

BILL

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

6 **SECTION 48.** 30.123 (5) of the statutes is repealed.

7 **SECTION 49.** 30.123 (6) of the statutes is created to read:

8 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

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

11 (b) The construction and maintenance of bridges by the department of
12 transportation in accordance with s. 30.2022.

13 (c) The construction and maintenance of culverts that have an inside diameter
14 that does not exceed 48 inches and that are part of private roads or private driveways.

15 **SECTION 50.** 30.123 (7) of the statutes is created to read:

16 30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general
17 permits under s. 30.206 that authorize any person to do all of the following:

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

20 2. Construct and maintain a culvert that has an inside diameter that does not
21 exceed 60 inches.

22 (b) The department may promulgate rules that specify bridges or culverts, in
23 addition to those listed in par. (a), that may be authorized by statewide general
24 permits.

25 **SECTION 51.** 30.123 (8) of the statutes is created to read:

BILL

1 **30.123 (8) INDIVIDUAL PERMITS.** (a) For the construction and maintenance of a
2 bridge or culvert that is not exempt under sub. (6) and that is not subject to a general
3 permit under sub. (7), a person may apply to the department for the individual
4 permit that is required under sub. (2) in order to construct or maintain a bridge or
5 culvert.

6 (b) The notice and hearing provisions of s. 30.208 (3) to (5) shall apply to an
7 application under par. (a).

8 **SECTION 52.** 30.13 (1) of the statutes is repealed.

9 **SECTION 53.** 30.13 (1m) (intro.) of the statutes is amended to read:

10 **30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN**
11 **CIRCUMSTANCES.** (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
12 a navigable waterway for swimming and diving purposes without obtaining a permit
13 under s. 30.12 if all of the following conditions are met:

14 **SECTION 54.** 30.13 (1m) (b) of the statutes is amended to read:

15 **30.13 (1m) (b)** The swimming raft does not interfere with rights of other
16 riparian ~~proprietors~~ owners.

17 **SECTION 55.** 30.13 (2) of the statutes is repealed.

18 **SECTION 56.** 30.13 (4) (a) of the statutes is amended to read:

19 **30.13 (4) (a) *Interferes with public rights.*** A wharf or pier which interferes with
20 public rights in navigable waters constitutes an unlawful obstruction of navigable
21 waters unless ~~a permit is issued for the wharf or pier is authorized under a permit~~
22 issued under s. 30.12 or unless other authorization for the wharf or pier is expressly
23 provided.

24 **SECTION 57.** 30.13 (4) (b) of the statutes is amended to read:

BILL

1 30.13 (4) (b) *Interferes with riparian rights.* A wharf or pier which interferes
2 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction
3 of navigable waters unless ~~a permit is issued for the wharf or pier is authorized~~
4 under a permit issued under s. 30.12 or unless other authorization for the wharf or
5 pier is expressly provided.

6 **SECTION 58.** 30.13 (4) (d) of the statutes is repealed.

7 **SECTION 59.** 30.135 (1) (title) of the statutes is repealed.

8 **SECTION 60.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
9 (intro.) and amended to read:

10 30.135 (1) (intro.) A riparian ~~proprietor~~ owner ~~may place~~ placing a water ski
11 platform or water ski jump in a navigable waterway ~~without obtaining a~~ is exempt
12 from the permit requirements under this chapter if all of the following requirements
13 are met:

14 **SECTION 61.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

15 **SECTION 62.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
16 amended to read:

17 30.135 (1) (b) The platform or jump does not interfere with rights of other
18 riparian ~~proprietors~~ owners.

19 **SECTION 63.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

20 **SECTION 64.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
21 amended to read:

22 30.135 (2) If the department determines that any of the requirements under
23 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application
24 for an individual permit to the department. The notice and hearing provisions under
25 s. 30.208 (3) to (5) apply to the application.

BILL

1 **SECTION 65.** 30.135 (2), (3) and (4) of the statutes are repealed.

2 **SECTION 66.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

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

6 **SECTION 67.** 30.18 (2) (b) of the statutes is amended to read:

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

12 **SECTION 68.** 30.18 (4) (a) of the statutes is amended to read:

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

21 **SECTION 69.** 30.18 (6) (b) of the statutes is amended to read:

22 30.18 (6) (b) *Use of water.* A person issued a permit under this section for the
23 purpose of irrigation or agriculture may use the water on any land contiguous to the
24 permittee's riparian land, but may not withdraw more water than it did before
25 August 1, 1957, without applying to the department for a modification of the permit.

BILL

1 **SECTION 70.** 30.18 (9) of the statutes is repealed.

2 **SECTION 71.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
3 and amended to read:

4 **30.19 (1g) PERMITS REQUIRED.** (intro.) Unless ~~a~~ an individual or general permit
5 has been granted by the department issued under this section or authorization has
6 been granted by the legislature, ~~it is unlawful~~ no person may do any of the following:

7 **SECTION 72.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
8 amended to read:

9 **30.19 (1g) (a)** ~~To construct~~ Construct, dredge, or enlarge any artificial
10 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~
11 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~
12 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

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

16 **SECTION 73.** 30.19 (1) (b) of the statutes is repealed.

17 **SECTION 74.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
18 amended to read:

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

22 **SECTION 75.** 30.19 (1b) of the statutes is created to read:

23 **30.19 (1b) DEFINITION.** In the section, “artificial water body” means a proposed
24 or existing body of water that does not have a history of being a lake or stream or of
25 being part of a lake or stream.

BILL

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

2 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
3 person is exempt from the permit requirements under this section for any of the
4 following:

5 **SECTION 77.** 30.19 (1m) (a) of the statutes is amended to read:

6 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway.

7 **SECTION 78.** 30.19 (1m) (b) of the statutes is amended to read:

8 30.19 (1m) (b) Any agricultural uses use of land.

9 **SECTION 79.** 30.19 (1m) (c) of the statutes is amended to read:

10 30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is
11 located wholly or partly in any county having a population of 750,000 or more.

12 **SECTION 80.** 30.19 (1m) (cm) of the statutes is created to read:

13 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
14 Superior that is located within a county having a population of 750,000 or more.

15 **SECTION 81.** 30.19 (1m) (d) of the statutes is amended to read:

16 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
17 streams, Lake Michigan or Lake Superior stream that is located within any a county
18 having a population of 750,000 or more.

19 **SECTION 82.** 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 83.** 30.19 (1m) (g) of the statutes is created to read:

24 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial
25 water body that is within 500 feet of the ordinary high-water mark of a navigable

BILL

1 waterway, if the artificial water body does not have a surface connection to any
2 navigable waterway other than an overflow device and if the construction, dredging,
3 or enlargement is authorized by a storm water discharge permit approved by the
4 department under ch. 283 or a facility plan approved or authorized by the
5 department under s. 281.41.

6 **SECTION 84.** 30.19 (1m) (h) of the statutes is created to read:

7 30.19 (1m) (h) Grading or removal of topsoil from the bank of a navigable
8 waterway that is not located in an area of special natural resource interest and where
9 the area exposed by the grading or removal will exceed 10,000 square feet, if any of
10 the following applies:

11 1. The grading or removal is authorized by a storm water discharge permit
12 approved by the department under ch. 283.

13 2. The grading or removal is authorized under an ordinance under s. 59.692,
14 61.351, or 62.231.

15 3. The grading or removal is authorized by an erosion control plan pursuant
16 to s. 101.653.

17 **SECTION 85.** 30.19 (2) of the statutes is repealed.

18 **SECTION 86.** 30.19 (3) of the statutes is repealed.

19 **SECTION 87.** 30.19 (3r) of the statutes is created to read:

20 30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general
21 permits under s. 30.206 that authorize persons to do all of the following:

22 1. Engage in an activity specified in sub. (1g) (a) or (am) that is not exempt
23 under sub. (1m) if the construction, dredging, or enlargement is authorized by a
24 storm water discharge permit approved by the department under ch. 283 or a facility
25 plan approved by the department under s. 281.41.

BILL

1 2. Engage in an activity specified in sub. (1g) (a) or (am) if the construction,
2 dredging, or enlargement is designed to enhance wildlife habitat or wetlands, as
3 defined in s. 23.32 (1), or if the construction, dredging, or enlargement affects a body
4 of water that is less than one acre in area.

5 3. Engage in an activity specified in sub. (1g) (c) that is not exempt under sub.
6 (1m) (h) if the area exposed by the grading or removal will exceed 10,000 square feet.

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

10 **SECTION 88.** 30.19 (4) (title) of the statutes is amended to read:

11 30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

12 **SECTION 89.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
13 amended to read:

14 30.19 (4) (c) (intro.) ~~If the~~ The department finds that the project will not injure
15 public rights or interest, including fish and game habitat, that the project shall issue
16 an individual permit pursuant to an application under par. (a) if the department
17 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.

23 4. No material injury will result to the rights of any riparian owners on any
24 body of water affected will result, the department shall issue a permit authorizing

BILL

1 ~~the enlargement of the affected waterways of real property that abuts any water body~~
2 ~~that is affected by the activity.~~

3 **SECTION 90.** 30.19 (4) (a) of the statutes is created to read:

4 30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are
5 not subject to a general permit under sub. (3r), a person may apply to the department
6 for an individual permit in order to engage in an activity for which a permit is
7 required under sub. (1g).

8 **SECTION 91.** 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 (5) apply to
10 an application under par. (a).

11 **SECTION 92.** 30.19 (4) (c) 1. of the statutes is created to read:

12 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

13 **SECTION 93.** 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. 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.~~

22 **SECTION 94.** 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

BILL

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 95.** 30.195 (1m) of the statutes is created to read:

4 **30.195 (1m) GENERAL PERMITS.** (a) The department shall issue statewide
5 general permits under s. 30.206 that authorize riparian owners to change the course
6 of or 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.

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

14 **SECTION 96.** 30.195 (2) of the statutes is repealed and recreated to read:

15 **30.195 (2) INDIVIDUAL PERMITS.** (a) For activities that are not subject to a
16 general permit under sub. (1m), a riparian owner may apply to the department for
17 an individual permit in order to engage in activities for which a permit is required
18 under sub. (1).

19 (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to an
20 application under par. (a).

21 **SECTION 97.** 30.195 (3) (title) of the statutes is repealed.

22 **SECTION 98.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
23 amended to read:

BILL

1 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall ~~grant a-~~
2 ~~issue an individual permit to the~~ applied for under this section to a riparian owner
3 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~~
5 ~~a upon which the change in course or straightening of the navigable stream on such~~
6 ~~land, if such will occur.~~

7 2. The proposed change of course or straightening of the navigable stream will
8 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
10 not adversely affect the flood flow capacity of the stream or otherwise be detrimental
11 to ~~public rights or~~ the public interest.

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

19 **SECTION 99.** 30.195 (4) of the statutes is repealed.

20 **SECTION 100.** 30.195 (7) of the statutes is repealed.

21 **SECTION 101.** 30.196 (intro.) of the statutes is amended to read:

22 **30.196 Enclosure of navigable waters; issuance of permits to**
23 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
24 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
25 or similar structure if the department grants the municipality ~~a-~~ an individual

BILL

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 (5) if it finds
3 that granting the permit:

4 **SECTION 102.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

5 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

6 **SECTION 103.** 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 104.** 30.20 (1) (b) of the statutes is amended to read:

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

19 **SECTION 105.** 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
20 30.20 (1g) (a) 1. and amended to read:

21 30.20 (1g) (a) 1. ~~Except as provided under subd. 2.,~~ a person may remove A
22 removal of material from the bed of a farm drainage ditch which was not a navigable
23 stream before ditching. 2. ~~The department may require a permit under sub. (2) (e)~~
24 ~~for a removal under subd. 1. only if it is exempt from the individual and general~~
25 permit requirements under this section unless the department finds that the

BILL

1 proposed removal may have a long-term adverse effect on cold-water fishery
2 resources or may destroy fish spawning beds or nursery areas.

3 **SECTION 106.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

4 **SECTION 107.** 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
5 amended to read:

6 30.20 (1g) (c) The A removal of material by the drainage board for the Duck
7 Creek Drainage District may, without a permit under sub. (2) (c), remove material
8 from a drain that the board operates in the Duck Creek Drainage District is exempt
9 from the individual and general permit requirements under this section if the
10 removal is required, under rules promulgated by the department of agriculture,
11 trade and consumer protection, in order to conform the drain to specifications
12 imposed by the department of agriculture, trade and consumer protection after
13 consulting with the department of natural resources.

14 **SECTION 108.** 30.20 (1g) (title) and (b) of the statutes are created to read:

15 30.20 (1g) (title) **EXEMPTIONS.**

16 (b) A removal of material is exempt from the permit and contract requirements
17 under this section if the material does not contain hazardous substances, the
18 material will be placed in an upland area, the material is not being removed from an
19 area of special natural resource interest, and if any of the following applies:

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

23 2. The removal will be from an area from which no material has been previously
24 removed and the material to be removed does not exceed 100 cubic yards.

25 **SECTION 109.** 30.20 (1r) of the statutes is created to read:

BILL

1 30.20 (1r) GENERAL PERMITS. (a) The department shall issue statewide general
2 permits under s. 30.206 that authorize any person to do all of the following:

3 1. Remove material from an area from which material has been previously
4 removed, the removal is for maintenance purposes, and the material to be removed
5 is 1,000 or more cubic yards.

6 2. Remove material from an area from which no material has been previously
7 removed and the material to be removed is 100 or more cubic yards but less than
8 1,000 cubic yards.

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

12 SECTION 110. 30.20 (2) (title) of the statutes is amended to read:

13 30.20 (2) (title) CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.

14 SECTION 111. 30.20 (2) (a) and (b) of the statutes are amended to read:

15 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may
16 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
17 of any material from the bed of any navigable lake or of any of the outlying waters,
18 ~~and for the lease or sale of the material. Every~~ if the contract is consistent with public
19 rights. A person seeking to enter into such a contract shall apply to the department.
20 Each contract entered into under this paragraph shall contain such any conditions
21 as may be that the department determines are necessary for the protection of the
22 public interest and the interests of the state and. Each contract entered into under
23 this paragraph shall also fix the amount of compensation to be paid to the state for
24 the material so to be removed, except that no the contract may not require that any
25 compensation may be paid for the material if the contract is with a municipality as

BILL

1 defined in s. 281.01 (6) and the material is to be used for a municipal purpose and
2 not for resale. No if the material will not be resold. Each contract entered into under
3 this paragraph may not run for a longer period more than 5 years.

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

23 **SECTION 112.** 30.20 (2) (bn) of the statutes is created to read:

24 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
25 subject to a general permit under sub. (1r), a person may apply to the department

BILL

1 for an individual permit that is required under sub. (1) (b) in order to remove material
2 from the bed of any lake or stream not described under sub. (1) (a).

3 **SECTION 113.** 30.20 (2) (c) of the statutes is amended to read:

4 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~
5 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department
6 shall issue an individual permit pursuant to an application under par. (bn) if the
7 department finds that the issuance of such a the permit will be consistent with the
8 public interest in the water involved. A permit or contract issued under this
9 paragraph may be issued for up to 10 years if the applicant notifies the department
10 at least 30 days before removing any material lake or stream.

11 **SECTION 114.** 30.20 (2) (d) of the statutes is created to read:

12 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
13 at least 30 days before the proposed date of the removal, the department may issue
14 the permit for a period of up to 10 years.

15 **SECTION 115.** 30.20 (2) (e) of the statutes is created to read:

16 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
17 an application for a permit or contract under this subsection.

18 **SECTION 116.** 30.2022 (title) of the statutes is created to read:

19 **30.2022 (title) Activities of department of transportation.**

20 **SECTION 117.** 30.2026 (2) (d) of the statutes is amended to read:

21 30.2026 (2) (d) The village of Belleville shall create any artificial barrier under
22 this section in compliance with all state laws that relate to navigable bodies of water,
23 except s. 30.12 (1) and (2).

24 **SECTION 118.** 30.2026 (3) (a) of the statutes is amended to read:

BILL

1 30.2026 (3) (a) The village of Belleville shall maintain any artificial barrier
2 created as authorized under sub. (1). If a landowner of more than 500 feet of Lake
3 Belle View shoreline, a portion of which is located within 1,000 feet of any such
4 artificial barrier, is dissatisfied with the manner in which the village of Belleville is
5 maintaining the barrier, the owner may maintain the barrier in lieu of the village,
6 upon approval of the department. The village or a landowner who maintains the
7 barrier shall comply with all state laws that relate to navigable bodies of water,
8 except s. 30.12 (1) and (2). The department may require the village of Belleville or
9 the landowner to maintain the barrier in a structurally and functionally adequate
10 condition.

11 **SECTION 119.** 30.206 (1) (title) of the statutes is created to read:

12 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

13 **SECTION 120.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
14 amended to read:

15 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
16 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
17 ~~class of activities, according to rules promulgated by the department. Before The~~
18 department shall issue the statewide general permits required under ss. 30.12 (3)
19 (a), 30.123 (7) (a), 30.19 (3r) (a), 30.195 (1m) (a), and 30.20 (1r) (a) within 540 days
20 after the effective date of this paragraph [revisor inserts date]. General permits
21 issued under s. 30.206, 2001 stats., shall remain valid until the date upon which the
22 statewide permits are issued under this paragraph.

23 (b) Before issuing general permits, the department shall determine provide,
24 after an environmental analysis and, notice and hearing under ss. 227.17 and
25 227.18, that,

BILL

1 (c) To ensure that the cumulative adverse environmental impact of the class
2 of activity activities authorized by a general permit is insignificant and that the
3 issuance of the general permit will not injure public rights or interest interests, cause
4 environmental pollution, as defined in s. 299.01 (4), or result in material injury to the
5 rights of any riparian owner, the department may impose any of the following
6 conditions on the permit:

7 **SECTION 121.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

8 30.206 (1) (c) 1. Construction and design requirements that are consistent with
9 the purpose of the activity authorized under the permit.

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

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

14 **SECTION 122.** 30.206 (2) of the statutes is repealed.

15 **SECTION 123.** 30.206 (3) (title) of the statutes is created to read:

16 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
17 PERMITS.

18 **SECTION 124.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
19 amended to read:

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

BILL

1 whether the activity is ~~within the scope of a~~ authorized by the general permit and
2 ~~shall inform the applicant in writing of its determination within 10 business days~~
3 ~~after receipt of adequate information.~~

4 **SECTION 125.** 30.206 (3) (c) of the statutes is created to read:

5 30.206 (3) (c) Upon completion of an activity that the department has
6 authorized under a general permit, the applicant for the general permit shall provide
7 to the department a statement certifying that the activity is in compliance with all
8 of the conditions of the general permit and a photograph of the activity.

9 **SECTION 126.** 30.206 (3m) of the statutes is repealed.

10 **SECTION 127.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
11 amended to read:

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

22 **SECTION 128.** 30.206 (5) (title) of the statutes is created to read:

23 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

24 **SECTION 129.** 30.206 (6) of the statutes is amended to read:

BILL

1 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
2 which a general permit has been issued may request an individual permit under the
3 applicable provisions of this ~~chapter~~ subchapter or ch. 31 in lieu of seeking
4 authorization under the general permit.

5 **SECTION 130.** 30.206 (7) of the statutes is amended to read:

6 30.206 (7) This section does not apply to an application for a general permit for
7 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
8 if the application for the general permit may be submitted under s. 30.207.

9 **SECTION 131.** 30.207 (1) of the statutes is amended to read:

10 30.207 (1) **GEOGRAPHICAL AREA.** For purposes of this section and s. ~~30.12 (3) (bt)~~
11 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
12 the portion and shoreline of Lake Poygan in Waushara County; the area south of
13 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
14 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
15 portion of Outagamie County south and east of USH 41; that portion of Waupaca
16 County that includes the town of Mukwa, city of New London, town of Caledonia,
17 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
18 in the town of Weyauwega.

19 **SECTION 132.** 30.207 (3) (d) 2. of the statutes is amended to read:

20 30.207 (3) (d) 2. Specify the department's plans for proceeding on the
21 application. ~~The plans shall include a timetable for the notice and hearing required~~
22 ~~under sub. (4).~~

23 **SECTION 133.** 30.207 (4) (b) of the statutes is repealed.

24 **SECTION 134.** 30.207 (5) of the statutes is repealed.

25 **SECTION 135.** 30.208 of the statutes is created to read:

BILL

1 **30.208 Applications for individual permits and contracts; department**
2 **determinations. (1) APPLICATION REQUIRED.** A person who seeks to obtain or modify
3 an individual permit under this subchapter or to enter into a contract under s. 30.20
4 shall submit an application to the department. The application may contain a
5 request for a public hearing on the application.

6 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION. (a)**
7 Upon determination by the department that an application submitted under sub. (1)
8 is complete, the department shall provide notice of complete application to interested
9 and potentially interested members of the public, as determined by the department.
10 The department shall provide the notice within 15 days after the determination that
11 the application is complete. If the applicant has requested a public hearing as part
12 of the submitted application, a notice of public hearing shall be part of the notice of
13 complete application.

14 (b) If the notice of complete application does not contain a notice of public
15 hearing, any person may request a public hearing in writing or the department may
16 decide to hold a public hearing without a request being submitted if the department
17 determines that there is a significant public interest in holding a hearing.

18 (c) A request for a public hearing under par. (b) must be submitted to the
19 department or the department's decision to hold a public hearing must occur within
20 30 days after the department completes providing the notice of complete application.
21 The department shall provide notice of public hearing within 15 days after the
22 request for public hearing is submitted or the department makes its determination.

23 (d) The department shall hold a public hearing within 30 days after the notice
24 of hearing has been provided under par. (a) or (c).

BILL

1 (e) Within 30 days after the public hearing is held or, if no public hearing is held,
2 within 30 days of the 30-day comment period under sub. (4) (a), the department shall
3 render a decision, issuing, denying, or modifying the permit or approving the
4 contract that is the subject of the application submitted under sub. (1).

5 (4) PUBLIC COMMENT. (a) The department shall provide a period for public
6 comment after the department has provided a notice of complete application under
7 sub. (3) (a), during which time any person may submit written comments with
8 respect to the application for the permit or contract. The department shall retain all
9 of the written comments submitted during this period and shall consider all of the
10 comments in the formulation of the final decision on the application. The period for
11 public comment shall end on the 30th day following the date on which the
12 department completes providing the notice of complete application, except as
13 provided in par. (b).

14 (b) If a public hearing is held, the period for public comment shall end on the
15 10th day following the date on which the public hearing is completed.

16 (d) The department shall promulgate rules to establish procedures for the
17 conduct of public hearings held under this subsection. Public hearings held under
18 this subsection are not contested cases under s. 227.01 (3).

19 (5) NOTICE REQUIREMENTS. (a) The department shall, by rule, establish
20 procedures for providing notices of complete applications and notices of public
21 hearings to be provided under sub. (3), and notices of administrative hearings to be
22 provided under s. 30.209 (1). The procedures shall require all of the following:

- 23 1. That the notice be published as a class 1 notice under ch. 985.
- 24 2. That the notice be mailed to any person or group upon request.

BILL

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

5 1. The name and address of each applicant or permit holder.

6 2. A brief description of each applicant's activity or project that requires the
7 permit.

8 3. The name of the waterway in or for which the activity or project is planned.

9 4. For a notice of complete application and a notice of public hearing under sub.
10 (3), a statement of the tentative determination to issue, modify, or deny a permit for
11 the activity or project described in the application.

12 5. For a notice of complete application and a notice of public hearing under sub.
13 (3), a brief description of the procedures for the formulation of final determinations,
14 including a description of the comment period required under sub. (4).

15 (c) The department may delegate the department's requirement to provide
16 notice under sub. (3) or s. 30.209 (1) by doing any of the following:

17 1. Requiring that the applicant for the permit or contract provide by
18 publication, mailing, or other distribution or more of the notices.

19 2. That the applicant for the permit or contract pay for the publication, mailing,
20 or any other distribution costs of providing one or more of the notices.

21 **SECTION 136.** 30.209 of the statutes is created to read:

22 **30.209 Individual permits; administrative and judicial review. (1)**

23 **ADMINISTRATIVE REVIEW.** (a) An applicant for or holder of an individual permit, or 5
24 or more persons, may file a petition for administrative review of any of the following
25 decisions given by the department:

BILL

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

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

5 (b) A petition under this subsection shall be filed with the department within
6 30 days after the date on which the department has given notice of its decision under
7 par. (a) 1. or 2. The petition shall state the interest of each petitioner, the specific
8 issue to be reviewed, and the reasons why an administrative hearing is warranted.

9 (c) Unless the department determines that there are no grounds supporting the
10 position that an administrative hearing is warranted, the department shall provide
11 a notice of the hearing at least 30 days before the date of the hearing to all of the
12 following:

13 1. The applicant for or the holder of the permit.

14 2. Each petitioner, if other than the applicant or holder.

15 3. Any other persons required to receive notice under the rules promulgated
16 under s. 30.208 (5).

17 (d) The notice under par. (c) shall be in compliance with all of the other
18 applicable rules promulgated under s. 30.208 (5).

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

21 (2) JUDICIAL REVIEW. (a) Any applicant for or holder of an individual permit or
22 any other person who satisfies the requirements of s. 227.52 may commence an
23 action in circuit court to review any of the decisions given by the department that are
24 specified in sub. (1) (a) 1. and 2.

BILL

1 (b) An action filed under par. (a) by an applicant for or holder of an individual
2 permit shall be in lieu of the applicant or holder seeking review under sub. (1).

3 (c) Any administrative review petitioned for under sub. (1) may be removed to
4 the circuit court by the applicant for the permit, the holder of the permit, or the
5 department. The review shall be commenced by filing a motion for removal together
6 with a copy of the petition filed under sub. (1). The motion must be filed within 30
7 days after notice is provided under sub. (1) (c).

8 (d) An action or review commenced under this subsection shall be filed in the
9 circuit court for the county in which the riparian property that is subject to a decision
10 by the department, as specified in sub. (1) (a) 1. and 2., is located.

11 (e) A review under par. (c) or (d) shall include the examination of witnesses and
12 the taking of evidence before the court.

13 **SECTION 137.** 30.28 (3) (b) of the statutes is amended to read:

14 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)
15 (a) ~~2., 2m. or 3. or (4) (c) or (d).~~

16 **SECTION 138.** 30.29 (3) (d) of the statutes is amended to read:

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

22 **SECTION 139.** 30.298 (3) of the statutes is amended to read:

23 30.298 (3) Any person who violates a general permit under s. 30.206 shall
24 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not

BILL

1 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
2 subsequent time.

3 **SECTION 140.** 31.39 (2m) (c) of the statutes is amended to read:

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

7 **SECTION 141.** 84.18 (6) of the statutes is amended to read:

8 84.18 (6) EXECUTION AND CONTROL OF WORK. Subject to s. ~~30.12 (4)~~ 30.2022 and
9 the control exercised by the United States, the construction under this section of any
10 local bridge project shall be wholly under the supervision and control of the
11 department. The secretary shall make and execute all contracts and have complete
12 supervision over all matters pertaining to such construction and shall have the
13 power to suspend or discontinue proceedings or construction relative to any bridge
14 project at any time in the event any county, city, village or town fails to pay the
15 amount required of it for any project eligible for construction under this section, or
16 if the secretary determines that sufficient funds to pay the state's part of the cost of
17 such bridge project are not available. All moneys provided by counties, cities,
18 villages and towns shall be deposited in the state treasury, when required by the
19 secretary, and paid out on order of the secretary. Any of the moneys deposited for a
20 project eligible for construction under this section which remain in the state treasury
21 after the completion of the project shall be repaid to the respective county, city, village
22 or town in proportion to the amount each deposited.

23 **SECTION 142.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

24 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
25 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may

BILL

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

11 **SECTION 143.** 281.22 (2) (c) of the statutes is amended to read:

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

15 **SECTION 144.** 299.05 (2) (a) of the statutes is amended to read:

16 299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205
17 and 30.21 to 30.27.

18 **SECTION 145. Initial applicability.**

19 (1) The treatment of sections 30.208 and 30.209 of the statutes first applies to
20 applications for individual permits that are submitted to the department of natural
21 resources on the effective date of this subsection.

22 (2) The treatment of section 30.208 of the statutes first applies to applications
23 for contracts under section 30.20 of the statutes that are submitted to the
24 department of natural resources on the effective date of this subsection.

25

(END)