

Gibson-Glass, Mary

From: Robert Fassbender [fassbender@hamilton-
Sent: Saturday, November 01, 2003 6:21 AM
To: mary.glass@legis.state.wi.us
Cc: robert.nelson@legis.state.wi.us; Scott Manley
Subject: Chapter 30 modifications

Mary,

Sen. Stepp's office has asked that we provide these comments on LRB-3599/P1 relating to vessels for commercial storage.

Changes described below should be made to LRB - 3599/P1

A. Page 13, Section 24 starting with line 20; Add the following two elements to s. 30.12 (3) (a) 12.

(1) "For the purposes of this subsection, 'Lake Michigan or Lake Superior' includes federally navigable tributaries to Lake Michigan or Lake Superior."

apply storage units

(2) "The ^{no less} initial general permit under this subsection shall allow placement and use for a period not less than 5 years nor more than 10 years. ~~If no proceeding for revocation or violation of the permit has been initiated during the term of the permit,~~ the permit shall be renewed for succeeding periods of up to 10 years."

B. Section 121, page 36 line 3 --- after "Superior" insert ", or federally navigable tributaries to Lake Michigan or Lake Superior".

Note: The proposed change to Section 121 may be unnecessary because of the proposed change above to 30.12 (3) (a) 12. in A 1. However, it needs to be clear that vessels for commercial storage that are placed on Lake Michigan or Lake Superior on the effective date of the paragraph --- include vessels that are placed on federally navigable tributaries to Lake Michigan or Lake Superior.

determined to be navigable by the federal government.

Thank you, and please call or email us if you have any questions.

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5 yrs to 10 yrs. For renewals if noncompliance, existing procedures to apply

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Gibson-Glass, Mary

From: Tradewell, Becky
Sent: Monday, November 03, 2003 8:26
To: Gibson-Glass, Mary
Subject: RE: Chapter 30 Modification

No, what I drafted is in ch. 295 and deals with financial assurance provided to local governments.

-----Original Message-----

From: Gibson-Glass, Mary
Sent: Monday, November 03, 2003 8:22 AM
To: Tradewell, Becky
Subject: FW: Chapter 30 Modification

Isn't this what you drafted? If so, could you reply to this e-mail. If not, let's talk.

Mary

PS I have to be in and out this morning.

-----Original Message-----

From: Robert Fassbender [mailto:fassbender@hamilton-consulting.com]
Sent: Saturday, November 01, 2003 11:53 AM
To: mary.glass@legis.state.wi.us
Cc: Scott Manley; Jeff Schoepke
Subject: Chapter 30 Modification

Mary,

As noted in our prior email, Sen. Stepp's office has asked that we review and provide comments on miscellaneous Chap. 30 provisions in LRB-3599/P1. Between the various drafts, an originally requested provision does not appear to have been picked up.

The following provision needs to be created in Chapter 30.20

"If the department requires financial assurance be provided for nonmetallic mining and reclamation associated with navigable waterways and adjacent areas, such financial assurance shall be by a bond or an alternative financial assurance. Alternate financial assurances may include cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator."

NOTE: The purpose of the provision is to enable an operator under an NR 340 permit to satisfy financial assurance requirements through a variety of financial security instruments, consistent with the treatment of all other nonmetallic mining financial assurance governed under s. 295.12 (3) (g) and NR 135.40 (4). Currently, operators under an NR 340 permit are required to post a bond and may only use an alternative to bonding if they request and receive written approval from the department. (Ref. NR 340.055).

Permit holder
operator
apply to both
permit holder of contract

apply to 30.19+ 30.195 also

Thank you, and sorry for this additional inconvenience. Please call or email us if you have any questions.

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295 → *NR 135 - landed*
NR 340 -



State of Wisconsin
2003 - 2004 LEGISLATURE

RMR
LRB-3599/PT P2
MGG/RPN/RCT:kmg:rs

1113
Mon ←

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Jan. Cat.

1 AN ACT *to repeal* 30.01 (6b), 30.02, 30.12 (2), 30.12 (3) (b), 30.12 (3) (bn), 30.12
2 (3) (d), 30.12 (4) (title), 30.12 (4m) (title), 30.12 (5), 30.123 (3), 30.123 (5), 30.13
3 (1), 30.13 (2), 30.13 (4) (d), 30.135 (1) (title), 30.135 (2), (3) and (4), 30.18 (9),
4 30.19 (1) (b), 30.19 (2), 30.19 (3), 30.195 (3) (title), 30.195 (4), 30.195 (7), 30.206
5 (2), 30.206 (3m), 30.207 (4) (b) and 30.207 (5); *to renumber* 30.12 (3) (bt) 1. to
6 9., 30.12 (4) (d), 30.135 (1) (a) 1., 30.135 (1) (a) 3. and 30.20 (1) (c) 3.; *to*
7 *renumber and amend* 30.015, 30.07, 30.12 (3) (a) 2., 30.12 (3) (a) 2m., 30.12
8 (3) (bt) (intro.), 30.12 (4) (a), 30.12 (4) (b), 30.12 (4) (c), 30.12 (4) (e), 30.12 (4) (f),
9 30.12 (4m), 30.123 (1), 30.123 (4), 30.135 (1) (a) (intro.), 30.135 (1) (a) 2., 30.135
10 (1) (b), 30.19 (1) (intro.), 30.19 (1) (a), 30.19 (1) (c), 30.19 (4), 30.195 (3), 30.20
11 (1) (d), 30.206 (1), 30.206 (3) and 30.206 (4); *to consolidate, renumber and*
12 *amend* 30.20 (1) (c) 1. and 2.; *to amend* 29.601 (5) (a), 30.01 (1p), 30.10 (4) (a),
13 30.11 (4), 30.12 (title), 30.12 (1) (intro.), 30.12 (1) (a), 30.12 (1) (b), 30.12 (3) (a)
14 6., 30.12 (3) (c), 30.123 (2), 30.13 (1m) (intro.), 30.13 (1m) (b), 30.13 (4) (a), 30.13
15 (4) (b), 30.18 (2) (a) (intro.), 30.18 (2) (b), 30.18 (4) (a), 30.18 (6) (b), 30.19 (1m)

1 (intro.), 30.19 (1m) (a), 30.19 (1m) (b), 30.19 (1m) (c), 30.19 (1m) (d), 30.19 (1m)
2 (e), 30.19 (4) (title), 30.19 (5), 30.195 (1), 30.196 (intro.), 30.20 (1) (a), 30.20 (1)
3 (b), 30.20 (2) (title), 30.20 (2) (a) and (b), 30.20 (2) (c), 30.2026 (2) (d), 30.2026
4 (3) (a), 30.206 (6), 30.206 (7), 30.207 (1), 30.207 (3) (d) 2., 30.28 (3) (b), 30.29 (3)
5 (d), 30.298 (3), 31.39 (2m) (c), 84.18 (6), 236.16 (3) (d) (intro.), 281.22 (2) (c) and
6 299.05 (2) (a); **to repeal and recreate** 30.12 (3) (title), 30.12 (3) (a) (intro.),
7 30.123 (title), 30.195 (2) and 30.20 (1) (title); and **to create** 30.01 (1am), 30.12
8 (1g) (intro.), (a), (b) and (e) to (j), 30.12 (3) (a) 9., 30.12 (3) (a) 10., 30.12 (3) (a)
9 11., 30.12 (3) (a) 12., 30.12 (3) (br), 30.12 (3m), 30.121 (3w), 30.123 (6), 30.123
10 (7), 30.123 (8), 30.19 (1b), 30.19 (1m) (cm), 30.19 (1m) (g), 30.19 (1m) (h), 30.19
11 (3r), 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.195 (1m), 30.20 (1g) (title) and
12 (b), 30.20 (1r), 30.20 (2) (bn), 30.20 (2) (d), 30.20 (2) (e), 30.2022 (title), 30.206
13 (1) (title), 30.206 (1) (c) 1. to 3., 30.206 (3) (title), 30.206 (3) (c), 30.206 (5) (title),
14 30.208 and 30.209 of the statutes; **relating to:** structures, deposits, and other
15 activities in or near navigable waters; notice, hearing, and review procedures
16 related to permits to place structures and materials and to conduct activities
17 in or near navigable waters; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes in the permitting, decision, notice, hearing, and court procedures that apply to permits and contracts given by the Department of Natural Resources (DNR) in regulating structures, deposits, and other activities that occur in or near navigable waterways (waterway activities).

Permitting changes in general

With limited exemptions, under current law, an owner of waterfront property (riparian owner) may not engage in a waterway activity unless the riparian owner has first obtained a permit or contract from DNR that is specific to the waterway activity (an individual approval) or unless the waterway activity is authorized under a general permit issued by DNR.

This bill restructures the substantive requirements for individual permits, general permits, and contracts for removing material from navigable waterways. It also creates exemptions from both of these types of permits and from these contracts for certain waterway activities. The types of permits that are affected by these new general and individual permitting, contracting, and exemption provisions are permits to place structures or deposit material (placement permits), permits to construct or maintain bridges (bridge permits), permits to enlarge or connect waterways or to grade or remove top soil from banks along navigable rivers and streams (enlargement permits), permits to change the courses of streams and rivers (stream course permits), and permits and contracts to remove material from beds of navigable waterways (removal approvals).

General permits

Under current law, DNR may, but is not required to, issue general permits for waterway activities that are covered by the abbreviated procedure described above and for certain activities that require an enlargement permit. Under current law, general permits may be issued in certain designated areas of the state for any waterway activity that requires a general permit. The bill expands the use of general permits by requiring DNR to issue statewide general permits for certain waterway activities and to allow DNR to promulgate rules to specify additional waterway activities that may be authorized under a general permit. The bill allows DNR to impose certain construction and design requirements, location requirements, and environmental restrictions on the general permits. Under current law, a person seeking to conduct a waterway activity under a general permit must notify DNR not less than 20 days before starting the activity. The bill requires this notification to be in writing and increases the 20 days to 30 days. If DNR does not act within 30 days of the notification, the waterway activity is considered to be authorized.

Placement permits

For placement permits, current law provides an abbreviated procedure for reviewing applications. Under the procedure, DNR may approve or disapprove the permit application without giving notice or conducting a hearing. Types of permit applications to which this abbreviated procedure applies include applications to place sand to improve recreational use and applications to place devices to improve fish habitat.

This bill repeals this abbreviated review procedure. Instead, under the bill the general permitting process applies to most of the waterway activities that are subject to the abbreviated procedure.

The bill also exempts certain waterway activities from both general and individual placement permits if they do not interfere with the rights of other riparian owners and if they are located outside an area of special natural resource interest (exempt waterway activities). Under current law, some of these activities are subject to the abbreviated procedure and some must meet notice and hearing requirements before being issued. The bill defines an area of "special natural resource interest" to be a state natural area or an area identified by DNR as possessing scientific value or as being an outstanding or exceptional resource water. Examples of such waters include wild and scenic rivers and certain trout streams. If a waterway activity is

not an exempt waterway activity, the individual permitting process applies unless the waterway activity is covered by a general permit.

Whether a waterway activity is subject to the individual placement permit process or the general placement permit process or is totally exempt from any type of placement permit depends on the placement or deposit meeting certain size and other criteria. Structures and deposits that are subject to these placement permit provisions include deposits of sand, crushed rock, gravel, or riprap; boat shelters and hoists; intake and outlet structures; piers; and wharves. Under current law, a riparian owner may construct a pier or wharf beyond the ordinary high-water mark or an established bulkhead line without a placement permit if the wharf or pier meets certain criteria. This bill eliminates this exemption.

Under current law, DNR may, but is not required to, issue placement permits for waterway activities that meet the requirements for the permit. Under the bill, DNR must issue placement permits for activities that meet these requirements.

Enlargement permits

Under current law, a person must be issued an enlargement permit to do any of the following:

1. Construct, dredge, or enlarge any artificial waterway in order to connect it with an existing navigable waterway (connection permit requirement). The bill limits this permit requirement to those artificial waterways that are already connected to the navigable waterway or that will connect with the navigable waterway upon completion of the construction.

2. Connect an artificial or natural waterway, whether or not navigable, with an existing navigable waterway. The bill repeals this provision.

3. Construct, dredge, or enlarge any part of an artificial waterway that is located within 500 feet of an existing navigable stream (500-foot permit requirement).

4. Grade or remove top soil from the bank of a navigable waterway if the exposed area will exceed 10,000 square feet (grading permit requirement).

The bill creates an exemption from the 500-foot permit requirement, if the artificial waterway's only surface connection to a navigable waterway is an overflow device and the construction, dredging, or enlargement is authorized by a storm water discharge permit or a water sewerage and facility plan authorized by DNR (storm water-sewerage projects).

The bill creates an exemption from the grading permit requirement if the grading or removal of top soil is not located in an area of special natural resource interest and is authorized by a storm water discharge permit, by a shoreland or wetland zoning ordinance, or by a construction site erosion control plan.

The bill requires DNR to issue a general permit to meet the connection permit requirement and the 500-foot permit requirement for construction, dredging, and enlargements that are part of an approved storm water-sewerage project, but that are not covered by the exemption described above. The bill requires DNR to issue a general permit to meet the connection permit requirement and the 500-foot requirement for construction, dredging, and enlargements that are designed to enhance wildlife habitat or wetlands or that affect a body of water less than one acre

in size. The bill requires DNR to issue a general permit to meet the grading permit requirement for any grading or removing of top soil that is not covered by the exemption described above.

As to individual enlargement permits, the bill imposes the additional requirement that the activity not be detrimental to the public interest.

Bridge permits

The bill makes the following changes to current permitting procedures for the construction and maintenance of bridges:

1. Allows bridge construction and maintenance to be authorized by the legislature.
2. Subjects bridges that cross navigable streams that are less than 35 feet wide to the general permitting provisions. Under current law, such bridges are exempt from the bridge permitting requirements.
3. Changes the permitting provisions to specifically cover the placement of culverts.
4. Subjects culverts that have diameters of less than 60 inches to the general permitting provisions.
5. Exempts culverts that have a diameter of less than 48 inches and that are part of private roads or driveways from all of the bridge permitting requirements.
6. Repeals the requirement that the holder of a bridge permit construct and maintain a bridge that is used by the public to be in a safe condition.

Stream course permits

Under current law, a person must be issued a stream course permit to change or straighten the course of a stream or river. The bill requires DNR to issue a general permit under which riparian owners may change or straighten the course of streams or rivers if the change or straightening involves a relocation of less than a total of 500 feet or a relocation of a stream with an average flow of less than 2 cubic feet per second. The bill also repeals an exemption for municipal or county lands in Milwaukee County and a provision that states that compliance with a stream course permit is a presumption of the exercise of due care. The bill also allows the legislature to authorize the changing or straightening of stream or river courses.

Removal approvals

The bill makes the following changes to current provisions regarding removal approvals:

1. Allows the removal of materials to be authorized by the legislature.
2. Limits the scope of the general requirement for a removal contract to natural navigable lakes. Under current law, both natural and artificial lakes are subject to this requirement.
3. Limits the scope of the general requirement for a removal permit to navigable streams. Under current law, both navigable and nonnavigable streams are subject to this requirement.
4. Exempts removals for certain specified amounts if the removals are not from an area of natural resource interest, do not contain hazardous substances, and will be placed in an upland area.

5. Requires DNR to issue general permits for other removals that are within specified amounts.

Boathouses

Current law, with some exceptions, imposes a prohibition on placing a boathouse beyond the ordinary high-water mark of a navigable waterway. This bill creates an exemption for the construction, repair, or maintenance of a boathouse that is in compliance with all individual or general permitting requirements, that is used exclusively for commercial purposes, that is on land zoned exclusively for commercial or industrial purposes or is in a brownfield or blighted area, and that is located in a commercial harbor or on a tributary of Lake Michigan or Lake Superior. Current law defines a “brownfield” to be an industrial or commercial facility, the expansion or redevelopment of which is complicated by environmental contamination.

Notice, hearing, and decision provisions for individual permits

Under current law, for individual placement permits, bridge permits, removal permits, stream course permits, and enlargement permits, DNR must order a public hearing to be held within 60 days after receiving a complete application for the permit or provide notice (notice of application) that DNR will proceed on the application without a public hearing unless a substantive written objection is received within 30 days after the notice is published. DNR must provide the notice of application to various parties and to the applicant, who in turn must publish notice. Current law defines a “substantive written objection” to be one that gives the reasons why the issuance of the proposed permit will violate state law and that states that the person objecting will appear at the public hearing to present information supporting the objection. The applicant must publish the notice in a newspaper that is likely to give notice in the area where the waterway activity will be located (area newspaper).

If DNR does not receive a substantive written objection within the 30-day period, DNR proceeds on the permit application. If DNR receives such an objection, the public hearing must be held within 60 days after being ordered. At least 10 days before the hearing, the Division of Hearings and Appeals in the Department of Administration must mail a notice of the public hearing to the applicant, all of the parties who received the notice of application, and anyone who submitted a substantive written objection. The applicant again must publish the notice in an area newspaper.

Under current law, DNR may also use this notice and hearing procedure when it is not specifically required if DNR determines that substantial interests of any party may be adversely affected by the granting of the permit.

Under the bill, DNR must provide notice of a complete application to interested members of the public within 15 days after DNR determines that the application is complete. DNR must provide a period for public comment after providing notice that the application is complete. If no hearing is requested, the public comment period ends in 30 days.

If a public hearing is requested, the comment period ends 10 days after the conclusion of the hearing. The permit application may contain a request for a public hearing or any other person may request a hearing. DNR may also decide on its own

to hold a hearing if it determines that there is a significant public interest in the permit. A hearing request must be submitted to DNR within 30 days of the notice that the application is complete. DNR must then provide notice within 15 days, and the hearing must be held within 30 days of the notice being complete. DNR must issue its decision within 30 days after the hearing.

If no hearing is to be held, then DNR must issue its decision within 30 days after the close of the comment period.

The changes to the applicability of the hearing and notice procedures for individual permits under the bill include the following:

1. The procedure applies to removal approvals and stream course permits, as well as the permits covered under current law.
2. The procedure applies to permits to place water ski jumps, replacing the procedures that apply to these permits under current law.
3. The bill repeals the authority that allowed DNR to use these notice and hearing procedures when they were not required to do so in making determinations that affected navigable waters and navigation.
4. The procedures specifically apply to applications for modifications of individual permits.

Administrative and court review of DNR decisions on individual permits

Under current law, if a substantial interest of a person is injured by an agency action and there is a dispute of material fact, that person has the right to an administrative hearing before an impartial hearing officer. The notice requirements, procedures, rules of evidence, records, and right to judicial review are specified in detail under current law.

Under this bill, an applicant for or holder of an individual permit, or five or more persons, may ask DNR for an administrative hearing regarding the issuance, denial, or modification of an individual permit, or regarding a term or condition of an individual permit. If DNR determines that the request for a hearing gives specific reasons why the department's decision violates state law, DNR is required to hold an administrative hearing. The bill requires that the hearing be conducted as a contested case hearing and be subject to current law's administrative hearing requirements regarding contested case hearings, including the procedures, rules of evidence, records, and right to judicial review.

Instead of requesting an administrative hearing to review the DNR decision, any person who has the right to request such a hearing may bring a court action to review DNR's decision. The bill requires the court to review the evidence and examine witnesses, rather than review the record of DNR's action. In addition, the bill allows a party to the administrative hearing to stop an administrative hearing and have the court take jurisdiction over the issues raised in the hearing. If an administrative hearing is removed to a court, that court is required by the bill to review the evidence and examine witnesses, independent of DNR's evidence review and witness examination.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 29.601 (5) (a) of the statutes is amended to read:

2 29.601 (5) (a) This section does not apply to any activities carried out under the
3 direction and supervision of the department of transportation in connection with the
4 construction, reconstruction, maintenance and repair of highways and bridges in
5 accordance with s. ~~30.12(4)~~ 30.2022.

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

7 30.01 (1am) “Area of special natural resource interest” means any of the
8 following:

9 (a) A state natural area designated or dedicated under ss. 23.27 to 23.29.

10 (b) A surface water identified by the department as an outstanding or
11 exceptional resource water under s. 281.15.

12 (c) An area that possesses significant scientific value, as identified by the
13 department.

14 **SECTION 3.** 30.01 (1p) of the statutes is amended to read:

15 30.01 (1p) “Fishing raft” means any raft, float or structure, including a raft or
16 float with a superstructure and including a structure located or extending below or
17 beyond the ordinary high-water mark of a water, which is designed to be used or is
18 normally used for fishing, which is not normally used as a means of transportation
19 on water and which is normally retained in place by means of a permanent or
20 semipermanent attachment to the shore or to the bed of the waterway. “Fishing raft”

1 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a
2 wharf or pier regulated under ~~s.~~ ss. 30.12 and 30.13.

3 SECTION 4. 30.01 (6b) of the statutes is repealed.

4 SECTION 5. 30.015 of the statutes is renumbered 30.208 (2) and amended to
5 read:

6 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR
7 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under
8 this ~~chapter~~ subchapter, the department shall initially determine whether a
9 complete application for the permit or contract has been submitted and, no later than
10 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about
11 the initial determination of completeness. If the department determines that the
12 application is incomplete, the notice shall state the reason for the determination and
13 the specific items of information necessary to make the application complete. An
14 applicant may supplement and resubmit an application that the department has
15 determined to be incomplete. There is no limit on the number of times that an
16 applicant may resubmit an application that the department has determined to be
17 incomplete under this section. The department may not demand items of
18 information that are not specified in the notice as a condition for determining
19 whether the application is complete unless both the department and the applicant
20 agree or unless the applicant makes material additions or alterations to the activity
21 or project for which the application has been submitted. The rules promulgated
22 under s. 299.05 apply only to applications for individual permits or contracts under
23 this subchapter that the department has determined to be complete.

24 SECTION 6. 30.02 of the statutes is repealed.

SECTION 7

1 SECTION 7. 30.07 of the statutes is renumbered 30.2095, and 30.2095 (1) (a),
2 as renumbered, is amended to read:

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

7 SECTION 8. 30.10 (4) (a) of the statutes is amended to read:

8 30.10 (4) (a) This section does not impair the powers granted by law under s.
9 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,
10 arches, or culverts over streams.

11 SECTION 9. 30.11 (4) of the statutes is amended to read:

12 30.11 (4) RIPARIAN RIGHTS PRESERVED. Establishment of a bulkhead line shall
13 not abridge the riparian rights of riparian ~~proprietors~~ owners. Riparian ~~proprietors~~
14 owners may place solid structures or fill up to such line.

15 SECTION 10. 30.12 (title) of the statutes is amended to read:

16 30.12 (title) **Structures and deposits in navigable waters prohibited;**
17 **exceptions; penalty.**

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

19 30.12 ~~GENERAL PROHIBITION~~ PERMITS REQUIRED. (intro.) ~~Except as provided~~
20 ~~under subs. (4) and (4m), unless a~~ Unless an individual or general permit has been
21 ~~granted by the department pursuant to statute or issued under this section or~~
22 ~~authorization has been granted by the legislature has otherwise authorized~~
23 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~
24 the following:

25 SECTION 12. 30.12 (1) (a) of the statutes is ~~amended~~ to read:

(1d) ← (1g) and
renumbered 30.12 (1d) and
(1d) ← (1a) and
(1a)

~~(a)~~ (b) (1d)

renumbered 30.12 (1d) ~~(1g)~~ (b) and

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

3 **SECTION 13.** 30.12 (1) (b) of the statutes is amended to read:

~~(1g)~~ (b) (1d)

4 30.12 ~~(b)~~ (b) ~~To deposit~~ Deposit any material or ~~to place~~ any structure upon the
5 bed of any navigable water beyond a lawfully established bulkhead line.

6 **SECTION 14.** 30.12 (1g) (intro.), (a), (b) and (e) to (j) of the statutes are created
7 to read:

INS
5-11

8 30.12 (1g) **EXEMPTIONS.** (intro.) A riparian owner is exempt from the permit
9 requirements under this section for the placement of a structure or the deposit of
10 material if the structure or material is located in an area other than an area of special
11 natural resource interest, does not interfere with the rights of other riparian owners,
12 and is any of the following:

13 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards in any
14 5-year period.

15 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis
16 and that is less than 200 square feet in size and less than 38 inches in height.

17 (e) A boat shelter, boat hoist, or boat lift that is placed on a seasonal basis
18 adjacent to the riparian owner's pier or wharf or to the shoreline on the riparian
19 owner's property.

20 (f) A pier that is no more than 6 feet wide, that extends no further than to a point
21 where the water is 3 feet at its maximum depth, or to the point where there is
22 adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is
23 closer to the shoreline, and which has no more that 2 boat slips for the first 50 feet
24 of riparian owner's shoreline footage and no more than one additional boat slip for
25 each additional 50 feet of the riparian owner's shoreline.

1 (g) A wharf that extends no more than 30 feet.

2 (h) An intake or outfall structure that is authorized by a storm water discharge
3 permit approved by the department under ch. 283 or a facility plan approved by the
4 department under s. 281.41.

5 (i) Riprap in an amount not to exceed 75 linear feet and if the riprap is located
6 outside an area where riprap has been previously placed.

7 (j) Riprap in an amount not to exceed 300 linear feet and if the riprap is located
8 within an area where riprap has been previously placed.

9 **SECTION 15.** 30.12 (2) of the statutes is repealed.

10 **SECTION 16.** 30.12 (3) (title) of the statutes is repealed and recreated to read:
11 30.12 (3) (title) GENERAL PERMITS.

12 **SECTION 17.** 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to
13 read:

14 30.12 (3) (a) (intro.) The department shall issue statewide general permits
15 under s. 30.206 that authorize riparian owners to do all of the following:

16 **SECTION 18.** 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and
17 amended to read:

18 30.12 (1g) (c) ~~Place a-~~ A fish crib, spawning reef, wing deflector, or similar
19 device that is placed on the bed of navigable waters for the purpose of improving fish
20 habitat.

21 **SECTION 19.** 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and
22 amended to read:

23 30.12 (1g) (d) ~~Place a-~~ A bird nesting platform, ~~-a-~~ wood duck house, or similar
24 structure that is placed on the bed of a navigable water for the purpose of improving
25 wildlife habitat.

1 **SECTION 20.** 30.12 (3) (a) 6. of the statutes is amended to read:

2 30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property
3 for the purpose of storing or protecting watercraft and associated materials, except
4 that no general permit may be ~~granted~~ issued for a permanent boat shelter which is
5 constructed after May 3, 1988, if the property on which the permanent boat shelter
6 is to be located also contains a boathouse within 75 feet of the ordinary high-water
7 mark or if there is a boathouse over navigable waters adjacent to the owner's
8 property.

9 **SECTION 21.** 30.12 (3) (a) 9. of the statutes is created to read:

10 30.12 (3) (a) 9. Place an intake or outfall structure that is less than 6 feet from
11 the water side of the ordinary high-water mark and that is less than 25 percent of
12 the width of the channel in which it is placed.

13 **SECTION 22.** 30.12 (3) (a) 10. of the statutes is created to read:

14 30.12 (3) (a) 10. Place a pier to replace a pier that has been in existence at least
15 10 years before the effective date of this subdivision [revisor inserts date], does
16 not exceed 10 feet in width, and does not exceed 500 square feet in area.

17 **SECTION 23.** 30.12 (3) (a) 11. of the statutes is created to read:

18 30.12 (3) (a) 11. Place a pier that does not exceed 500 square feet in area in a
19 lake that is 500 acres or more in area.

20 **SECTION 24.** 30.12 (3) (a) 12. of the statutes is created to read:

21 30.12 (3) (a) 12. Place a vessel for commercial storage on Lake Michigan or Lake
22 Superior *or in any tributary of Lake Michigan or Lake Superior that is determined to be navigable by*

23 **SECTION 25.** 30.12 (3) (b) of the statutes is repealed.

the federal government

24 **SECTION 26.** 30.12 (3) (bn) of the statutes is repealed.

25 **SECTION 27.** 30.12 (3) (br) of the statutes is created to read:

1 30.12 (3) (br) The department may promulgate rules that specify structures or
2 deposits, in addition to those listed in par. (a), that may be authorized by statewide
3 general permits.

4 **SECTION 28.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
5 and amended to read:

6 **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
7 owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~
8 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River
9 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the
10 ordinary high-water mark, if the following conditions apply:

11 **SECTION 29.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
12 to (9). ✓

13 **SECTION 30.** 30.12 (3) (c) of the statutes is amended to read:

14 30.12 (3) (c) The department may ~~promulgate rules deemed necessary to carry~~
15 ~~out the purposes of~~ impose conditions on general permits issued under par. (a) 6.,
16 ~~including rules to establish minimum standards~~ to govern the architectural features
17 of boat shelters and the number of boat shelters that may be constructed adjacent
18 to a parcel of land. The ~~rules~~ conditions may not govern the aesthetic features or color
19 of boat shelters. The ~~standards~~ conditions shall be designed to assure ensure the
20 structural soundness and durability of ~~a boat shelter~~ boat shelters. A municipality
21 may enact ordinances ~~not inconsistent~~ that are consistent with this section ~~or with~~
22 ~~rules promulgated under this section regulating~~ paragraph and with any conditions
23 imposed on general permits issued to regulate the architectural features of boat
24 shelters that are under the jurisdiction of the municipality.

25 **SECTION 31.** 30.12 (3) (d) of the statutes is repealed.

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1 **SECTION 32.** 30.12 (3m) of the statutes is created to read:

2 **30.12 (3m) INDIVIDUAL PERMITS.** (a) For a structure or deposit that is not exempt
3 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian
4 owner may apply to the department for the individual permit that is required under
5 sub. (1) in order to place the structure for the owner's use or to deposit the material.

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

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

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

15 **SECTION 33.** 30.12 (4) (title) of the statutes is repealed.

16 **SECTION 34.** 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
17 amended to read:

18 **30.2022 (1)** Activities affecting waters of the state, as defined in s. 281.01 (18),
19 that are carried out under the direction and supervision of the department of
20 transportation in connection with highway, bridge, or other transportation project
21 design, location, construction, reconstruction, maintenance, and repair are not
22 subject to the prohibitions or permit or approval requirements specified under ~~this~~
23 ~~section~~ or s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231,
24 or 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48. However, at the earliest
25 practical time prior to the commencement of these activities, the department of

1 transportation shall notify the department of the location, nature, and extent of the
2 proposed work that may affect the waters of the state.

3 **SECTION 35.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
4 amended to read:

5 30.2022 (2) The exemption under ~~par. (a) sub. (1)~~ does not apply unless the
6 activity is accomplished in accordance with interdepartmental liaison procedures
7 established by the department and the department of transportation for the purpose
8 of minimizing the adverse environmental impact, if any, of the activity.

9 **SECTION 36.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
10 amended to read:

11 30.2022 (3) If the department determines that there is reasonable cause to
12 believe that an activity being carried out under this ~~subsection~~ section is not in
13 compliance with the environmental protection requirements developed through
14 interdepartmental liaison procedures, it shall notify the department of
15 transportation. If the secretary and the secretary of transportation are unable to
16 agree upon the methods or time schedules to be used to correct the alleged
17 noncompliance, the secretary, notwithstanding the exemption provided in this
18 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
19 appropriate.

20 **SECTION 37.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

21 **SECTION 38.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
22 amended to read:

23 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
24 or hearing is required in connection with any interdepartmental consultation and
25 cooperation under this ~~subsection~~ section.

1 **SECTION 39.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
2 to read:

3 **30.2022 (6)** This subsection section does not apply to activities in the Lower
4 Wisconsin State Riverway, as defined in s. 30.40 (15).

5 **SECTION 40.** 30.12 (4m) (title) of the statutes is repealed.

6 **SECTION 41.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
7 (1m) (c) (intro.), as renumbered, is amended to read:

8 **30.12 (1m) (c) (intro.)** Subsection ~~(1)~~ [✓] does not apply to a A structure or deposit
9 that the drainage board for the Duck Creek Drainage District places in a drain that
10 the board operates in the Duck Creek Drainage District is exempt from the permit
11 requirements under this section if either of the following applies:

12 **SECTION 42.** 30.12 (5) of the statutes is repealed.

13 **SECTION 43.** 30.121 (3w) of the statutes is created to read:

14 **30.121 (3w) EXCEPTION; COMMERCIAL BOATHOUSES.** Notwithstanding subs. (2)
15 and (3), a person may construct, repair, or maintain a boathouse if all of the following
16 apply:

17 (a) The boathouse is used exclusively for commercial purposes and does not
18 contain any living quarters.

19 (b) The boathouse is located on land zoned exclusively for commercial or
20 industrial purposes or the boathouse is located on a brownfield, as defined in s.
21 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

22 (c) The boathouse is located within a harbor that is being operated as a
23 commercial enterprise or is located on a river that is a tributary of Lake Michigan
24 or Lake Superior.

1 (d) The person has been issued any applicable individual permits under this
2 subchapter and is in compliance with any applicable general permitting
3 requirements under this subchapter.

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

5 **30.123 (title) Bridges and culverts.**

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

8 **30.1235 Municipal bridge construction.** Municipalities which construct or
9 reconstruct highway bridges shall not be required to obtain permits under this
10 ~~section or s. 30.10 or s. 30.12 or 30.123~~ for such that construction or reconstruction.
11 All municipal highway bridges shall be constructed or reconstructed in accordance
12 with standards developed under s. 84.01 (23).

13 SECTION 46. 30.123 (2) of the statutes is amended to read:

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

24 SECTION 47. 30.123 (3) of the statutes is repealed.

1 **SECTION 48.** 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
2 amended to read:

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

10 **SECTION 49.** 30.123 (5) of the statutes is repealed.

11 **SECTION 50.** 30.123 (6) of the statutes is created to read:

12 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

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

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

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

19 **SECTION 51.** 30.123 (7) of the statutes is created to read:

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

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

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

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

4 **SECTION 52.** 30.123 (8) of the statutes is created to read:

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

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

12 **SECTION 53.** 30.13 (1) of the statutes is repealed.

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

14 30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN
15 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
16 a navigable waterway for swimming and diving purposes without obtaining a permit
17 under s. 30.12 if all of the following conditions are met:

18 **SECTION 55.** 30.13 (1m) (b) of the statutes is amended to read:

19 30.13 (1m) (b) The swimming raft does not interfere with rights of other
20 riparian ~~proprietors~~ owners.

21 **SECTION 56.** 30.13 (2) of the statutes is repealed.

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

23 30.13 (4) (a) *Interferes with public rights.* A wharf or pier which interferes with
24 public rights in navigable waters constitutes an unlawful obstruction of navigable
25 waters unless ~~a permit is issued for~~ the wharf or pier is authorized under a permit

1 issued under s. 30.12 or unless other authorization for the wharf or pier is expressly
2 provided.

3 **SECTION 58.** 30.13 (4) (b) of the statutes is amended to read:

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

9 **SECTION 59.** 30.13 (4) (d) of the statutes is repealed.

10 **SECTION 60.** 30.135 (1) (title) of the statutes is repealed.

11 **SECTION 61.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
12 (intro.) and amended to read:

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

17 **SECTION 62.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

18 **SECTION 63.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
19 amended to read:

20 30.135 (1) (b) The platform or jump does not interfere with rights of other
21 riparian ~~proprietors~~ owners.

22 **SECTION 64.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

23 **SECTION 65.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
24 amended to read:

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

5 **SECTION 66.** 30.135 (2), (3) and (4) of the statutes are repealed.

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

7 30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in
8 this state without ~~a~~ an individual permit under this section if the diversion meets
9 either of the following conditions:

10 **SECTION 68.** 30.18 (2) (b) of the statutes is amended to read:

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

16 **SECTION 69.** 30.18 (4) (a) of the statutes is amended to read:

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

25 **SECTION 70.** 30.18 (6) (b) of the statutes is amended to read:

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

5 **SECTION 71.** 30.18 (9) of the statutes is repealed.

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

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

11 **SECTION 73.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
12 amended to read:

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

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

20 **SECTION 74.** 30.19 (1) (b) of the statutes is repealed.

21 **SECTION 75.** 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
22 amended to read:

23 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
24 bank of any navigable stream, lake or other body of navigable water waterway where
25 the area exposed by such ~~the~~ the grading or removal will exceed 10,000 square feet.

SECTION 76

1 **SECTION 76.** 30.19 (1b) of the statutes is created to read:

2 30.19 (1b) **DEFINITION.** In the section, “artificial water body” means a proposed
3 or existing body of water that does not have a history of being a lake or stream or of
4 being part of a lake or stream.

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

6 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
7 person is exempt from the permit requirements under this section for any of the
8 following:

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

10 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways ~~highway~~.

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

12 30.19 (1m) (b) Any agricultural ~~uses~~ use of land.

13 **SECTION 80.** 30.19 (1m) (c) of the statutes is amended to read:

14 30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is
15 located wholly or partly in any county having a population of 750,000 or more.

16 **SECTION 81.** 30.19 (1m) (cm) of the statutes is created to read:

17 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
18 Superior that is located within a county having a population of 750,000 or more.

19 **SECTION 82.** 30.19 (1m) (d) of the statutes is amended to read:

20 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
21 streams, Lake Michigan or Lake Superior stream that is located within any a county
22 having a population of 750,000 or more.

23 **SECTION 83.** 30.19 (1m) (e) of the statutes is amended to read:

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

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

5 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial
6 water body that is within 500 feet of the ordinary high-water mark of a navigable
7 waterway, if the artificial water body does not have a surface connection to any
8 navigable waterway other than an overflow device and if the construction, dredging,
9 or enlargement is authorized by a storm water discharge permit approved by the
10 department under ch. 283 or a facility plan approved or authorized by the
11 department under s. 281.41.

12 **SECTION 85.** 30.19 (1m) (h) of the statutes is created to read:

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

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

19 2. The grading or removal is authorized under an ordinance under s. 59.692,
20 61.351, or 62.231.

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

23 **SECTION 86.** 30.19 (2) of the statutes is repealed.

24 **SECTION 87.** 30.19 (3) of the statutes is repealed.

25 **SECTION 88.** 30.19 (3r) of the statutes is created to read:

1 **30.19 (3r) GENERAL PERMITS.** (a) The department shall issue statewide general
2 permits under s. 30.206 that authorize persons to do all of the following:

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

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

11 3. Engage in an activity specified in sub. (1g) (c) that is not exempt under sub.
12 (1m) (h) if the area exposed by the grading or removal will exceed 10,000 square feet.

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

16 **SECTION 89.** 30.19 (4) (title) of the statutes is amended to read:

17 **30.19 (4) (title)** ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

18 **SECTION 90.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
19 amended to read:

20 **30.19 (4) (c) (intro.)** ~~If the~~ The department finds that the project will not injure
21 public rights or interest, including fish and game habitat, that the project shall issue
22 an individual permit pursuant to an application under par. (a) if the department
23 finds that all of the following apply:

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

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

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

8 **SECTION 91.** 30.19 (4) (a) of the statutes is created to read:

9 30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are
10 not subject to a general permit under sub. (3r), a person may apply to the department
11 for an individual permit in order to engage in an activity for which a permit is
12 required under sub. (1g).

13 **SECTION 92.** 30.19 (4) (b) of the statutes is created to read:

14 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
15 an application under par. (a).

16 **SECTION 93.** 30.19 (4) (c) 1. of the statutes is created to read:

17 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

18 **SECTION 94.** 30.19 (5) of the statutes is amended to read:

19 30.19 (5) ~~CONDITIONS OF PERMIT~~ REQUIREMENT FOR PUBLIC ACCESS. ~~The A~~ permit
20 issued under this section to construct an artificial water body and to connect it to a
21 navigable waterway shall provide that all require that the artificial waterways
22 constructed under this section which are connected to navigable waterways shall be
23 water body be a public waterways. ~~The department may impose such further~~
24 ~~conditions in the permit as it finds reasonably necessary to protect public health,~~

1 ~~safety, welfare, rights and interest and to protect private rights and property~~
2 ~~waterway.~~

3 **SECTION 95.** 30.195 (1) of the statutes is amended to read:

4 30.195 (1) PERMIT REQUIRED. No Unless a permit has been issued under this
5 section or authorization has been granted by the legislature, no person may change
6 the course of or straighten a navigable stream without a permit issued under this
7 section or without otherwise being expressly authorized by statute to do so.

8 **SECTION 96.** 30.195 (1m) of the statutes is created to read:

9 30.195 (1m) GENERAL PERMITS. (a) The department shall issue statewide
10 general permits under s. 30.206 that authorize riparian owners to change the course
11 of or straighten a navigable stream under the following circumstances:

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

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

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

19 **SECTION 97.** 30.195 (2) of the statutes is repealed and recreated to read:

20 30.195 (2) INDIVIDUAL PERMITS. (a) For activities that are not subject to a
21 general permit under sub. (1m), a riparian owner may apply to the department for
22 an individual permit in order to engage in activities for which a permit is required
23 under sub. (1).

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

1 **SECTION 98.** 30.195 (3) (title) of the statutes is repealed.

2 **SECTION 99.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
3 amended to read:

4 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall ~~grant a~~
5 issue an individual permit to the applied for under this section to a riparian owner
6 if the department determines that all of the following apply:

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

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

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

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

22 **SECTION 100.** 30.195 (4) of the statutes is repealed.

23 **SECTION 101.** 30.195 (7) of the statutes is repealed.

24 **SECTION 102.** 30.196 (intro.) of the statutes is amended to read:

1 **30.196 Enclosure of navigable waters; issuance of permits to**
2 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
3 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
4 or similar structure if the department grants the municipality ~~a~~ an individual
5 permit. The department may grant this permit to a municipality after following the
6 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds
7 that granting the permit:

8 **SECTION 103.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

9 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

10 **SECTION 104.** 30.20 (1) (a) of the statutes is amended to read:

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

16 **SECTION 105.** 30.20 (1) (b) of the statutes is amended to read:

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

23 **SECTION 106.** 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
24 30.20 (1g) (a) 1. and amended to read:

1 30.20 (1g) (a) 1. ~~Except as provided under subd. 2., a person may remove A~~
2 removal of material from the bed of a farm drainage ditch which was not a navigable
3 stream before ditching. ~~2. The department may require a permit under sub. (2) (e)~~
4 ~~for a removal under subd. 1. only if it is exempt from the individual and general~~
5 permit requirements under this section unless the department finds that the
6 proposed removal may have a long-term adverse effect on cold-water fishery
7 resources or may destroy fish spawning beds or nursery areas.

8 **SECTION 107.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

9 **SECTION 108.** 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
10 amended to read:

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

19 **SECTION 109.** 30.20 (1g) (title) and (b) of the statutes are created to read:

20 30.20 (1g) (title) EXEMPTIONS.

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

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

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

6 **SECTION 110.** 30.20 (1r) of the statutes is created to read:

7 **30.20 (1r) GENERAL PERMITS.** (a) The department shall issue statewide general
8 permits under s. 30.206 that authorize any person to do all of the following:

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

12 2. Remove material from an area from which no material has been previously
13 removed and the material to be removed is 100 or more cubic yards but less than
14 1,000 cubic yards.

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

18 **SECTION 111.** 30.20 (2) (title) of the statutes is amended to read:

19 **30.20 (2) (title) CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.**

20 **SECTION 112.** 30.20 (2) (a) and (b) of the statutes are amended to read:

21 **30.20 (2) (a)** The department, ~~whenever consistent with public rights,~~ may
22 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
23 of any material from the bed of any navigable lake or of any of the outlying waters,
24 ~~and for the lease or sale of the material.~~ Every if the contract is consistent with public
25 rights. A person seeking to enter into such a contract shall apply to the department.

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

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

1 as the state may own. Title to the royalties to be paid when mining operations are
2 begun shall be determined at such future time as royalties for ores so sold are paid
3 or are due and payable.

4 **SECTION 113.** 30.20 (2) (bn) of the statutes is created to read:

5 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
6 subject to a general permit under sub. (1r), a person may apply to the department
7 for an individual permit that is required under sub. (1) (b) in order to remove material
8 from the bed of any lake or stream not described under sub. (1) (a).

9 **SECTION 114.** 30.20 (2) (c) of the statutes is amended to read:

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

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

18 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
19 at least 30 days before the proposed date of the removal, the department may issue
20 the permit for a period of up to 10 years.

21 **SECTION 116.** 30.20 (2) (e) of the statutes is created to read:

22 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to ✓
23 an application for a permit or contract under this subsection.

24 **SECTION 117.** 30.2022 (title) of the statutes is created to read:

25 **30.2022 (title) Activities of department of transportation.**

INS 34-23

1 **SECTION 118.** 30.2026 (2) (d) of the statutes is amended to read:

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

5 **SECTION 119.** 30.2026 (3) (a) of the statutes is amended to read:

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

16 **SECTION 120.** 30.206 (1) (title) of the statutes is created to read:

17 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

18 **SECTION 121.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
19 amended to read:

20 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
21 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
22 ~~class of activities, according to rules promulgated by the department. Before The~~
23 department shall issue the statewide general permits required under ss. 30.12 (3)
24 (a), 30.123 (7) (a), 30.19 (3r) (a), 30.195 (1m) (a), and 30.20 (1r) (a) within 540 days
25 after the effective date of this paragraph [revisor inserts date]. General permits

1 issued under s. 30.206, 2001 stats., shall remain valid until the date upon which the
2 statewide general permits are issued under this paragraph. Vessels for commercial
3 storage that are placed on Lake Michigan or Lake Superior on the effective date of
4 this paragraph [revisor inserts date], shall be considered to be placed in
5 compliance with s. 30.12 until the date upon which the statewide general permit is
6 issued under s. 30.12 (3) (a) 12.

7 (b) Before issuing general permits, the department shall ~~determine~~ provide,
8 after an environmental analysis and, notice and hearing under ss. 227.17 and
9 227.18, ~~that~~.

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

16 **SECTION 122.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

17 30.206 (1) (c) 1. Construction and design requirements that are consistent with
18 the purpose of the activity authorized under the permit.

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

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

23 **SECTION 123.** 30.206 (2) of the statutes is repealed.

24 **SECTION 124.** 30.206 (3) (title) of the statutes is created to read:

1 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
2 PERMITS.

3 **SECTION 125.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
4 amended to read:

5 30.206 (3) (a) A person wishing to proceed with an activity that may be
6 authorized by a general permit shall apply to the department, with written
7 notification of the person's wish to proceed, not less than 20 business 30 days before
8 commencing the activity authorized by a general permit. ~~The department may~~
9 ~~request additional information from the applicant~~ notification shall provide
10 information describing the activity in order to allow the department to determine
11 whether the activity is within the scope of a authorized by the general permit and
12 ~~shall inform the applicant in writing of its determination within 10 business days~~
13 ~~after receipt of adequate information.~~

14 **SECTION 126.** 30.206 (3) (c) of the statutes is created to read:

15 30.206 (3) (c) Upon completion of an activity that the department has
16 authorized under a general permit, the applicant for the general permit shall provide
17 to the department a statement certifying that the activity is in compliance with all
18 of the conditions of the general permit and a photograph of the activity.

19 **SECTION 127.** 30.206 (3m) of the statutes is repealed.

20 **SECTION 128.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
21 amended to read:

22 30.206 (3) (b) ~~Upon receipt of the department's determination that the~~
23 ~~proposed activity is authorized by a general permit, If within 30 days after a~~
24 notification under par. (a) is submitted to the department the department does not
25 require any additional information about the activity that is subject to the

1 notification and does not inform the applicant that an individual permit will be
2 required, the activity will be considered to be authorized by the general permit and
3 the applicant may proceed without further notice, hearing, permit or approval if the
4 activity is carried out in compliance with all of the conditions of the general permit.
5 The department may require an individual permit only if it determines that the
6 proposed activity is not authorized by the general permit.

7 **SECTION 129.** 30.206 (5) (title) of the statutes is created to read:

8 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

9 **SECTION 130.** 30.206 (6) of the statutes is amended to read:

10 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
11 which a general permit has been issued may request an individual permit under the
12 applicable provisions of this chapter subchapter or ch. 31 in lieu of seeking
13 authorization under the general permit.

14 **SECTION 131.** 30.206 (7) of the statutes is amended to read:

15 30.206 (7) This section does not apply to an application for a general permit for
16 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
17 ~~if the application for the general permit may be submitted under s. 30.207.~~

18 **SECTION 132.** 30.207 (1) of the statutes is amended to read:

19 30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (bt)~~
20 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
21 the portion and shoreline of Lake Poygan in Waushara County; the area south of
22 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
23 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
24 portion of Outagamie County south and east of USH 41; that portion of Waupaca
25 County that includes the town of Mukwa, city of New London, town of Caledonia,

1 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
2 in the town of Weyauwega.

3 **SECTION 133.** 30.207 (3) (d) 2. of the statutes is amended to read:

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

7 **SECTION 134.** 30.207 (4) (b) of the statutes is repealed.

8 **SECTION 135.** 30.207 (5) of the statutes is repealed.

9 **SECTION 136.** 30.208 of the statutes is created to read:

10 **30.208 Applications for individual permits and contracts; department**
11 **determinations.** (1) APPLICATION REQUIRED. A person who seeks to obtain or modify
12 an individual permit under this subchapter or to enter into a contract under s. 30.20
13 shall submit an application to the department. The application may contain a
14 request for a public hearing on the application.

15 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION.** (a)
16 Upon determination by the department that an application submitted under sub. (1)
17 is complete, the department shall provide notice of complete application to interested
18 and potentially interested members of the public, as determined by the department.
19 The department shall provide the notice within 15 days after the determination that
20 the application is complete. If the applicant has requested a public hearing as part
21 of the submitted application, a notice of public hearing shall be part of the notice of
22 complete application.

23 (b) If the notice of complete application does not contain a notice of public
24 hearing, any person may request a public hearing in writing or the department may

1 decide to hold a public hearing without a request being submitted if the department
2 determines that there is a significant public interest in holding a hearing.

3 (c) A request for a public hearing under par. (b) must be submitted to the
4 department or the department's decision to hold a public hearing must occur within
5 30 days after the department completes providing the notice of complete application.
6 The department shall provide notice of public hearing within 15 days after the
7 request for public hearing is submitted or the department makes its determination.

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

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

14 (4) PUBLIC COMMENT. (a) The department shall provide a period for public
15 comment after the department has provided a notice of complete application under
16 sub. (3) (a), during which time any person may submit written comments with
17 respect to the application for the permit or contract. The department shall retain all
18 of the written comments submitted during this period and shall consider all of the
19 comments in the formulation of the final decision on the application. The period for
20 public comment shall end on the 30th day following the date on which the
21 department completes providing the notice of complete application, except as
22 provided in par. (b).

23 (b) If a public hearing is held, the period for public comment shall end on the
24 10th day following the date on which the public hearing is completed.

1 (d) 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).

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

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

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

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

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

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

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

5 **SECTION 137.** 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, or 5
8 or more persons, may file a 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
11 this subchapter.

12 2. The imposition of, 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
16 par. (a) 1. or 2. The petition shall state the interest of each petitioner, the specific
17 issue to be reviewed, and the reasons why an administrative hearing is warranted.

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

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

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

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

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

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

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

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

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

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

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

21 **SECTION 138.** 30.28 (3) (b) of the statutes is amended to read:

22 30.28 (3) (b) This section does not apply to a permit issued under s. 30.12 (3)
23 (a) ~~2., 2m. or 3.~~ or (4) (c) or (d).

24 **SECTION 139.** 30.29 (3) (d) of the statutes is amended to read:

1 **30.29 (3)** (d) *Activities for which a permit is issued.* A person or agent of a person
2 who is issued a permit by the department while the person or agent is engaged in
3 activities related to the purpose for which the permit is issued as authorized under
4 a general or individual permit issued under this subchapter or as authorized under
5 a contract entered into under this subchapter.

6 **SECTION 140.** 30.298 (3) of the statutes is amended to read:

7 **30.298 (3)** Any person who violates a general permit under s. 30.206 shall
8 forfeit not less than \$10 nor more than \$500 for the first offense and shall forfeit not
9 less than \$50 nor more than \$500 upon conviction of the same offense a 2nd or
10 subsequent time.

11 **SECTION 141.** 31.39 (2m) (c) of the statutes is amended to read:

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

15 **SECTION 142.** 84.18 (6) of the statutes is amended to read:

16 **84.18 (6) EXECUTION AND CONTROL OF WORK.** Subject to s. ~~30.12(4)~~ 30.2022 and
17 the control exercised by the United States, the construction under this section of any
18 local bridge project shall be wholly under the supervision and control of the
19 department. The secretary shall make and execute all contracts and have complete
20 supervision over all matters pertaining to such construction and shall have the
21 power to suspend or discontinue proceedings or construction relative to any bridge
22 project at any time in the event any county, city, village or town fails to pay the
23 amount required of it for any project eligible for construction under this section, or
24 if the secretary determines that sufficient funds to pay the state's part of the cost of
25 such bridge project are not available. All moneys provided by counties, cities,

1 villages and towns shall be deposited in the state treasury, when required by the
2 secretary, and paid out on order of the secretary. Any of the moneys deposited for a
3 project eligible for construction under this section which remain in the state treasury
4 after the completion of the project shall be repaid to the respective county, city, village
5 or town in proportion to the amount each deposited.

6 **SECTION 143.** 236.16 (3) (d) (intro.) of the statutes is amended to read:

7 236.16 (3) (d) (intro.) All of the owners of all of the land adjacent to a public
8 access established under par. (a) to an inland lake, as defined in s. 30.92 (1) (bk), may
9 petition the city, village, town or county that owns the public access to construct
10 shoreline erosion control measures. Subject to par. (e), the city, village, town or
11 county shall construct the requested shoreline erosion control measures or request
12 the department of natural resources to determine the need for shoreline erosion
13 control measures. Upon receipt of a request under this paragraph from a city, village,
14 town or county, the department of natural resources shall follow the notice and
15 hearing procedures in s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5). Subject to par. (e), the city,
16 village, town or county shall construct shoreline erosion control measures as
17 required by the department of natural resources if the department of natural
18 resources determines all of the following:

19 **SECTION 144.** 281.22 (2) (c) of the statutes is amended to read:

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

23 **SECTION 145.** 299.05 (2) (a) of the statutes is amended to read:

24 299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205
25 and 30.21 to 30.27.

2003-2004 DRAFTING INSERT
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MGG/RPN/RCT:kmg:rs

Insert 5-11 ✓

SECTION 1. 30.12 (1b) of the statutes is created to read:

30.12 (1b) DEFINITION. In this section, "structure" includes a vessel for commercial storage and its anchoring device.

Insert 14-12 ✓

SECTION 2. 30.12 (3) (bv) of the statutes is created to read:

30.12 (3) (bv) Notwithstanding s. 30.07 (1) and unless subd. 1. applies, the department shall issue the first statewide general permit issued under par. (a) 12. for an initial term of not less than 5 years and not more than 10 years and shall renew the permit for terms of not less than 5 years and not more than 10 years.

Insert 21-9 ✓

SECTION 3. 30.131 (1) (intro.) of the statutes is amended to read:

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

History: 1989 a. 217; 1993 a. 167.

Insert 34-23 ✓

SECTION 4. 30.201 of the statutes is created to read:

30.201 (FINANCIAL ASSURANCE FOR NONMETALLIC MINING.) (1) If the department requires that financial assurance be provided as a condition for a permit under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining and

(B); NO (CS)

reclamation, the financial assurance may be a bond or alternative financial assurance. An alternative financial assurance may include cash or any of the following:

- (a) A certificate of deposit.
 - (b) An irrevocable letter of credit.
 - (c) An irrevocable trust .
^
 - (d) An escrow account.
 - (e) A government security.
 - (f) Any other demonstration of financial responsibility.
- (2) Any interest earned by the financial assurance shall be paid to the person operating the nonmetallic mining or reclamation project.