



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 01/08/2004 (Per: RCT)



☞ The 2003 drafting file for LRB 03-3881/P6

(compile draft)

has been transferred to the 2003 drafting file for

LRB 03s0288

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST

Bill

Received: **12/15/2003**

Received By: **mglass**

Wanted: **Soon**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Ellen Nowak**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters: **rkite**

Subject: **Nat. Res. - nav. waters**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **laura.rose@legis.state.wi.us**
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Acitivities in and near navigable waters

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	mglass 12/16/2003	kfollett 12/17/2003	jfrantze 12/17/2003	_____	lemery 12/17/2003		
/P2	mglass 12/18/2003	wjackson 12/18/2003	pgreensl 12/18/2003	_____	Inorthro 12/18/2003		

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/P4	mglass 12/31/2003	kgilfoy 01/02/2004	chanaman 01/02/2004	_____	lemery 01/02/2004		
/P5	mglass 01/05/2004	wjackson 01/06/2004	rschluet 01/06/2004	_____	sbasford 01/06/2004		
/P6	mglass 01/06/2004	csicilia 01/06/2004	rschluet 01/06/2004	_____	sbasford 01/06/2004		

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[Handwritten signatures and initials]

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/p6 ys 1/6/04

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May Contact: 1/05
OK to contact Paul Kent

Addl. Drafters: rkite

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*1/24 - 1/2/04
KMG*

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/?	mglass	1P1 kjl 12/17	JH 12/17	J cl 12/17			

FE Sent For:

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Inserts to SB 313

12/14/03

1. After Section 10, p. 23 **INSERT A** as follows:

Section 30.01(5r) is created to read:

- ✓ (5r) Repair of riprap means the placement of additional rock or redistribution of rock within the footprint of the existing structure.

Section 30.01(5s) is created to read:

- ✓ (5s) Replacement of riprap means structural changes by which a section of the structure is being recreated requiring the replacement of filter fabric or base substrate.

2. After Section 22, p. 27; **INSERT B** as follows:

Section __. Section 30.12(1m) is created to read:

30.12(1m) Notification and Review.

- (a) The Department may require that persons engaged in activities otherwise exempt under subsection (1g) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

- (b) If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under par (a).

- (c) Any determination to require a permit under par (a) shall be set forth in writing.

3. After Section 28; p. 28. **INSERT C** as follows:

Section __. 30.12(a)7. of the statutes is renumbered 30.12(1g)(h) and is amended to read:

30.12(1g)(h). An intake structure and pipe that is placed on the bed of navigable water for the purpose of constructing a dry fire hydrant to supply water for fire protection.

Section 30.12(a)8. of the statutes is renumbered 30.12(1g)(i) and is amended to read:

30.12(1g)(i). A piling that is driven into the bed of navigable water adjacent to the owner's property for the purpose of deflecting ice, protecting an existing or proposed structure, or providing a pivot point for turning watercraft.

Section . 30.12(1g)(j) is created to read:

30.12(1g)(j). A biological shore erosion structure as defined by the department by rule.

4. After Section 32; p. 28 **INSERT D** as follows:

Section . 30.12(3)(a)13 is created to read:

30.12(3)(a)13. To place riprap on the bed or bank of a navigable water adjacent to the owner's property up to and including 100 continuous feet on inland lakes of 300 acres or more and up to and including 300 continuous feet on Great Lakes; and replacement riprap not exempt under subsection .

Section 30.12(3)(a)14 is created to read:

30.12(3)(a)14. To place a seawall that replaces an existing seawall including replacements up to and including 100 continuous feet on inland lakes of 300 acres or more and up to and including 300 continuous feet on Great Lakes.

5. After Section 59, p. 34 ln 21 **INSERT E** as follows:

Section . Section 30.123 (6m) is created to read:

30.123(6m) Notification and Review.

(a) The Department may require that persons engaged in activities otherwise exempt under subsection (6)(c) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests,

environmental pollution or material injury to the riparian rights of any riparian owner.

(b) If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under par (a).

(c) Any determination to require a permit under par (a) shall be set forth in writing.

6. Section 60, p. 35, add **INSERT F** as follows:

1. Construct and maintain a clear-span bridge over navigable water that provides access to a principal structure as defined by rule by the department.

2. Construct or maintain a bridge that is supported only by culverts in a navigable water that is less than 35 feet wide.

3. Replace a culvert that is not covered under (6) in a navigable water that is less than 35 feet wide.

7. After Section 95; p. 41 add **INSERT G** as follows:

Section ____ . Section 30.19(1r) is created to read as follows:

30.19(1r) Notification and Review.

(a) The Department may require that persons engaged in activities otherwise exempt under subsection (1m)(g) and (h) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

(b) If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under par (a).

(c) Any determination to require a permit under par (a) shall be set forth in writing.

8. Section 119; p. 47, lines 12-17 are deleted and replaced with **INSERT H** as follows:

1. Remove the amount of material that is necessary to place or maintain a structure that is otherwise exempt under this subchapter.
2. Remove material by hand or hand-held devices without the use or aid of external or auxiliary power.

9. After Section 119, p.47 ln 17 add **INSERT I** as follows:

Section ____ . Section 30.20(1g)(d) is created to read as follows:

~~30.19~~³⁰(1g)(d) Notification and Review.

1. The Department may require that persons engaged in activities otherwise exempt under subsection (1g)(b) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.
2. If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under subpar 1.
3. Any determination to require a permit under subpar 1. shall be set forth in writing.

10. After Section 136, p. 53 and new section is added by **INSERT J** as follows:

Section ____ . Section 30.206(3)(ar) is created to read as follows:

30.206(3)(ar) . Notification and Review:

1. The Department may require that a person that has applied for a general permit under paragraph (a) apply for and obtain an individual permit if either of the following occurs:
 - a. The Department has determined that the proposed activity is not authorized by the general permit; or

b. The Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

2. If a person notifies the department in writing describing the proposed general permit activity and its location, the department shall have 30 days from receipt of such notification to notify such person of any requirement to obtain a ~~general or~~ individual permit under subpar 1.

3. Any determination to require an individual permit under subpar 1. shall be set forth in writing.

11. Section 148, p. 58, add **INSERT K** as follows:

(b) If the person requesting the hearing under par (a) is not the applicant for the permit or contract, the request shall describe the requester's objection to the permit and shall contain all of the following:

1. A description of the concerns involved that is sufficiently specific to allow the department to determine which provisions of this subchapter may be violated by the permit or contract.

2. A description of the facts supporting the objection that is sufficiently specific to determine how the objector believes the project as proposed may resolution a violation of the provisions of this subchapter.

3. A commitment by the person requesting the hearing to appear at the hearing and present evidence supporting the requester's objection.

(c) If the person requesting the hearing under par (a) seeks to have a stay of the permit or contract pending administrative review, the party seeking the stay shall request a stay and set forth the reasons why a stay is necessary to prevent irreversible harm to the environment.

(d) If a stay is requested under par (c) a stay shall be in effect until either the department denies the hearing request under par (f) or the hearing examiner determines that a stay is not warranted under sub (2)(b).

(e) A copy of any request for a hearing and stay shall be filed with the department. If the person seeking the hearing is not the permit or contract applicant, a copy of the request shall be simultaneously provided to the permit or contract applicant. The permit or contract applicant may file a response to the request within 15 days of the request.

(f) The department shall grant or deny the hearing within 30 days of the request. The department shall not grant the hearing if any of the following applies:

1. The request for a hearing does not comply with the requirements of par. (b).

2. The objection contained in the request is not a substantive written objection. The department shall determine that an objection is substantive if it determines that the supporting facts contained in the objection appear to be substantially true and raise reasonable doubts as to whether the provisions of this subchapter may be violated if the permit or contract is not modified or overturned.

(g) If the department does not deny the hearing under par. (c) the department shall refer the matter to the division of hearings and appeals within 15 days, unless the applicant for the permit or contract and any objecting party agree to a longer period of time.

(2) Conduct of the Administrative Hearing

(a) The administrative hearing shall be conducted as a contested case hearing in accordance with the procedures under ch 227 and this section.

(b) If a stay has been requested under sub (1)(c) the hearing examiner shall make a determination within 30 days of the referral under sub (1)(g) whether continuation of the stay is necessary to prevent irreversible harm to the environment pending completion of the administrative hearing. Such a determination shall be made without a hearing and shall be based on the request under sub (1)(c) any response from the permit or contract applicant under (1)(e) and any public hearing testimony and comments,

(c) Any hearing under this section shall be completed within 90 days of referral of the hearing request under sub (1)(g) unless all parties agree to a longer period of time. The hearing examiner may also grant a one time extension for completion of the hearing up to 60 days upon motion of any party and a showing of good cause demonstrating extraordinary circumstances that justify an extension.

(d) [Notice of hearing per current draft]

12. After Section 151, p. 60, INSERT L:

Section _____. Section 30.291 is created to read as follows:

Section 30.291. Permit Review Inspection Authority.

30.291

(1) For purposes of evaluating whether an exemption is appropriate under ss. 30.12(1g), 30.123(6m), 30.19(1r) or 30.20 (1g) or whether a general permit is appropriate under s. 30. 206(3)(ar), any employee or other representative of the department, upon presenting his or her credentials, may enter and inspect any property to investigate the site on which the proposed activity is to take place.

(2) Before entering and inspecting a property, the department shall make a request orally or in writing for consent from the proprietor to enter and inspect the property.

(3) If the proprietor grants consent for the entry on, and the inspection of, the property, the department, upon reasonable advance notice, may enter and inspect the property in compliance with the terms of the consent granted by the proprietor.

(4) If the proprietor refuses to grant consent for the entry on, or the inspection of, the property or if the proprietor's explanation or terms of consent are not acceptable to the department of natural resources the following remedies are available:

a. If the notification is for an exemption, then the 15 day time period for the department to object to any such exemption does not commence to run until consent is granted.

b. If the notification is for a general permit, then notwithstanding 30.206, the department can require an individual permit for the activity.

(5) Nothing in this section affects the authority granted to the department under any other section to gain entry to property where there is known or suspected violation of law.

13. Non-statutory section. The following non-statutory section shall be added:

Section _____. Non-statutory reporting requirement. The Department shall keep records of the number of exemptions and general permit notifications it receives under 30.12, 30.123, 30.19 and 30.20; the number of such exemptions for which it has required a general or individual permit; the number of such general permits for which it has required an individual permit. For each permit for which a decision to require a general or individual permit was made, the records shall include the type of permit, the date of the permit

application, the date of the decision and the county of the permit. Such records shall be made available to the public not less than annually.

Inserts to SB 313

12/14/03

1. After Section 10, p. 23 **INSERT A** as follows:

Section 30.01(5r) is created to read:

(5r) Repair of riprap means the placement of additional rock or redistribution of rock within the footprint of the existing structure.

Section 30.01(5s) is created to read:

(5s) Replacement of riprap means structural changes by which a section of the structure is being recreated requiring the replacement of filter fabric or base substrate.

2. After Section 22, p. 27; **INSERT B** as follows:

Section __. Section 30.12(1m) is created to read:

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(a) The Department may require that persons engaged in activities otherwise exempt under subsection (1g) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

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Section ____ 30.12(a)8. of the statutes is renumbered 30.12(1g)(i) and is amended to read:

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Section ____ 30.12(1g)(j) is created to read:

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4. After Section 32; p. 28 **INSERT D** as follows:

Section ____ 30.12(3)(a)13 is created to read:

30.12(3)(a)13. To place riprap on the bed or bank of a navigable water adjacent to the owner's property up to and including 100 continuous feet on inland lakes of 300 acres or more and up to and including 300 continuous feet on Great Lakes; and replacement riprap not exempt under subsection ____.

Section ____ 30.12(3)(a)14 is created to read:

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5. After Section 59, p. 34 ln 21 **INSERT E** as follows:

Section ____ Section 30.123 (6m) is created to read:

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✓ 1. Construct and maintain a clear-span bridge over navigable water that provides access to a principal structure as defined by rule by the department.

✓ 2. Construct or maintain a bridge that is supported only by culverts in a navigable water that is less than 35 feet wide.

3. Replace a culvert that is not covered under (6) in a navigable water that is less than 35 feet wide.

7. After Section 95; p. 41 add **INSERT G** as follows:

Section ____ . Section 30.19(1r) is created to read as follows:

30.19(1r) Notification and Review.

(a) The Department may require that persons engaged in activities otherwise exempt under subsection (1m)(g) and (h) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

(b) If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under par (a).

(c) Any determination to require a permit under par (a) shall be set forth in writing.

8. Section 119; p. 47, lines 12-17 are deleted and replaced with **INSERT H** as follows:

1. Remove the amount of material that is necessary to place or maintain a structure that is otherwise exempt under this subchapter.
2. Remove material by hand or hand-held devices without the use or aid of external or auxiliary power.

9. After Section 119, p.47 ln 17 add **INSERT I** as follows:

Section ____ . Section 30.20(1g)(d) is created to read as follows:

30.19(1g)(d) Notification and Review.

1. The Department may require that persons engaged in activities otherwise exempt under subsection (1g)(b) obtain a general or individual permit, if the Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.
2. If a person notifies the department in writing describing the proposed exempt activity and its location, the department shall have 15 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under subpar 1.
3. Any determination to require a permit under subpar^d 1. shall be set forth in writing.

10. After Section 136, p. 53 and new section is added by **INSERT J** as follows:

Section ____ . Section 30.206(3)(ar) is created to read as follows:

30.206(3)(ar) . Notification and Review:

1. The Department may require that a person that has applied for a general permit under paragraph (a) apply for and obtain an individual permit if either of the following occurs:
 - a. The Department has determined that the proposed activity is not authorized by the general permit; or

b. The Department has conducted an investigation and site visit and has determined that site specific conditions require restrictions on the activity in order to prevent significant adverse impacts to public rights and interests, environmental pollution or material injury to the riparian rights of any riparian owner.

2. If a person notifies the department in writing describing the proposed general permit activity and its location, the department shall have 30 days from receipt of such notification to notify such person of any requirement to obtain a general or individual permit under subpar 1.

3. Any determination to require an individual permit under subpar 1. shall be set forth in writing.

11. Section 148, p. 58, add **INSERT K** as follows:

(b) If the person requesting the hearing under par (a) is not the applicant for the permit or contract, the request shall describe the requester's objection to the permit and shall contain all of the following:

1. A description of the concerns involved that is sufficiently specific to allow the department to determine which provisions of this subchapter may be violated by the permit or contract.

2. A description of the facts supporting the objection that is sufficiently specific to determine how the objector believes the project as proposed may resolution a violation of the provisions of this subchapter.

3. A commitment by the person requesting the hearing to appear at the hearing and present evidence supporting the requester's objection.

(c) If the person requesting the hearing under par (a) seeks to have a stay of the permit or contract pending administrative review, the party seeking the stay shall request a stay and set forth the reasons why a stay is necessary to prevent irreversible harm to the environment.

(d) If a stay is requested under par (c) a stay shall be in effect until either the department denies the hearing request under par (f) or the hearing examiner determines that a stay is not warranted under sub (2)(b).

(e) A copy of any request for a hearing and stay shall be filed with the department. If the person seeking the hearing is not the permit or contract applicant, a copy of the request shall be simultaneously provided to the permit or contract applicant. The permit or contract applicant may file a response to the request within 15 days of the request.

(f) The department shall grant or deny the hearing within 30 days of the request. The department shall not grant the hearing if any of the following applies:

1. The request for a hearing does not comply with the requirements of par. (b).

2. The objection contained in the request is not a substantive written objection. The department shall determine that an objection is substantive if it determines that the supporting facts contained in the objection appear to be substantially true and raise reasonable doubts as to whether the provisions of this subchapter may be violated if the permit or contract is not modified or overturned.

(g) If the department does not deny the hearing under par. (c) the department shall refer the matter to the division of hearings and appeals within 15 days, unless the applicant for the permit or contract and any objecting party agree to a longer period of time.

(2) Conduct of the Administrative Hearing

(a) The administrative hearing shall be conducted as a contested case hearing in accordance with the procedures under ch 227 and this section.

(b) If a stay has been requested under sub (1)(c) the hearing examiner shall make a determination within 30 days of the referral under sub (1)(g) whether continuation of the stay is necessary to prevent irreversible harm to the environment pending completion of the administrative hearing. Such a determination shall be made without a hearing and shall be based on the request under sub (1)(c) any response from the permit or contract applicant under (1)(e) and any public hearing testimony and comments,

(c) Any hearing under this section shall be completed within 90 days of referral of the hearing request under sub (1)(g) unless all parties agree to a longer period of time. The hearing examiner may also grant a one time extension for completion of the hearing up to 60 days upon motion of any party and a showing of good cause demonstrating extraordinary circumstances that justify an extension.

(d) [Notice of hearing per current draft]

12. After Section 151, p. 60, **INSERT L:**

Section _____. Section 30.291 is created to read as follows:

Section 30.291. Permit Review Inspection Authority.

30.291

(1) For purposes of evaluating whether an exemption is appropriate under ss. 30.12(1g), 30.123(6m), 30.19(1r) or 30.20 (1g) or whether a general permit is appropriate under s. 30. 206(3)(ar), any employee or other representative of the department, upon presenting his or her credentials, may enter and inspect any property to investigate the site on which the proposed activity is to take place.

(2) Before entering and inspecting a property, the department shall make a request orally or in writing for consent from the proprietor to enter and inspect the property.

(3) If the proprietor grants consent for the entry on, and the inspection of, the property, the department, upon reasonable advance notice, may enter and inspect the property in compliance with the terms of the consent granted by the proprietor.

(4) If the proprietor refuses to grant consent for the entry on, or the inspection of, the property or if the proprietor's explanation or terms of consent are not acceptable to the department of natural resources the following remedies are available:

a. If the notification is for an exemption, then the 15 day time period for the department to object to any such exemption does not commence to run until consent is granted.

b. If the notification is for a general permit, then notwithstanding 30.206, the department can require an individual permit for the activity.

(5) Nothing in this section affects the authority granted to the department under any other section to gain entry to property where there is known or suspected violation of law.

13. Non-statutory section. The following non-statutory section shall be added:

Section ____ . Non-statutory reporting requirement. The Department shall keep records of the number of exemptions and general permit notifications it receives under 30.12, 30.123, 30.19 and 30.20; the number of such exemptions for which it has required a general or individual permit; the number of such general permits for which it has required an individual permit. For each permit for which a decision to require a general or individual permit was made, the records shall include the type of permit, the date of the permit

application, the date of the decision and the county of the permit. Such records shall be made available to the public not less than annually.

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

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

4 (b) A surface water identified by the department as an outstanding or
5 exceptional resource water under s. 281.15, *or as a ~~waterway~~ trout stream*

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

8 ~~SECTION 10.~~ 30.01 (1p) of the statutes is amended to read:

9 30.01 (1p) "Fishing raft" means any raft, float or structure, including a raft or
10 float with a superstructure and including a structure located or extending below or
11 beyond the ordinary high-water mark of a water, which is designed to be used or is
12 normally used for fishing, which is not normally used as a means of transportation
13 on water and which is normally retained in place by means of a permanent or
14 semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft"
15 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a
16 wharf or pier regulated under ~~s.~~ ss. 30.12 and 30.13.

INSERT
A >

17 SECTION 11. 30.01 (6b) of the statutes is repealed.

18 SECTION 12. 30.015 of the statutes is renumbered 30.208 (2) and amended to
19 read:

20 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR
21 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under
22 this chapter subchapter, the department shall initially determine whether a
23 complete application for the permit or contract has been submitted and, no later than
24 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about
25 the initial determination of completeness. If the department determines that the

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

13 SECTION 13. 30.02 of the statutes is repealed.

14 SECTION 14. 30.07 of the statutes is renumbered 30.2095, and 30.2095 (1) (a),
15 as renumbered, is amended to read:

16 30.2095 (1) (a) Except as provided in par. (b), every permit or contract issued
17 under ss. 30.01 to 30.29 for which a time limit is not provided by s. 30.20 (2) is void
18 unless the activity or project is completed within 3 years after the permit or contract
19 was issued.

20 SECTION 15. 30.10 (4) (a) of the statutes is amended to read:

21 30.10 (4) (a) This section does not impair the powers granted by law under s.
22 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,
23 arches, or culverts over streams.

24 SECTION 16. 30.11 (4) of the statutes is amended to read:

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1 30.11 (4) RIPARIAN RIGHTS PRESERVED. Establishment of a bulkhead line shall
2 not abridge the riparian rights of riparian ~~proprietors~~ owners. Riparian ~~proprietors~~
3 owners may place solid structures or fill up to such line.

4 SECTION 17. 30.12 (title) of the statutes is amended to read:

5 **30.12 (title) Structures and deposits in navigable waters ~~prohibited;~~**
6 **~~exceptions; penalty.~~**

7 SECTION 18. 30.12 (1) (intro.) of the statutes is renumbered 30.12 (1d) and
8 amended to read:

9 30.12 (1d) ~~GENERAL PROHIBITION PERMITS REQUIRED.~~ (intro.) ~~Except as provided~~
10 ~~under subs. (4) and (4m), unless a~~ Unless an individual or general permit has been
11 ~~granted by the department pursuant to statute or~~ issued under this section or
12 authorization has been granted by the legislature ~~has otherwise authorized~~
13 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~
14 the following:

15 SECTION 19. 30.12 (1) (a) of the statutes is renumbered 30.12 (1d) (a) and
16 amended to read:

17 30.12 (1d) (a) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon
18 the bed of any navigable water where no bulkhead line has been established; ~~or,~~

19 SECTION 20. 30.12 (1) (b) of the statutes is renumbered 30.12 (1d) (b) and
20 amended to read:

21 30.12 (1d) (b) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon
22 the bed of any navigable water beyond a lawfully established bulkhead line.

23 SECTION 21. 30.12 (1b) of the statutes is created to read:

24 30.12 (1b) DEFINITION. In this section, "structure" includes a vessel for
25 commercial storage and its anchoring device.

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1 SECTION 22. 30.12 (1g) (intro.), (a), (b) and (e) to (j) of the statutes are created
2 to read:

3 30.12 (1g) EXEMPTIONS. (intro.) A riparian owner is exempt from the permit
4 requirements under this section for the placement of a structure or the deposit of
5 material if the structure or material is located in an area other than an area of special
6 natural resource interest, does not interfere with the rights of other riparian owners,
7 and is any of the following:

8 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards ^{that is associated} ~~in any~~
9 ~~5-year period.~~ *with any activity exempt from individual or general permits under this subchapter.*

10 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis
11 *in accordance with rules promulgated by the department.*
~~and that is less than 200 square feet in size and less than 38 inches in height.~~

12 (e) A boat shelter, boat hoist, or boat lift that is placed on a seasonal basis
13 adjacent to the riparian owner's pier or wharf or to the shoreline on the riparian
14 owner's property, *in accordance with rules promulgated by the department.*

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

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

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

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

3 (g) ~~(f)~~ Riprap in an amount not to exceed 300 linear feet ^{to repair} and if the riprap is located
4 within an area where riprap has been previously placed, *or in an amount not to exceed*
5 *100 linear feet to replace riprap previously placed.*

INSERT
B →

SECTION 23. 30.12 (2) of the statutes is repealed.

SECTION 24. 30.12 (3) (title) of the statutes is repealed and recreated to read:

30.12 (3) (title) GENERAL PERMITS.

SECTION 25. 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to read:

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

SECTION 26. 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and amended to read:

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

SECTION 27. 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and amended to read:

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

SECTION 28. 30.12 (3) (a) 6. of the statutes is amended to read:

30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property for the purpose of storing or protecting watercraft and associated materials, except that no general permit may be granted issued for a permanent boat shelter which is

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1 constructed after May 3, 1988, if the property on which the permanent boat shelter
2 is to be located also contains a boathouse within 75 feet of the ordinary high-water
3 mark or if there is a boathouse over navigable waters adjacent to the owner's
4 property.

INSERT
C

(1j)(k)
5 SECTION 29. 30.12 (3)(a) 9. of the statutes is created to read:

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

(1j)(k)
9 SECTION 30. 30.12 (3)(a) 10. of the statutes is created to read:

10 30.12 (3)(a) 10. Place a pier to replace a pier that has been in existence at least
11 10 years before the effective date of this subdivision ... [revisor inserts date], does
12 not exceed 10 feet in width, and does not exceed 500 square feet in area. *

~~SECTION 31. 30.12 (3) (a) 11. of the statutes is created to read:~~

14 ~~30.12 (3) (a) 11. Place a pier that does not exceed 500 square feet in area in a~~
15 ~~lake that is 500 acres or more in area.~~

~~SECTION 32. 30.12 (3) (a) 12. of the statutes is created to read:~~

17 ~~30.12 (3) (a) 12. Place a vessel for commercial storage on Lake Michigan or Lake~~
18 ~~Superior or in any tributary of Lake Michigan or Lake Superior that is determined~~
19 ~~to be navigable by the federal government.~~

INSERT
D

20 SECTION 33. 30.12 (3) (b) of the statutes is repealed.

21 SECTION 34. 30.12 (3) (bn) of the statutes is repealed.

22 SECTION 35. 30.12 (3) (br) of the statutes is created to read:

23 30.12 (3) (br) The department may promulgate rules that specify structures or
24 deposits, in addition to those listed in par. (a), that may be authorized by statewide
25 general permits.

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1 **SECTION 36.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
2 and amended to read:

3 **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
4 owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~
5 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River
6 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the
7 ordinary high-water mark, if the following conditions apply:

8 **SECTION 37.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
9 to (9).

10 **SECTION 38.** 30.12 (3) (bv) of the statutes is created to read:

11 30.12 (3) (bv) Notwithstanding s. 30.07 (1), the department shall issue the first
12 statewide general permit issued under par. (a) 12. for an initial term of not less than
13 5 years and nor more than 10 years and shall renew the permit for terms of not less
14 than 5 years nor more than 10 years.

15 **SECTION 39.** 30.12 (3) (c) of the statutes is amended to read:

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

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1 imposed on general permits issued to regulate the architectural features of boat
2 shelters that are under the jurisdiction of the municipality.

3 SECTION 40. 30.12 (3) (d) of the statutes is repealed.

4 SECTION 41. 30.12 (3m) of the statutes is created to read:

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

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

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

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

18 SECTION 42. 30.12 (4) (title) of the statutes is repealed.

19 SECTION 43. 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
20 amended to read:

21 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
22 that are carried out under the direction and supervision of the department of
23 transportation in connection with highway, bridge, or other transportation project
24 design, location, construction, reconstruction, maintenance, and repair are not
25 subject to the prohibitions or permit or approval requirements specified under this

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

6 **SECTION 44.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
7 amended to read:

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

12 **SECTION 45.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
13 amended to read:

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

23 **SECTION 46.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

24 **SECTION 47.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
25 amended to read:

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SECTION 47

1 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
2 or hearing is required in connection with any interdepartmental consultation and
3 cooperation under this ~~subsection~~ section.

4 **SECTION 48.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
5 to read:

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

8 **SECTION 49.** 30.12 (4m) (title) of the statutes is repealed.

9 **SECTION 50.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
10 (1m) (c) (intro.), as renumbered, is amended to read:

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

15 **SECTION 51.** 30.12 (5) of the statutes is repealed.

16 **SECTION 52.** 30.121 (3w) of the statutes is created to read:

17 30.121 (3w) EXCEPTION; COMMERCIAL BOATHOUSES. Notwithstanding subs. (2)
18 and (3), a person may construct, repair, or maintain a boathouse if all of the following
19 apply:

20 (a) The boathouse is used exclusively for commercial purposes ~~and does not~~
21 ~~contain any living quarters.~~

22 (b) The boathouse is located on land zoned exclusively for commercial or
23 industrial purposes or the boathouse is located on a brownfield, as defined in s.
24 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

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

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

7 SECTION 53. 30.123 (title) of the statutes is repealed and recreated to read:

8 **30.123 (title) Bridges and culverts.**

9 SECTION 54. 30.123 (1) of the statutes is renumbered 30.1235 and amended to
10 read:

11 **30.1235 Municipal bridge construction.** Municipalities which construct or
12 reconstruct highway bridges shall not be required to obtain permits under this
13 section or s. 30.10 or s. 30.12 or 30.123 for such that construction or reconstruction.

14 All municipal highway bridges shall be constructed or reconstructed in accordance
15 with standards developed under s. 84.01 (23).

16 SECTION 55. 30.123 (2) of the statutes is amended to read:

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

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1 ~~evidence of permission to construct the bridge from the riparian owners and any~~
2 ~~other information required by the department.~~

3 SECTION 56. 30.123 (3) of the statutes is repealed.

4 SECTION 57. 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
5 amended to read:

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

13 SECTION 58. 30.123 (5) of the statutes is repealed.

14 SECTION 59. 30.123 (6) of the statutes is created to read:

15 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

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

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

20 (c) *replacement of culverts ~~under the terms of an act that were subject to a permit~~*
under the same terms and conditions or the replacement of culverts that have an inside
that does not exceed 48 inches and that are part of private roads or private driveways,
diameter of 24 inches or less.

21
22 SECTION 60. 30.123 (7) of the statutes is created to read:

23 30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general
24 permits under s. 30.206 that authorize any person to do all of the following:

INSERT
E

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INSERT F →

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

3 ~~2. Construct and maintain a culvert that has an inside diameter that does not~~
4 ~~exceed 60 inches.~~

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

8 SECTION 61. 30.123 (8) of the statutes is created to read:

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

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

16 SECTION 62. 30.13 (1) of the statutes is repealed.

17 SECTION 63. 30.13 (1m) (intro.) of the statutes is amended to read:

18 30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN
19 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in
20 a navigable waterway for swimming and diving purposes without obtaining a permit
21 under s. 30.12 if all of the following conditions are met:

22 SECTION 64. 30.13 (1m) (b) of the statutes is amended to read:

23 30.13 (1m) (b) The swimming raft does not interfere with rights of other
24 riparian ~~proprietors~~ owners.

25 ~~SECTION 65. 30.13 (2) of the statutes is repealed.~~

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1 SECTION 66. 30.13 (4) (a) of the statutes is amended to read:

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

7 SECTION 67. 30.13 (4) (b) of the statutes is amended to read:

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

13 ~~SECTION 68. 30.13 (4) (d) of the statutes is repealed.~~

14 SECTION 69. 30.131 (1) (intro.) of the statutes is amended to read:

15 30.131 (1) (intro.) Notwithstanding s. 30.133, a wharf or pier of the type which
16 does not require a permit under ss. 30.12 (1) (1d) and 30.13 that abuts riparian land
17 and that is placed in a navigable water by a person other than the owner of the
18 riparian land may not be considered to be an unlawful structure on the grounds that
19 it is not placed and maintained by the owner if all of the following requirements are
20 met:

21 SECTION 70. 30.135 (1) (title) of the statutes is repealed.

22 SECTION 71. 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
23 (intro.) and amended to read:

24 30.135 (1) (intro.) A riparian ~~proprietor may place~~ owner placing a water ski
25 platform or water ski jump in a navigable waterway ~~without obtaining a~~ is exempt

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1 from the permit requirements under this chapter if all of the following requirements
2 are met:

3 **SECTION 72.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

4 **SECTION 73.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
5 amended to read:

6 30.135 (1) (b) The platform or jump does not interfere with rights of other
7 riparian ~~proprietors~~ owners.

8 **SECTION 74.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

9 **SECTION 75.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
10 amended to read:

11 30.135 (2) If the department determines that any of the requirements under
12 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application
13 for an individual permit to the department. The notice and hearing provisions under
14 s. 30.208 (3) to (5) apply to the application.

15 **SECTION 76.** 30.135 (2), (3) and (4) of the statutes are repealed.

16 **SECTION 77.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

17 30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in
18 this state without ~~a~~ an individual permit under this section if the diversion meets
19 either of the following conditions:

20 **SECTION 78.** 30.18 (2) (b) of the statutes is amended to read:

21 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain
22 an approval under s. 281.41, may divert water from any lake or stream in this state
23 without ~~a~~ individual permit under this section if the diversion will result in a water
24 loss averaging 2,000,000 gallons per day in any 30-day period above the person's
25 authorized base level of water loss.

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1 **SECTION 79.** 30.18 (4) (a) of the statutes is amended to read:

2 30.18 (4) (a) Upon receipt of a complete application, the department shall
3 follow the notice and hearing procedures under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5).
4 In addition to ~~the notice requirements~~ providing notice as required under s. ~~30.02 (3)~~
5 ~~and (4)~~ 30.208 (3) to (5), the department shall mail a copy of the notice to every person
6 upon whose land any part of the canal or any other structure will be located, to the
7 clerk of the next town downstream, to the clerk of any village or city in which the lake
8 or stream is located and which is adjacent to any municipality in which the diversion
9 will take place and to each person specified in s. 281.35 (5) (b) or (6) (f), if applicable.

10 **SECTION 80.** 30.18 (6) (b) of the statutes is amended to read:

11 30.18 (6) (b) *Use of water.* A person issued a permit under this section for the
12 purpose of irrigation or agriculture may use the water on any land contiguous to the
13 permittee's riparian land, but may not withdraw more water than it did before
14 August 1, 1957, without applying to the department for a modification of the permit.

15 **SECTION 81.** 30.18 (9) of the statutes is repealed.

16 **SECTION 82.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
17 and amended to read:

18 30.19 (1g) PERMITS REQUIRED. (intro.) Unless ~~a~~ an individual or general permit
19 has been ~~granted by the department~~ issued under this section or authorization has
20 been granted by the legislature, ~~it is unlawful~~ no person may do any of the following:

21 **SECTION 83.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
22 amended to read:

23 30.19 (1g) (a) ~~To construct~~ Construct, dredge, or enlarge any artificial
24 ~~waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the~~

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1 ~~purpose is ultimate connection with an existing navigable stream, lake or other~~
2 ~~navigable waters, or where~~ water body that connects with a navigable waterway.

3 ² ~~(am) Construct, dredge, or enlarge any part of the~~ an artificial waterway water
4 body that is located within 500 feet of the ordinary high-water mark of an existing
5 ~~navigable stream, lake or other navigable waters~~ waterway.

6 SECTION 84. 30.19 (1) (b) of the statutes is repealed.

7 SECTION 85. 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
8 amended to read:

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

12 SECTION 86. 30.19 (1b) of the statutes is created to read:

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

16 SECTION 87. 30.19 (1m) (intro.) of the statutes is amended to read:

17 30.19 (1m) ~~EXCEPTION EXEMPTIONS.~~ (intro.) ~~Subsection (1) does not apply to A~~
18 person is exempt from the permit requirements under this section for any of the
19 following:

20 SECTION 88. 30.19 (1m) (a) of the statutes is amended to read:

21 30.19 (1m) (a) The construction ~~and or~~ repair of any public highways highway.

22 SECTION 89. 30.19 (1m) (b) of the statutes is amended to read:

23 30.19 (1m) (b) Any agricultural ~~uses~~ use of land.

24 SECTION 90. 30.19 (1m) (c) of the statutes is amended to read:

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

3 **SECTION 91.** 30.19 (1m) (cm) of the statutes is created to read:

4 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
5 Superior that is located within a county having a population of 750,000 or more.

6 **SECTION 92.** 30.19 (1m) (d) of the statutes is amended to read:

7 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
8 streams, Lake Michigan or Lake Superior stream that is located within any a county
9 having a population of 750,000 or more.

10 **SECTION 93.** 30.19 (1m) (e) of the statutes is amended to read:

11 30.19 (1m) (e) Any work required to maintain the original dimensions of an
12 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
13 permit or legislative authorization under sub. ~~(1) (a) or (b)~~ (1g) (a) or (am).

14 **SECTION 94.** 30.19 (1m) (g) of the statutes is created to read:

15 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial
16 water body that is within 500 feet of the ordinary high-water mark of a navigable
17 waterway, if the artificial water body does not have a surface connection to any
18 navigable waterway other than an overflow device and if the construction, dredging,
19 or enlargement is authorized by a storm water discharge permit approved by the
20 department under ch. 283 or a facility plan approved or authorized by the
21 department under s. 281.41.

22 **SECTION 95.** 30.19 (1m) (h) of the statutes is created to read:

23 30.19 (1m) (h) Grading or removal of topsoil from the bank of a navigable
24 waterway that is not located in an area of special natural resource interest and where

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1 the area exposed by the grading or removal will exceed 10,000 square feet, if any of
2 the following applies:

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

5 2. The grading or removal is authorized under an ordinance under s. 59.692,
6 61.351, or 62.231.

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

INSECT
9

9 **SECTION 96.** 30.19 (2) of the statutes is repealed.

10 **SECTION 97.** 30.19 (3) of the statutes is repealed.

11 **SECTION 98.** 30.19 (3r) of the statutes is created to read:

12 30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general
13 permits under s. 30.206 that authorize persons to do all of the following:

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

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

22 3. Engage in an activity specified in sub. (1g) (c) that is not exempt under sub.
23 (1m) (h) if the area exposed by the grading or removal will exceed 10,000 square feet.

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SECTION 98

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

4 SECTION 99. 30.19 (4) (title) of the statutes is amended to read:

5 30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

6 SECTION 100. 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
7 amended to read:

8 30.19 (4) (c) (intro.) ~~If the~~ The department finds that the project will not injure
9 ~~public rights or interest, including fish and game habitat, that the project shall issue~~
10 an individual permit pursuant to an application under par. (a) if the department
11 finds that all of the following apply:

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

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

17 4. No material injury will result to the ^{riparian} rights of any riparian owners on any
18 body of water affected will result, the department shall issue a permit authorizing
19 the enlargement of the affected waterways of real property that abuts any water body
20 that is affected by the activity.

21 SECTION 101. 30.19 (4) (a) of the statutes is created to read:

22 30.19 (4) (a) For activities that are not exempt under sub. (1m) and that are
23 not subject to a general permit under sub. (3r), a person may apply to the department
24 for an individual permit in order to engage in an activity for which a permit is
25 required under sub. (1g).

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1 SECTION 102. 30.19 (4) (b) of the statutes is created to read:

2 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
3 an application under par. (a).

4 SECTION 103. 30.19 (4) (c) 1. of the statutes is created to read:

5 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

6 SECTION 104. 30.19 (5) of the statutes is amended to read:

7 30.19 (5) ~~CONDITIONS OF PERMIT REQUIREMENT FOR PUBLIC ACCESS. The A permit~~
8 issued under this section to construct an artificial water body and to connect it to a
9 navigable waterway shall provide that all require that the artificial waterways
10 constructed under this section which are connected to navigable waterways shall be
11 water body be a public waterways. The department may impose such further
12 conditions in the permit as it finds reasonably necessary to protect public health,
13 safety, welfare, rights and interest and to protect private rights and property
14 waterway.

15 SECTION 105. 30.195 (1) of the statutes is amended to read:

16 30.195 (1) PERMIT REQUIRED. No Unless a permit has been issued under this
17 section or authorization has been granted by the legislature, no person may change
18 the course of or straighten a navigable stream without a permit issued under this
19 section or without otherwise being expressly authorized by statute to do so.

20 ~~SECTION 106. 30.195 (1m) of the statutes is created to read:~~

21 ~~30.195 (1m) GENERAL PERMITS. (a) The department shall issue statewide~~
22 ~~general permits under s. 30.206 that authorize riparian owners to change the course~~
23 ~~of or straighten a navigable stream under the following circumstances:~~

24 ~~1. The change or straightening involves a relocation of less than a total of 500~~
25 ~~feet in stream length.~~

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SECTION 106

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

3 ~~(b) The department may promulgate rules that specify other circumstances, in~~
4 ~~addition to those listed in par. (a), that may be authorized by statewide general~~
5 ~~permits.~~

6 SECTION 107. 30.195 (2) of the statutes is repealed and recreated to read:

7 30.195 (2) INDIVIDUAL PERMITS. (a) ~~For activities that are not subject to a~~
8 ~~general permit under sub. (1m),~~ a riparian owner may apply to the department for
9 an individual permit in order to engage in activities for which a permit is required
10 under sub. (1).

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

13 SECTION 108. 30.195 (3) (title) of the statutes is repealed.

14 SECTION 109. 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
15 amended to read:

16 30.195 (2) (c) ~~Upon application therefor, the~~ The department shall grant a
17 issue an individual permit to the applicant for under this section to a riparian owner
18 if the department determines that all of the following apply:

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

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

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

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

11 SECTION 110. 30.195 (4) of the statutes is repealed.

12 SECTION 111. 30.195 (7) of the statutes is repealed.

13 SECTION 112. 30.196 (intro.) of the statutes is amended to read:

14 **30.196 Enclosure of navigable waters; issuance of permits to**
15 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
16 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
17 or similar structure if the department grants the municipality ~~a~~ an individual
18 permit. The department may grant this permit to a municipality after following the
19 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds
20 that granting the permit:

21 SECTION 113. 30.20 (1) (title) of the statutes is repealed and recreated to read:

22 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

23 SECTION 114. 30.20 (1) (a) of the statutes is amended to read:

24 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department
25 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no

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SECTION 114

1 person may remove any material from the bed of any a natural navigable lake or from
2 the bed of any outlying waters ~~of this state without first obtaining a contract as~~
3 ~~provided in sub. (2).~~

4 SECTION 115. 30.20 (1) (b) of the statutes is amended to read:

5 30.20 (1) (b) ~~Except as provided under pars. (c) and (d),~~ Unless an individual
6 or general permit has been issued by the department under this section or
7 authorization has been granted by the legislature, no person may remove any
8 material from the bed of any lake or navigable stream that is not mentioned
9 described under par. (a) ~~without first obtaining a permit from the department under~~
10 ~~sub. (2) (e).~~

11 SECTION 116. 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
12 30.20 (1g) (a) 1. and amended to read:

13 30.20 (1g) (a) 1. ~~Except as provided under subd. 2.,~~ a person may remove A
14 removal of material from the bed of a farm drainage ditch which was not a navigable
15 stream before ditching. ~~2. The department may require a permit under sub. (2) (e)~~
16 ~~for a removal under subd. 1. only if it is exempt from the individual and general~~
17 permit requirements under this section unless the department finds that the
18 proposed removal may have a long-term adverse effect on cold-water fishery
19 resources or may destroy fish spawning beds or nursery areas.

20 SECTION 117. 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 SECTION 118. 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
22 amended to read:

23 30.20 (1g) (c) ~~The~~ A removal of material by the drainage board for the Duck
24 Creek Drainage District may, without a permit under sub. (2) (e), remove material
25 from a drain that the board operates in the Duck Creek Drainage District is exempt

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1 from the individual and general permit requirements under this section if the
2 removal is required, under rules promulgated by the department of agriculture,
3 trade and consumer protection, in order to conform the drain to specifications
4 imposed by the department of agriculture, trade and consumer protection after
5 consulting with the department of natural resources.

6 SECTION 119. 30.20 (1g) (title) and (b) of the statutes are created to read:

7 30.20 (1g) (title) EXEMPTIONS.

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

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H

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

INSERT
I

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

17 SECTION 120. 30.20 (1r) of the statutes is created to read:

18 30.20 (1r) GENERAL PERMITS. (a) The department shall issue statewide general
19 permits under s. 30.206 that authorize any person ~~to do all of the following:~~

20 ~~1. Remove material from an area from which material has been previously~~
21 ~~removed,~~ ^{and.} the removal is for maintenance purposes, and the material to be removed
22 ~~is 1,000 or more cubic yards.~~

23 ~~2. Remove material from an area from which no material has been previously~~
24 ~~removed and the material to be removed is 100 or more cubic yards but less than~~
25 ~~1,000 cubic yards.~~

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SECTION 120

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

INSCRIBED

SECTION 121. 30.20 (2) (title) of the statutes is amended to read:

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

SECTION 122. 30.20 (2) (a) and (b) of the statutes are amended to read:

30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any material from the bed of any navigable lake or of any of the outlying waters, and ~~for the lease or sale of the material.~~ Every if the contract is consistent with public rights. A person seeking to enter into such a contract shall apply to the department. Each contract entered into under this paragraph shall contain such any conditions as ~~may be~~ that the department determines are necessary for the protection of the public interest and the interests of the state ~~and.~~ Each contract entered into under this paragraph shall also fix the amount of compensation to be paid to the state for the material so to be removed, except that no the contract may not require that any compensation may be paid for the material if the contract is with a municipality as defined in s. 281.01 (6) and the material is to be used for a municipal purpose and not for resale. No if the material will not be resold. Each contract entered into under

this paragraph may not run for ~~a longer period~~ more than 5 years, *and may be extended for one additional 5 year period of the same terms and conditions upon the application to the department.*

(b) The department, ~~whenever consistent with public rights,~~ may enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any mineral, ore ~~and,~~ or other material from beneath the bed of a navigable lakes and waters, ~~where the waters would~~ water that the state may own if the contract will be consistent with public rights and if the navigable water will not be disturbed in the

SENATE BILL 313

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

15 SECTION 123. 30.20 (2) (bn) of the statutes is created to read:

16 30.20 (2) (bn) For a removal that is not exempt under sub. (1g) and that is not
17 subject to a general permit under sub. (1r), a person may apply to the department
18 for an individual permit that is required under sub. (1) (b) in order to remove material
19 from the bed of any lake or stream not described under sub. (1) (a).

20 SECTION 124. 30.20 (2) (c) of the statutes is amended to read:

21 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~
22 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department
23 shall issue an individual permit pursuant to an application under par. (bn) if the
24 department finds that the issuance of such a the permit will be consistent with the
25 public interest in the water involved. A permit or contract issued under this

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SECTION 124

Permit

1 paragraph may be issued for up to 10 years if the applicant notifies the department
2 at least 30 days before removing any material lake or stream, ~~and extend the permit~~

3 SECTION 125. 30.20 (2) (d) of the statutes is created to read:

4 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
5 at least 30 days before the proposed date of the removal, the department may issue
6 the permit for a period of up to 10 years, *and may extend the permit for one additional*
10 year period upon application to the department.

7 SECTION 126. 30.20 (2) (e) of the statutes is created to read:

8 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
9 an application for a permit or contract under this subsection.

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10 SECTION 127. 30.201 of the statutes is created to read:

11 **30.201 Financial assurance for nonmetallic mining.** (1) If the
12 department requires that financial assurance be provided as a condition for a permit
13 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining
14 and reclamation, the financial assurance may be a bond or alternative financial
15 assurance. An alternative financial assurance may include cash or any of the
16 following:

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

25 SECTION 128. 30.2022 (title) of the statutes is created to read:

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1 **30.2022** (title) **Activities of department of transportation.**

2 **SECTION 129.** 30.2026 (2) (d) of the statutes is amended to read:

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

6 **SECTION 130.** 30.2026 (3) (a) of the statutes is amended to read:

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

17 **SECTION 131.** 30.206 (1) (title) of the statutes is created to read:

18 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

19 **SECTION 132.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
20 amended to read:

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

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as a rule, in accordance with rulemaking procedures under ch. 227.

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

9 ~~(b) Before issuing general permits, the department shall determine provide,~~
 10 ~~after an environmental analysis and, notice and hearing under ss. 227.17 and~~
 11 ~~227.18, that.~~

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

18 SECTION 133. 30.206 (1) (c) 1. to 3. of the statutes are created to read:

19 30.206 (1) (c) 1. Construction and design requirements that are consistent with
 20 the purpose of the activity authorized under the permit.

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

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

25 SECTION 134. 30.206 (2) of the statutes is repealed.

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1 SECTION 135. 30.206 (3) (title) of the statutes is created to read:

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

4 SECTION 136. 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
5 amended to read:

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

15 SECTION 137. 30.206 (3) (c) of the statutes is created to read:

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

20 SECTION 138. 30.206 (3m) of the statutes is repealed.

21 SECTION 139. 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
22 amended to read:

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

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

8 SECTION 140. 30.206 (5) (title) of the statutes is created to read:

9 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

10 SECTION 141. 30.206 (6) of the statutes is amended to read:

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

15 SECTION 142. 30.206 (7) of the statutes is amended to read:

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

19 SECTION 143. 30.207 (1) of the statutes is amended to read:

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

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1 County that includes the town of Mukwa, city of New London, town of Caledonia,
2 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
3 in the town of Weyauwega.

4 SECTION 144. 30.207 (3) (d) 2. of the statutes is amended to read:

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

8 SECTION 145. 30.207 (4) (b) of the statutes is repealed.

9 SECTION 146. 30.207 (5) of the statutes is repealed.

10 SECTION 147. 30.208 of the statutes is created to read:

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

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

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

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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.

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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:

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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 148. 30.209 of the statutes is created to read:

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

7 ADMINISTRATIVE REVIEW. (a) An applicant for or holder of an individual permit, ~~or 5~~
8 *any person meeting the requirements in par (b)* or ~~more persons~~, may file a petition for administrative review of any of the following
9 decisions given by the department: *within 30 days of the*

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.

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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 ~~(d)(e)~~ 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).

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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 (3) (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., *or of the decision of the hearing examiner*
following a hearing under sub (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 149. 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 150. 30.29 (3) (d) of the statutes is amended to read:

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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.

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6 → SECTION 151. 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 152. 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 153. 66.0628 of the statutes is created to read:

16 **66.0628 Fees imposed by a political subdivision.** (1) In this section,
17 "political subdivision" means a city, village, town, or county.

18 (2) Any fee that is imposed by a political subdivision shall bear a reasonable
19 relationship to the service for which the fee is imposed.

20 (3) With regard to a fee that is first imposed, or an existing fee that is increased,
21 on or after the effective date of this subsection [revisor inserts date], a political
22 subdivision shall issue written findings that demonstrate that the fee meets the
23 standard in sub. (2).

24 SECTION 154. 66.1001 (2) (e) of the statutes is amended to read: