A person  
 24 seeking to enter <sup>INTD</sup> such a contract shall apply to the department. Each contract

1 entered into under this paragraph shall contain such any conditions as may be that  
2 the department determines are necessary for the protection of the public interest and  
3 the interests interest of the state, and. Each contract entered into under this  
4 paragraph shall also fix the compensation to be paid to the state for the material,  
5 mineral and ore so mineral, ore, or other material to be removed. No Each contract  
6 entered into, pursuant to under this paragraph, shall may not run for a longer period  
7 more than 75 years. Should any doubt exist as to whether the state, in fact, owns  
8 such lake bed or stream bed such contract or lease shall be for such interests, if any,  
9 as the state may own. Title to the royalties to be paid when mining operations are  
10 begun shall be determined at such future time as royalties for ores so sold are paid  
11 or are due and payable.

12 SECTION 105. 30.20 (2) (bn) of the statutes is created to read:

13 30.20 (2) (bn) A person may apply to the department for an individual permit  
14 that is required under sub. (1) (b) to remove material from the bed of any lake or  
15 stream not described under sub. (1) (a)

16 SECTION 106. 30.20 (2) (c) of the statutes is amended to read:

17 30.20 (2) (c) A permit to remove material from the bed of any lake or stream  
18 not included in sub. (1) (a) may be issued by the department if it The department may  
19 issue an individual permit pursuant to an application under par. (bn) if the  
20 department finds that the issuance of such a the permit will be consistent with the  
21 public interest in the water involved. A permit or contract issued under this  
22 paragraph may be issued for up to 10 years if the applicant notifies the department  
23 at least 30 days before removing any material lake or stream.

\*\*\*\*NOTE: The issuance of the permit under s. 30.20 (2) (c) is discretionary; all the other individual permits are mandatory if the department makes the required findings. OK?

\*\*\*\*NOTE: Note that anyone can apply and receive an individual permit or a contract; however only riparian owners are authorized to act under general permits. OK?

1           **SECTION 107.** 30.20 (2) (d) of the statutes is created to read:

2           30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application  
3 at least 30 days before the proposed date of the removal, the department may issue  
4 the permit for a period of up to 10 years.

5           **SECTION 108.** 30.20 (2) (e) of the statutes is created to read:

6           30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (6) apply to  
7 a permit or contract applied for under this subsection.

8           **SECTION 109.** 30.2022 (title) of the statutes is created to read:

9           **30.2022 (title) Activities of department of transportation.**

10          **SECTION 110.** 30.2023 (title) of the statutes is created to read:

11          **30.2023 (title) Seawalls; Wolf River and Fox River basins.**

12          **SECTION 111.** 30.2026 (2) (d) of the statutes is amended to read:

13          30.2026 (2) (d) The village of Belleville shall create any artificial barrier under  
14 this section in compliance with all state laws that relate to navigable bodies of water,  
15 except s. 30.12 (1) and (2).

History: 2001 a. 16.

16          **SECTION 112.** 30.2026 (3) (a) of the statutes is amended to read:

17          30.2026 (3) (a) The village of Belleville shall maintain any artificial barrier  
18 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake  
19 Belle View shoreline, a portion of which is located within 1,000 feet of any such  
20 artificial barrier, is dissatisfied with the manner in which the village of Belleville is  
21 maintaining the barrier, the owner may maintain the barrier in lieu of the village,

1 upon approval of the department. The village or a landowner who maintains the  
2 barrier shall comply with all state laws that relate to navigable bodies of water,  
3 except s. 30.12 (1) and (2). The department may require the village of Belleville or  
4 the landowner to maintain the barrier in a structurally and functionally adequate  
5 condition.

History: 2001 a. 16.

\*\*\*\*NOTE: Please review the cross-reference change in s. 30.2026 (2) (d) and (3) (a) to insure that it complies with your intent. I think current law requires getting s. 30.12 (3)-type permits, if applicable, but exempts the Lake Belle View and Sugar River project from s. 30.12 (2)-type permits.

6 SECTION 113. 30.206 (1) (title) of the statutes is created to read:

7 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

8 SECTION 114. 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and  
9 amended to read:

Fix component

... [revisor inserts date]

10

11

12

13

14

15

16

17

30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12 (3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a class of activities, according to rules promulgated by the department. Before The department shall issue the statewide general permits required under ss. 30.12 (3) (a), 30.123 (7) (a), 30.19 (3r) (a), 30.195 (1m) (a), and 30.20 (1r) (a) within 540 days after the effective date of this paragraph~~ ~~revisor inserts date~~. General permits issued under ~~ss. 30.206, 2001 stats., and 30.207, 2001 stats., shall remain valid until~~ s. the date upon which the statewide permits are issued under this paragraph.

\*\*\*\*NOTE: Do you want an issuing deadline for "additional" general permits that DNR may authorize by rule?

18

19

20

21

(b) Before issuing general permits, the department shall ~~determine~~ <sup>provide</sup>, after an environmental analysis ~~and~~ <sup>↓</sup> notice and hearing under ss. 227.17 and 227.18, that

(c) To ensure that the cumulative adverse environmental impact of the class of activity activities authorized by a general permit is insignificant and that the

plain

1 issuance of the general permit will not injure public rights or ~~interest interests~~, cause  
2 environmental pollution, as defined in s. 299.01 (4), or result in material injury to the  
3 rights of any riparian owner, the department may impose any of the following  
4 conditions on the permit:

5

History: 1987 a. 374; 1995 a. 227; 1997 a. 174.

SECTION 115. 30.206 (1) (c) ~~(A)~~ of the statutes ~~(A)~~ created to read:

*1. to 3. are*

6

30.206 (1) (c) 1. Construction and design requirements that are consistent with  
7 the purpose of the activity authorized under the permit.

8

2. Location requirements that ensure that the activity ~~does~~ *will* not materially  
9 interfere with navigation or have an adverse impact on the riparian property rights  
10 of adjacent riparian owners.

11

3. Restrictions to protect areas of special natural resource interest.

12

SECTION 116. 30.206 (2) of the statutes is repealed.

13

SECTION 117. 30.206 (3) (title) of the statutes is created to read:

14

30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL  
15 PERMITS.

*Fix component*

16

SECTION 118. 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and  
17 amended to read:

18

30.206 (3) (a) A person wishing to proceed with an activity that may be  
19 authorized by a general permit shall apply to the department with written  
20 notification of the person's wish to proceed not less than 20 business 30 days before  
21 commencing the activity authorized by a general permit. The department may  
22 request additional information from the applicant The notification shall provide  
23 information describing the activity in order to allow the department to determine  
24 whether the activity is within the scope of a authorized by the general permit and

*2*  
*2*  
*plain*

1 ~~shall inform the applicant in writing of its determination within 10 business days~~  
2 ~~after receipt of adequate information.~~

History: 1987 a. 374; 1995 a. 227; 1997 a. 174.

3 SECTION 119. 30.206 (3) (c) of the statutes is created to read:

4 30.206 (3) (c) Upon completion of an activity that the department has  
5 authorized under a general permit, the applicant for the general permit shall provide  
6 to the department a statement that the activity has been completed and a  
7 photograph of the activity.

\*\*\*\*NOTE: I omitted the concept of the applicant certifying that the activity complies with the general permit since it seems that certification of compliance should be done by DNR or an independent party. Please let me know your intent concerning this.

*Fix Component*  
*Fix Component*

SECTION 120. 30.206 (3m) of the statutes is repealed. ✓

10 SECTION 121. 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and  
amended to read:

11 30.206 (3) (b) ~~Upon receipt of the department's determination that the~~  
12 ~~proposed activity is authorized by a general permit,~~ *If* within 30 days after an  
13 application under par. (a) is submitted to the department, *the* the department does not  
14 require any additional information about the activity *that is* subject to the application and  
15 does not inform the applicant that an individual permit will be required, the activity  
16 will be considered to be authorized by the general permit and the applicant may  
17 proceed without further notice, hearing, permit or approval if the activity is carried  
18 out in compliance with all of the conditions of the general permit. The department  
19 may require an individual permit only if it determines that the proposed activity is  
20 not authorized by the general permit.

History: 1987 a. 374; 1995 a. 227; 1997 a. 174.

21 SECTION 122. 30.206 (5) (title) of the statutes is created to read:

22 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

1 SECTION 123. 30.206 (6) of the statutes is amended to read:

2 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for  
3 which a general permit has been issued may request an individual permit under the  
4 applicable provisions of this chapter subchapter or ch. 31 in lieu of seeking  
5 authorization under the general permit.

History: 1987 a. 374; 1995 a. 227; 1997 a. 174.

SECTION 124. 30.206 (7) of the statutes is repealed.

SECTION 125. 30.207 (title) <sup>and (1) (title)</sup> of the statutes ~~is~~ repealed.

SECTION 126. 30.207 (1) of the statutes is renumbered 30.2023 (1) and amended  
9 to read:

10 30.2023 (1) ~~GEOGRAPHICAL AREA~~ For purposes of this section and s. 30.12 (3)  
11 (~~bt~~), the Wolf River and Fox River basin area consists of all of Winnebago County; the  
12 portion and shoreline of Lake Poygan in Waushara County; the area south of STH 21  
13 and east of STH 49 in Waushara County; that portion of Calumet County in the Lake  
14 Winnebago watershed; all of Fond du Lac County north of STH 23; that portion of  
15 Outagamie County south and east of USH 41; that portion of Waupaca County that  
16 includes the town of Mukwa, city of New London, town of Caledonia, town of  
17 Fremont; and the portion and shoreline of Partridge Lake and the Wolf River in the  
18 town of Weyauwega.

History: 1997 a. 174; 2001 a. 16, 103.

19 SECTION 127. 30.207 (1m) to (10) of the statutes are repealed.

20 SECTION 128. 30.208 ~~(title) and (1)~~ of the statutes ~~are~~ created to read:

21 30.208 Applications for individual permits and contracts; department  
22 determinations. (1) APPLICATION REQUIRED. A person who seeks to obtain or modify  
23 an individual permit under this subchapter or to enter into a contract under s. 30.20  
24 shall submit an application ~~with~~ the department.

Fix component  
Fix component

→ to

*Int. cap. - 32 -*  
*to (1)*

*Fix component*  
*(2)*

~~SECTION 129. 30.208 (3) of the statutes created to read:~~

*(2)* 30.208 (3) PUBLIC NOTICE OF APPLICATION AND COMMENTS. (a) In compliance with  
3 all of the applicable rules promulgated under sub. (5), the department shall provide  
4 notice of each complete application for an individual permit or contract to interested  
5 and potentially interested members of the public within 30 days after ~~the~~ receipt of  
6 the complete application.

\*\*\*NOTE: I put in a 30-day deadline in s. 30.208 (3) (a).

7 (b) The department shall provide a period of not less than 30 days following the  
*(8)* 8 date of the ~~public~~ notice under par. (a) *(1)* during which time any person may submit  
9 written comments with respect to the application for the permit or contract. A person  
10 submitting written comments may also submit a request for a public hearing. All  
11 written comments submitted during this period for comment shall be retained by the  
12 department and considered in the formulation of the final determination on the  
13 permit application.

*(14)* (4) PUBLIC HEARING; NOTICE; REQUEST FOR HEARING. *(a)* The department shall  
15 schedule and hold a public hearing on an application for an individual permit or  
*(16)* 16 contract if a request for the hearing is timely submitted as required under sub. *(4)*  
17 (b), if a hearing is requested in writing by the permit applicant, or if the department  
18 determines that there is a significant public interest in holding the hearing. The  
19 department shall provide notice of the public hearing in compliance with all of the  
*(20)* 20 applicable ~~rules~~ rules promulgated under sub. (5).

21 (b) The request for the public hearing must be submitted to the department  
*(22)* 22 within 30 days after the ~~public~~ notice of the application under sub. (3) has been  
23 completed.

*3*



1 (c) The department shall promulgate rules to establish procedures for the  
2 conduct of public hearings held under this subsection. Public hearings held under  
3 this subsection are not contested cases under s. 227.01 (3). ✓

\*\*\*\*NOTE: I left in the first sentence under par. (c) above because it seems rules should be promulgated since a different hearing procedure is being created.

4 (5) NOTICE REQUIREMENTS. (a) The department shall, by rule, establish procedures for  
5 providing notices of applications to be provided under sub. (3), notices of public  
6 hearings to be provided under sub. (4), and notices of administrative hearings to be  
7 provided under s. 30.209 (1). The procedures shall include  
8 shall include all of the following: requirements

- 8 1. Publication of the notice as a class 1 notice under ch. 985. shall be published
- 9 2. Mailing of the notice to any person or group upon request. shall be mailed

10 \*\*\*\*NOTE: Section 283.39 upon which this provision is based is unclear who must  
11 provide, and pay for this notice. I have drafted this so DNR is responsible. OK? ✓

12 (b) The department shall, by rule, prescribe the form and content of notices of  
13 applications to be provided under sub. (3), notices of public hearings to be provided under  
14 sub. (4), and notices of administrative hearings to be provided under s. 30.209 (1).  
15 Each notice provided by the department shall include all of the following  
16 information:

- 15 1. The name and address of each applicant. ✓
- 16 2. A brief description of each applicant's activity or project that requires the  
17 permit.
- 18 3. The name of the waterway in or for which the activity or project is planned.
- 19 4. A statement of the tentative determination to issue or deny a permit for the  
20 activity or project described in the application.
- 21 5. A brief description of the procedures for the formulation of final  
22 determinations, including the 30-day comment period required under sub. (b).

(3)

1 (6) HEARING DECISION. Within 30 days after a public hearing is scheduled as  
 2 required under sub. (4) (b) or if no hearing is scheduled, within 30 days after the last  
 3 day of the 30-day comment period under sub. (3) (b), the department shall render a  
 4 decision issuing, denying, or modifying the application submitted under sub. (1).

5 SECTION 130. 30.209 of the statutes is created to read:

6 30.209 Individual permits; administrative and judicial review. (1)

7 ADMINISTRATIVE REVIEW. (a) An applicant for or holder of an individual permit for 5  
 8 or more persons may petition for administrative review of any of the following  
 9 decisions given by the department:

10 1. The issuance, denial, or modification of any individual permit issued under this  
 11 subchapter.

12 2. The imposition, or failure to impose, a term or condition on any individual  
 13 permit issued under this subchapter.

14 (b) A petition under this subsection shall be filed with the department within  
 15 30 days after the date on which the department has given notice of its decision under par. (a) 1. and 2.

16 The department shall grant an administrative hearing if the department finds that  
 17 the petition includes a statement that gives specific reasons why the department's  
 18 decision may violate state law.

19 (c) If the department grants an administrative hearing under par. (b), the  
 20 department shall provide a notice of at least 30 days before the date of the hearing  
 21 in compliance with all of the applicable rules promulgated under s. 30.208(5).  
 22 the department's action

23 (d) The department shall provide the notice required under par. (c) to the  
 24 applicant for or holder of the permit and each petitioner, if other than the applicant

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24

*PERSONS;*  
*or*  
*of*  
*for*  
*the*  
*on which the department*  
*has given notice of its decision*  
*under*  
*the department's action*  
*to*  
*of*

1 or holder <sup>(1)</sup> in addition to any other persons required to receive notice under the rules  
2 promulgated under ~~sub~~ (5) (a). → s. 30.208

3 (e) The administrative hearing shall be conducted as a contested case hearing  
4 in accordance with the procedures under ch. 227.

5 (2) ~~DE NOVO~~ <sup>CS</sup> JUDICIAL ~~PROCEEDING~~ <sup>Review</sup> (a) In lieu of seeking review under sub. (1),  
6 any applicant for <sup>g</sup> or holder of <sup>g</sup> an individual permit or any other person with  
7 standing may commence an action in circuit court for the county in which the  
8 riparian property that is subject to the department's decision under sub. (1) (a) is

9 located. The review by the court shall include the examination of witnesses and  
10 <sup>the</sup> taking of evidence before the court. ~~The review shall be commenced by filing a~~  
11 ~~petition for de novo judicial review.~~ <sup>by</sup>

12 (b) Any administrative review petitioned for <sup>g</sup> under sub. (1) may be removed  
13 any party to the circuit court for the county in which the riparian property that is  
14 subject to the department's decision under sub. (1) (a) is located. The review by the  
15 court shall include the examination of witnesses and <sup>the</sup> taking of evidence before the  
16 court. The review shall be commenced by filing a motion for removal together with  
17 a copy of <sup>g</sup> the petition under sub. (1). The motion must be filed within 30 days after  
18 the department provides the notice under sub. (1) (c) ✓

19 (X) \*\*\*\*NOTE: Note that s. 30.209 does not apply to contracts under s. 30.20 ✓

20 SECTION 131. 30.215 of the statutes is created to read: ✓

21 **30.215 Farm drainage ditches.** Except a provided in s. 30.20 (1g) (a), an ✓  
22 activity or project that is for an agricultural purpose and is located in or adjacent to  
23 a farm drainage ditch is exempt from the requirement for a permit, contract, or  
approval under this subchapter unless it is shown, by means of a U.S. geological

*change*

1 survey map or other reliable scientific evidence, that the farm drainage ditch was a  
2 stream that was a navigable water prior to ditching.

PLAIN ✓

3 SECTION 132. 30.28 (1) of the statutes is amended to read:

4 30.28 (1) FEES REQUIRED. The department shall charge a permit or approval fee  
5 for carrying out its duties and responsibilities under ss. 30.10 to ~~30.205~~, 30.207  
6 ~~30.2045~~ and 30.21 to 30.27. The permit or approval fee shall accompany the permit  
7 application, notice or request for approval.

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174

8 SECTION 133. 30.28 (2) (a) ~~(intro. 1. and 2. are)~~ *is* renumbered 30.28 (2) ~~(a) and~~

Fix component

9 SECTION 134. 30.28 (2) (b) of the statutes is repealed.

10 SECTION 135. 30.28 (2m) (a) of the statutes is amended to read:

11 30.28 (2m) (a) The department shall refund a permit or approval fee if the  
12 applicant requests a refund before the department determines that the application  
13 for the permit or approval is complete. ~~Except as provided in par. (am),~~ the The  
14 department may not refund a permit or approval fee after the department  
15 determines that the application is complete.  
16

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174.

17 SECTION 136. 30.28 (2m) (am) of the statutes is repealed.

18 SECTION 137. 30.28 (2m) (b) of the statutes is repealed.

19 SECTION 138. 30.28 (2m) (c) of the statutes is amended to read:

20 30.28 (2m) (c) If more than one fee under sub. (2) ~~(a)~~ or s. 31.39 (2) (a) or 281.22  
21 is applicable to a project, the department shall charge only the highest fee of those  
22 that are applicable.

plain space

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174.

23 SECTION 139. 30.28 (2m) (d) of the statutes is amended to read:

1 30.28 (2m) (d) The department, by rule, may increase any fee specified in sub.

2 (2) (a) ~~The department, by rule, may increase a fee specified in sub. (2) (b) only if~~  
3 ~~the increase is necessary to meet the costs incurred by the department in acting on~~  
4 ~~general permits or on notices submitted under s. 30.207~~ plain

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174.

5 SECTION 140. 30.28 (2r) (b) of the statutes is amended to read:

6 30.28 (2r) (b) If the department promulgates a rule under par. (a), the rule shall  
7 contain a time limit for each type of permit or approval classified under sub. (2) (a)  
8 for determining whether the department will grant the permit or approval.

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174.

9 SECTION 141. 30.28 (3) (b) of the statutes is amended to read:

10 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)  
11 (a) 2., 2m. or 3. or (c) or (d).

History: 1977 c. 29; 1979 c. 221; 1981 c. 226, 346; 1987 a. 374; 1995 a. 27, 227; 1997 a. 27, 174.

\*\*\*\*NOTE: I just mechanically changed the above cross-references in s. 30.28 (3) (b).

Please review; you may want other changes.

12 SECTION 142. 30.29 (3) (d) of the statutes is amended to read:

13 30.29 (3) (d) *Activities for which a permit is issued.* A person or agent of a person  
14 who is issued a permit by the department while the person or agent is engaged in  
15 activities related to the purpose for which the permit is issued as authorized under  
16 a general or individual permit issued under this subchapter or as authorized under  
17 a contract entered into under this subchapter.

History: 1981 c. 189; 1987 a. 374; 1991 a. 39.

18 SECTION 143. 30.298 (3) of the statutes is amended to read:

19 30.298 (3) Any person who violates a general permit under s. 30.206 shall  
20 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not  
21 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or  
22 subsequent time.

History: 1987 a. 374.

1           **SECTION 144.** 31.39 (2m) (c) of the statutes is amended to read:

2           31.39 (2m) (c) If more than one fee under sub. (2) (a) or s. 30.28 (2) (a) or 281.22  
3 is applicable to a project, the department shall charge only the highest fee of those  
4 that are applicable.

5 History: 1977 c. 29; 1979 c. 221; 1981 c. 346; 1989 a. 31, 324; 1995 a. 27, 227; 1997 a. 27.

5           **SECTION 145.** 84.18 (6) of the statutes is amended to read:

6           84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. 30.12 (4) ~~30.202~~ and  
7 the control exercised by the United States, the construction under this section of any  
8 local bridge project shall be wholly under the supervision and control of the  
9 department. The secretary shall make and execute all contracts and have complete  
10 supervision over all matters pertaining to such construction and shall have the  
11 power to suspend or discontinue proceedings or construction relative to any bridge  
12 project at any time in the event any county, city, village or town fails to pay the  
13 amount required of it for any project eligible for construction under this section, or  
14 if the secretary determines that sufficient funds to pay the state's part of the cost of  
15 such bridge project are not available. All moneys provided by counties, cities,  
16 villages and towns shall be deposited in the state treasury, when required by the  
17 secretary, and paid out on order of the secretary. Any of the moneys deposited for a  
18 project eligible for construction under this section which remain in the state treasury  
19 after the completion of the project shall be repaid to the respective county, city, village  
20 or town in proportion to the amount each deposited.

21 History: 1981 c. 20, 314; 1989 a. 31.

21           **SECTION 146.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

22           236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public  
23 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may  
24 petition the city, village, town or county that owns the public access to construct

*plain space*

1 shoreline erosion control measures. Subject to par. (e), the city, village, town or  
 2 county shall construct the requested shoreline erosion control measures or request  
 3 the department of natural resources to determine the need for shoreline erosion  
 4 control measures. Upon receipt of a request under this paragraph from a city, village,  
 5 town or county, the department of natural resources shall follow the notice and  
 6 hearing procedures in s. 30.02 (3) and (4) 30.208 (3) to (6). Subject to par. (e), the city,  
 7 village, town or county shall construct shoreline erosion control measures as  
 8 required by the department of natural resources if the department of natural  
 9 resources determines all of the following:

History: 1971 c. 164; 1979 c. 221; 1979 c. 248 ss. 9, 25 (2); 1997 a. 172.

10 SECTION 147. 281.22 (2) (c) of the statutes is amended to read:

11 281.22 (2) (c) If more than one fee under this section or s. 30.28 (2) ~~(a)~~ or 31.39  
 12 (2) (a) is applicable to a project, the department shall charge only the highest fee of  
 13 those that are applicable.

History: 1995 a. 27; 1995 a. 227 s. 398; Stats. 1995 s. 281.22; 1997 a. 27; 2001 a. 6.

14 SECTION 148. Initial applicability.

15 (1) The treatment of sections 30.208 and 30.209 of the statutes first applies to  
 16 applications for individual permits that are submitted to the department on the  
 17 effective date of this subsection.

18 (2) The treatment of section 30.208 of the statutes first applies to applications  
 19 for contracts under section 30.20 of the statutes that are submitted to the  
 20 department on the effective date of this subsection.

21

(END)

*of natural resources*

*of natural resources*

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3040/P1ins  
MGG/RPN:.....

INSERT 6-7

SECTION 1. 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and amended to read:

30.12 (1g) (c) ~~Place a~~<sup>A</sup> fish crib, spawning reef, wing deflector<sub>},</sub> or similar device that is placed on the bed of navigable waters for the purpose of improving fish habitat.

History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.

SECTION 2. 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and amended to read:

30.12 (1g) (d) ~~Place a~~<sup>A</sup> bird nesting platform, ~~a~~<sup>a</sup> wood duck house<sub>},</sub> or similar structure that is placed on the bed of a navigable water for the purpose of improving wildlife habitat.

History: 1975 c. 250, 421; 1977 c. 130, 447; 1981 c. 226, 330; 1981 c. 390 s. 252; 1987 a. 374; 1989 a. 31; 1993 a. 132, 151, 236, 491; 1995 a. 27, 201, 227; 1997 a. 35, 248; 1999 a. 9; 2001 a. 16.



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3040/1~~st~~ P1 dn  
MGG/RPN: *king*

1. Please <sup>ed</sup> review this draft carefully. Note that there are ~~embed~~ notes that need to be addressed.

2. <sup>ss-</sup> ~~1.~~ Several permits under ch. 30 are not addressed in the drafts I was provided: permits under ~~§~~ 30.135, 30.18, and 30.196. I have made these "individual" permits so that the new administrative notice and hearing procedures and the judicial review procedures can apply. *that*

3. ~~2.~~ Please review carefully who may be issued individual permits and who may seek authorization to conduct activities under general permits. Sometimes the bill limits these powers to riparian owners; sometimes it does not.

5. ~~3.~~ I drafted an initial applicability <sup>provision</sup> ~~provision~~ for ~~§~~ 30.208 and 30.209 since some administrative reviews may be pending at the time of the effective date of the act and would not be able to comply with the deadlines in s. 30.208. *ss.*

6. ~~4.~~ I did not draft an initial applicability <sup>provision</sup> ~~provision~~ for permit applications or general permit approvals that may be pending. Thus, the changes in this draft will apply to both pending and new applications and general permits. OK?

7. ~~5.~~ Do you want a delayed effective date?

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

4. Section 30.207 <sup>✓</sup>  
is being repealed. OK? <sub>==</sub>

D-N  
continued

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3040/P1dnrct  
RCT.....

1. Proposed ss. 30.12 (1g) ~~(a) 8~~ and 30.19 (1m) (g) and (3r) (a) 1. refer to a "storm water management plan or wastewater facilities plan approved or authorized" by DNR under ch. 283. I am uncertain whether using this language will accomplish the intent of the proposal, because I am uncertain what that intent is.

Chapter 283 does not use the term "storm water management plan" or the term "wastewater facility plan." DNR's rules do require "storm water management plans" for certain construction sites, but I am not certain that DNR approves those plans or that those plans would **require** intake or outfall structures as specified in proposed s. 30.12 (1g) ~~(a) 8~~ (see subchapter III of chapter NR 216, Wis. Adm. Code). It might work better to refer to storm water discharge permits rather than storm water management plans and to say "authorized by" rather than "required by."

DNR requires a "facility plan" in some circumstances under its compliance maintenance program for sewage treatment works (see s. NR 208.06 (2)), but I am uncertain whether this is what is intended by the proposal. DNR's rules also require a "facilities plan" for a sewage treatment facility for which approval is required under s. 281.41, but, again, I am unsure that this is what the proposal means to refer to (see s. NR 110.08). I would like to clarify this language to ensure that it will have the intended effect.

2. The language proposed for s. 30.19 (1m) (h) 1. referred to grading or the removal of topsoil that is authorized by a "storm water permit" issued by DNR or the Department of Commerce. DNR issues storm water discharge permits under s. 283.33. The Department of Commerce's rules require that storm water management plans be prepared for some construction sites, but I do not see any requirement for approval by Commerce and I do not see any references in Commerce's rules to a storm water permit. Therefore, I eliminated the reference to the Department of Commerce. Please let me know if there is some other approval by the Department of Commerce to which you want the draft to refer.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3040/P1dn  
MGG/RCT:kmg:jf

September 11, 2003

1. Please review this draft carefully. Note that there are embedded notes that need to be addressed.
2. Several permits under ch. 30 are not addressed in the drafts that I provided: permits under ss. 30.135, 30.18, and 30.196. I have made these "individual" permits so that the new administrative notice and hearing procedures and the judicial review procedures can apply.
3. Please review carefully who may be issued individual permits and who may seek authorization to conduct activities under general permits. Sometimes the bill limits these powers to riparian owners; sometimes it does not.
4. Section 30.207 is being repealed. OK?
5. I drafted an initial applicability provision for ss. 30.208 and 30.209 since some administrative reviews may be pending at the time of the effective date of the act and would not be able to comply with the deadlines in s. 30.208.
6. I did not draft an initial applicability provision for permit applications or general permit approvals that may be pending. Thus, the changes in this draft will apply to both pending and new applications and general permits. OK?
7. Do you want a delayed effective date?

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

1. Proposed ss. 30.12 (1g) (h) and 30.19 (1m) (g) and (3r) (a) 1. refer to a "storm water management plan or wastewater facilities plan approved or authorized" by DNR under ch. 283. I am uncertain whether using this language will accomplish the intent of the proposal, because I am uncertain what that intent is.

Chapter 283 does not use the term "storm water management plan" or the term "wastewater facility plan." DNR's rules do require "storm water management plans"

for certain construction sites, but I am not certain that DNR approves those plans or that those plans would **require** intake or outfall structures as specified in proposed s. 30.12 (1g) (h) (*see* subchapter III of chapter NR 216, Wis. Adm. Code). It might work better to refer to storm water discharge permits rather than storm water management plans and to say “authorized by” rather than “required by.”

DNR requires a “facility plan” in some circumstances under its compliance maintenance program for sewage treatment works (*see* s. NR 208.06 (2)), but I am uncertain whether this is what is intended by the proposal. DNR’s rules also require a “facilities plan” for a sewage treatment facility for which approval is required under s. 281.41, but, again, I am unsure that this is what the proposal means to refer to (*see* s. NR 110.08). I would like to clarify this language to ensure that it will have the intended effect.

2. The language proposed for s. 30.19 (1m) (h) 1. referred to grading or the removal of topsoil that is authorized by a “storm water permit” issued by DNR or the Department of Commerce. DNR issues storm water discharge permits under s. 283.33. The Department of Commerce’s rules require that storm water management plans be prepared for some construction sites, but I do not see any requirement for approval by Commerce and I do not see any references in Commerce’s rules to a storm water permit. Therefore, I eliminated the reference to the Department of Commerce. Please let me know if there is some other approval by the Department of Commerce to which you want the draft to refer.

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