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Now

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

REGEN.

1 AN ACT *to repeal* 30.01 (6b), 30.02, 30.12 (2), 30.12 (3) (a) 3., 30.12 (3) (b), 30.12
2 (3) (bn), 30.12 (3) (d), 30.12 (4) (title), 30.12 (4m) (title), 30.12 (5), 30.123 (3),
3 30.123 (5), 30.135 (1) (title), 30.135 (2), (3) and (4), 30.18 (9), 30.19 (1) (b), 30.19
4 (2), 30.19 (3), 30.195 (3) (title), 30.195 (4), 30.195 (7), 30.206 (2), 30.206 (3m),
5 30.207 (4) (b), 30.207 (5) and 30.28 (3) (b); *to renumber* 30.12 (3) (bt) 1. to 9.,
6 30.12 (4) (d), 30.135 (1) (a) 1., 30.135 (1) (a) 3., 30.20 (1) (c) 3. and 30.28 (3) (a);
7 *to renumber and amend* 30.015, 30.07, 30.12 (3) (a) 2., 30.12 (3) (a) 2m., 30.12
8 (3) (a) 7., 30.12 (3) (a) 8., 30.12 (3) (bt) (intro.), 30.12 (4) (a), 30.12 (4) (b), 30.12
9 (4) (c), 30.12 (4) (e), 30.12 (4) (f), 30.12 (4m), 30.123 (1), 30.123 (4), 30.135 (1) (a)
10 (intro.), 30.135 (1) (a) 2., 30.135 (1) (b), 30.19 (1) (intro.), 30.19 (1) (a), 30.19 (1)
11 (c), 30.19 (4), 30.195 (3), 30.20 (1) (d), 30.206 (1), 30.206 (3) and 30.206 (4); *to*
12 *consolidate, renumber and amend* 30.20 (1) (c) 1. and 2.; *to amend* 29.601
13 (5) (a), 30.01 (1p), 30.025 (1b) (b), 30.025 (1e) (a), 30.025 (1m) (a), 30.025 (2g) (a),
14 30.025 (3) (intro.), 30.025 (4), 30.10 (4) (a), 30.11 (4), 30.12 (title), 30.12 (1)
15 (intro.), 30.12 (1) (a), 30.12 (1) (b), 30.12 (3) (a) 6., 30.12 (3) (c), 30.123 (2), 30.13

1 (1m) (intro.), 30.13 (1m) (b), 30.13 (4) (a), 30.13 (4) (b), 30.18 (2) (a) (intro.), 30.18
2 (2) (b), 30.18 (4) (a), 30.18 (6) (b), 30.19 (1m) (intro.), 30.19 (1m) (a), 30.19 (1m)
3 (b), 30.19 (1m) (c), 30.19 (1m) (d), 30.19 (1m) (e), 30.19 (4) (title), 30.19 (5),
4 30.195 (1), 30.196 (intro.), 30.20 (1) (a), 30.20 (1) (b), 30.20 (2) (title), 30.20 (2)
5 (a) and (b), 30.20 (2) (c), 30.2026 (2) (d), 30.2026 (3) (a), 30.206 (6), 30.206 (7),
6 30.207 (1), 30.207 (3) (d) 2., 30.29 (3) (d), 30.298 (3), 31.39 (2m) (c), 84.18 (6),
7 236.16 (3) (d) (intro.), 281.22 (2) (c) and 299.05 (2) (a); **to repeal and recreate**
8 30.12 (3) (title), 30.12 (3) (a) (intro.), 30.123 (title), 30.195 (2) and 30.20 (1)
9 (title); and **to create** 30.01 (1am), 30.025 (5), 30.12 (1g) (intro.), (a), (b), (e), (f),
10 (i), (j), (k), (km) and (L), 30.12 (2m), 30.12 (3) (a) 3c., 30.12 (3) (a) 3g., 30.12 (3)
11 (a) 3r., 30.12 (3) (a) 13., 30.12 (3) (br), 30.12 (3m), 30.121 (3w), 30.123 (6), 30.123
12 (6m), 30.123 (7), 30.123 (8), 30.19 (1b), 30.19 (1m) (cm), 30.19 (1m) (g), 30.19
13 (1m) (h), 30.19 (1r), 30.19 (3r), 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.20
14 (1g) (title) and (b), 30.20 (1m), 30.20 (1r), 30.20 (2) (bn), 30.20 (2) (d), 30.20 (2)
15 (e), 30.201, 30.2022 (title), 30.206 (1) (title), 30.206 (1) (c) 1. to 3., 30.206 (3)
16 (title), 30.206 (3) (c), 30.206 (3r), 30.206 (5) (title), 30.208, 30.209, 30.285 and
17 30.291 of the statutes; **relating to:** structures, deposits, and other activities in
18 or near navigable waters; notice, hearing, and review procedures related to
19 permits to place structures and materials and to conduct activities in or near
20 navigable waters; and granting rule-making authority.

This bill is prepared as a base for a substitute amendment. No analysis will be provided.

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

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

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

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

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

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

10 (b) A surface water identified as a trout stream by the department.

11 (bm) A surface water identified as an outstanding or exceptional resource
12 water under s. 281.15.

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

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

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

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

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

3 **30.208 (2)** ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR
4 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under
5 this ~~chapter~~ subchapter, the department shall initially determine whether a
6 complete application for the permit or contract has been submitted and, no later than
7 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about
8 the initial determination of completeness. If the department determines that the
9 application is incomplete, the notice shall state the reason for the determination and
10 the specific items of information necessary to make the application complete. An
11 applicant may supplement and resubmit an application that the department has
12 determined to be incomplete. There is no limit on the number of times that an
13 applicant may resubmit an application that the department has determined to be
14 incomplete under this section. The department may not demand items of
15 information that are not specified in the notice as a condition for determining
16 whether the application is complete unless both the department and the applicant
17 agree or unless the applicant makes material additions or alterations to the activity
18 or project for which the application has been submitted. The rules promulgated
19 under s. 299.05 apply only to applications for individual permits or contracts under
20 this subchapter that the department has determined to be complete.

21 **SECTION 6.** 30.02 of the statutes, as affected by 2003 Wisconsin Act 89, is
22 repealed.

23 **SECTION 7.** 30.025 (1b) (b) of the statutes, as created by 2003 Wisconsin Act 89,
24 is amended to read:

1 30.025 (1b) (b) “Permit” means ~~a~~ an individual permit or a general permit,
2 an approval required under this chapter or ch. 31, a storm water discharge permit
3 required under s. 283.33 (1) (a), or a water quality certification required under s.
4 281.36 or under rules promulgated under subch. II of ch. 281 to implement 33 USC
5 1341 (a).

6 **SECTION 8.** 30.025 (1e) (a) of the statutes, as created by 2003 Wisconsin Act 89,
7 is amended to read:

8 30.025 (1e) (a) Except as provided in par. (b), this section applies to a proposal
9 to construct a utility facility if the utility facility is required to obtain, or give
10 notification of the wish to proceed under, one or more permits.

11 **SECTION 9.** 30.025 (1m) (a) of the statutes, as created by 2003 Wisconsin Act
12 89, is amended to read:

13 30.025 (1m) (a) The permits that the person may be required to obtain and the
14 permits under which the person must give notification of the wish to proceed.

15 **SECTION 10.** 30.025 (2g) (a) of the statutes, as created by 2003 Wisconsin Act
16 89, is amended to read:

17 30.025 (2g) (a) The department shall review every proposed utility facility
18 subject to this section, including each location, site, or route proposed for the utility
19 facility, to assess whether each proposed location, site, or route can meet the criteria
20 for proceeding under the authority of or obtaining the required permits, and shall
21 provide that information to the commission.

22 **SECTION 11.** 30.025 (3) (intro.) of the statutes, as affected by 2003 Wisconsin
23 Act 89, is amended to read:

1 30.025 (3) (intro.) The department shall ~~grant issue, or authorize proceeding~~
2 ~~under~~, the necessary permits if it finds that the applicant has shown that the
3 proposal:

4 **SECTION 12.** 30.025 (4) of the statutes, as affected by 2003 Wisconsin Act 89,
5 is amended to read:

6 30.025 (4) PERMIT CONDITIONS. The permit may be issued, or the authority to
7 proceed under a permit may be granted, upon stated conditions deemed necessary
8 to assure compliance with the criteria designated under sub. (3). The department
9 shall grant or deny the application for a permit for the utility facility within 30 days
10 of the date on which the commission issues its decision under s. 196.49 or 196.491
11 (3).

12 **SECTION 13.** 30.025 (5) of the statutes is created to read:

13 30.025 (5) EXEMPTION FROM CERTAIN PROCEDURES. Sections 30.208 and 30.209
14 do not apply to an application for any permit under this section.

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

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

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

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

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

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 amended to read:

8 30.12 (1) ~~GENERAL PROHIBITION PERMITS REQUIRED.~~ (intro.) ~~Except as provided~~
9 ~~under subs. (4) and (4m), unless a~~ Unless an individual or a general permit has been
10 ~~granted by the department pursuant to statute or issued under this section or~~
11 authorization has been granted by the legislature has otherwise authorized
12 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~
13 the following:

14 **SECTION 19.** 30.12 (1) (a) of the statutes is amended to read:

15 30.12 (1) (a) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the
16 bed of any navigable water where no bulkhead line has been established; ~~or,~~

17 **SECTION 20.** 30.12 (1) (b) of the statutes is amended to read:

18 30.12 (1) (b) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the
19 bed of any navigable water beyond a lawfully established bulkhead line.

20 **SECTION 21.** 30.12 (1g) (intro.), (a), (b), (e), (f), (i), (j), (k), (km) and (L) of the
21 statutes are created to read:

22 30.12 (1g) EXEMPTIONS. (intro.) A riparian owner is exempt from the permit
23 requirements under this section for the placement of a structure or the deposit of
24 material if the structure or material is located in an area other than an area of special

1 natural resource interest, does not interfere with the rights of other riparian owners,
2 and is any of the following:

3 (a) A deposit of sand, gravel, or stone that totals less than 2 cubic yards and that
4 is associated with any activity or project that is exempt from an individual permit
5 or a general permit under this subchapter.

6 (b) A structure, other than a pier or a wharf, that is placed on a seasonal basis
7 in accordance with rules promulgated by the department.

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

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

17 (i) Riprap in an amount not to exceed 100 linear feet that is placed to replace
18 or repair existing riprap and to implement structural changes in a structure
19 associated with the riprap and that includes the replacement of filter fabric or base
20 substrate.

21 (j) Riprap in an amount not to exceed 300 linear feet that is placed to replace
22 or repair existing riprap, that is placed within the footprint of the structure, with
23 which the riprap is associated, if any, and that consists only of the placement of
24 additional rock or the redistribution of existing rock.

****NOTE: Changes in language in s. 30.12 (1g), (i) and (j). MGG

1 (k) A biological shore erosion control structure, as defined by rule by the
2 department.

3 (km) An intake or outfall structure that is less than 6 feet from the water side
4 of the ordinary high-water mark and that is less than 25 percent of the width of the
5 channel in which it is placed.

6 (L) A pier to replace a pier that has been in existence at least 10 years before
7 the effective date of this paragraph [revisor inserts date], does not exceed 10 feet
8 in width, and does not exceed 500 square feet in area.

9 **SECTION 22.** 30.12 (2) of the statutes is repealed.

10 **SECTION 23.** 30.12 (2m) of the statutes is created to read:

11 **30.12 (2m) PERMIT IN LIEU OF EXEMPTION.** (a) The department may decide to
12 require that a person engaged in an activity that is exempt under sub. (1g) apply for
13 an individual permit or seek authorization under a general permit if the department
14 has conducted an investigation and visited the site of the activity and has determined
15 that conditions specific to the site require restrictions on the activity in order to
16 prevent any of the following:

- 17 1. Significant adverse impacts to the public rights and interests.
- 18 2. Environmental pollution, as defined in s. 299.01 (4).
- 19 3. Material injury to the riparian rights of any riparian owner.

20 (b) If a person submits to the department a written statement containing a
21 description and the location of a proposed activity that the person believes to be
22 exempt under sub. (1g), the department shall notify the person within 15 days after
23 receipt of the statement as to whether the activity is exempt if the owner of the site
24 upon which the proposed activity is located gives consent that is acceptable to the
25 department and that allows the department enough time to make an inspection

1 under s. 30.291. If not enough time is allowed, the 15-day period under this
2 paragraph does not begin until the day that the owner's consent is granted. If the
3 department determines the activity not to be exempt, the department shall notify the
4 person of which general permit or individual permit requirements apply to the
5 activity.

6 (bn) If the department fails to comply with the 15-day period in par. (b), the
7 department may not require that the person proposing to engage in the exempt
8 activity apply for an individual permit or seek authorization under a general permit.

9 (c) Any decision or notification by the department under this subsection shall
10 be in writing.

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

12 30.12 (3) (title) GENERAL PERMITS.

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

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

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

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

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

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

4 **SECTION 28.** 30.12 (3) (a) 3. of the statutes is repealed.

5 **SECTION 29.** 30.12 (3) (a) 3c. of the statutes is created to read:

6 30.12 (3) (a) 3c. Place riprap in order to replace or repair existing riprap, other
7 than riprap that is exempt under sub. (1g) (i) or (j).

8 **SECTION 30.** 30.12 (3) (a) 3g. of the statutes is created to read:

9 30.12 (3) (a) 3g. Place riprap on the bed or bank of a navigable water adjacent
10 to an owner's property in an amount up to and including 100 continuous feet in an
11 inland lake of 300 acres or more.

12 **SECTION 31.** 30.12 (3) (a) 3r. of the statutes is created to read:

13 30.12 (3) (a) 3r. Place riprap on the bed or bank of a navigable water adjacent
14 to an owner's property in an amount up to and including 300 continuous feet in Lake
15 Michigan, Lake Superior, Green Bay, Sturgeon Bay, or Sawyer's Harbor.

 ****NOTE: Due to time constraints, I cannot answer your questions regarding Great
Lake Harbors. Please make sure I have included the correct harbors. MGG

16 **SECTION 32.** 30.12 (3) (a) 6. of the statutes is amended to read:

17 30.12 (3) (a) 6. Place a permanent boat shelter adjacent to the owner's property
18 for the purpose of storing or protecting watercraft and associated materials, except
19 that no general permit may be granted issued for a permanent boat shelter which is
20 constructed after May 3, 1988, if the property on which the permanent boat shelter
21 is to be located also contains a boathouse within 75 feet of the ordinary high-water
22 mark or if there is a boathouse over navigable waters adjacent to the owner's
23 property.

1 **SECTION 33.** 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1g) (g) and
2 amended to read:

3 30.12 (1g) (g) ~~Place an~~ An intake structure and pipe that is placed on the bed
4 of a navigable water for the purpose of constructing a dry fire hydrant to supply water
5 for fire protection.

6 **SECTION 34.** 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1g) (h) and
7 amended to read:

8 30.12 (1g) (h) ~~Drive a piling~~ A piling that is driven into the bed of a navigable
9 water adjacent to the owner's property for the purpose of deflecting ice, protecting
10 an existing or proposed structure, or providing a pivot point for turning watercraft.

11 **SECTION 35.** 30.12 (3) (a) 13. of the statutes is created to read:

12 30.12 (3) (a) 13. Place a seawall to replace an existing seawall. The replacement
13 may not exceed 100 continuous feet in an inland lake of 300 acres and not exceed 300
14 continuous feet in Lake Michigan or Lake Superior.

15 **SECTION 36.** 30.12 (3) (b) of the statutes is repealed.

16 **SECTION 37.** 30.12 (3) (bn) of the statutes is repealed.

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

18 30.12 (3) (br) The department may promulgate rules that specify structures or
19 deposits, in addition to those listed in par. (a), that may be authorized by statewide
20 general permits.

21 **SECTION 39.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
22 and amended to read:

23 **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian
24 owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~
25 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River

1 and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the
2 ordinary high-water mark, if the following conditions apply:

3 **SECTION 40.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
4 to (9).

5 **SECTION 41.** 30.12 (3) (c) of the statutes is amended to read:

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

17 **SECTION 42.** 30.12 (3) (d) of the statutes is repealed.

18 **SECTION 43.** 30.12 (3m) of the statutes is created to read:

19 30.12 (3m) INDIVIDUAL PERMITS. (a) For a structure or deposit that is not exempt
20 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian
21 owner may apply to the department for the individual permit that is required under
22 sub. (1) in order to place the structure for the owner's use or to deposit the material.

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

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

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

8 **SECTION 44.** 30.12 (4) (title) of the statutes is repealed.

9 **SECTION 45.** 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
10 amended to read:

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

21 **SECTION 46.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
22 amended to read:

23 30.2022 (2) The exemption under ~~par. (a) sub. (1)~~ does not apply unless the
24 activity is accomplished in accordance with interdepartmental liaison procedures

1 established by the department and the department of transportation for the purpose
2 of minimizing the adverse environmental impact, if any, of the activity.

3 **SECTION 47.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
4 amended to read:

5 30.2022 (3) If the department determines that there is reasonable cause to
6 believe that an activity being carried out under this ~~subsection~~ section is not in
7 compliance with the environmental protection requirements developed through
8 interdepartmental liaison procedures, it shall notify the department of
9 transportation. If the secretary and the secretary of transportation are unable to
10 agree upon the methods or time schedules to be used to correct the alleged
11 noncompliance, the secretary, notwithstanding the exemption provided in this
12 ~~subsection~~ section, may proceed with enforcement actions as the secretary deems
13 appropriate.

14 **SECTION 48.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

15 **SECTION 49.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
16 amended to read:

17 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
18 or hearing is required in connection with any interdepartmental consultation and
19 cooperation under this ~~subsection~~ section.

20 **SECTION 50.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
21 to read:

22 30.2022 (6) This ~~subsection~~ section does not apply to activities in the Lower
23 Wisconsin State Riverway, as defined in s. 30.40 (15).

24 **SECTION 51.** 30.12 (4m) (title) of the statutes is repealed.

1 **SECTION 52.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
2 (1m) (c) (intro.), as renumbered, is amended to read:

3 30.12 (1m) (c) (intro.) ~~Subsection (1) does not apply to a~~ A structure or deposit
4 that the drainage board for the Duck Creek Drainage District places in a drain that
5 the board operates in the Duck Creek Drainage District is exempt from the permit
6 requirements under this section if either of the following applies:

7 **SECTION 53.** 30.12 (5) of the statutes is repealed.

8 **SECTION 54.** 30.121 (3w) of the statutes is created to read:

9 30.121 (3w) **EXCEPTION; COMMERCIAL BOATHOUSES.** Notwithstanding subs. (2)
10 and (3), a person may construct, repair, or maintain a boathouse if all of the following
11 apply:

12 (a) The boathouse is used exclusively for commercial purposes.

13 (b) The boathouse is located on land zoned exclusively for commercial or
14 industrial purposes or the boathouse is located on a brownfield, as defined in s.
15 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

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

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

22 **SECTION 55.** 30.123 (title) of the statutes is repealed and recreated to read:

23 **30.123 (title) Bridges and culverts.**

24 **SECTION 56.** 30.123 (1) of the statutes is renumbered 30.1235 and amended to
25 read:

1 **30.1235 Municipal bridge construction.** Municipalities which construct or
2 reconstruct highway bridges shall not be required to obtain permits under this
3 ~~section or s. 30.10 or s. 30.12 or 30.123~~ for such that construction or reconstruction.
4 All municipal highway bridges shall be constructed or reconstructed in accordance
5 with standards developed under s. 84.01 (23).

6 **SECTION 57.** 30.123 (2) of the statutes is amended to read:

7 30.123 (2) PERMITS REQUIRED. ~~Except as provided in sub. (1) and s. 30.12 (4)~~
8 Unless an individual or a general permit has been issued under this section or
9 authorization has been granted by the legislature, no person may construct or
10 maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable
11 waters unless a permit has been issued by the department under this section. ~~The~~
12 ~~application for a permit shall contain the applicant's name and address, the proposed~~
13 ~~location of the bridge, a cross section and plan view of the navigable waters and~~
14 ~~adjacent uplands, a description of materials to be used in construction of the bridge,~~
15 ~~plans for the proposed bridge, evidence of permission to construct the bridge from the~~
16 ~~riparian owners and any other information required by the department.~~

17 **SECTION 58.** 30.123 (3) of the statutes is repealed.

18 **SECTION 59.** 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
19 amended to read:

20 30.123 (8) (c) ~~The department shall review the plans for the proposed bridge~~
21 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~
22 ~~adversely affect the flood flow capacity of the stream.~~ The department shall grant
23 the issue an individual permit if the proposed pursuant to an application under par.
24 (a) if the department finds that the bridge or culvert will not materially obstruct

1 navigation, will not materially reduce the effective flood flow capacity of a stream or
2 be, and will not be detrimental to the public interest.

3 **SECTION 60.** 30.123 (5) of the statutes is repealed.

4 **SECTION 61.** 30.123 (6) of the statutes is created to read:

5 30.123 (6) EXEMPTIONS. Subsection (2) does not apply to any of the following:

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

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

10 (d) The construction or placement and the maintenance of a culvert to replace
11 a culvert that is authorized under a permit issued under s. 30.12, 2001 stats., or
12 30.123, 2001 stats, if the construction, placement, and maintained will comply with
13 the same conditions of the permit.

14 (e) The construction or placement and the maintenance of a culvert to replace
15 a culvert that has an inside diameter that does not exceed 24 inches.

16 **SECTION 62.** 30.123 (6m) of the statutes is created to read:

17 30.123 (6m) PERMIT IN LIEU OF EXEMPTION. (a) The department may decide to
18 require that a person engaged in an activity that is exempt under sub. (6) (d) or (e)
19 apply for an individual permit or seek authorization under a general permit if the
20 department has conducted an investigation and visited the site of the activity and
21 has determined that conditions specific to the site require restrictions on the activity
22 in order to prevent any of the following:

- 23 1. Significant adverse impacts to the public rights and interests.
- 24 2. Environmental pollution, as defined in s. 299.01 (4).
- 25 3. Material injury to the riparian rights of any riparian owner.

1 (b) If a person submits to the department a written statement containing a
2 description and the location of a proposed activity that the person believes to be
3 exempt under sub. (6) (d) or (e), the department shall notify the person within 15 days
4 after receipt of the statement as to whether the activity is exempt if the owner of the
5 site upon which the proposed activity is located gives consent that is acceptable to
6 the department and that allows the department enough time to make an inspection
7 under s. 30.291. If not enough time is allowed, the 15-day period under this
8 paragraph does not begin until the day that the owner's consent is granted. If the
9 department determines the activity not to be exempt, the department shall notify the
10 person of which general permit or individual permit requirements apply to the
11 activity.

****NOTE: I changed the cross-reference to s. 30.123 (6) to s. 30.123 (6) (d) or (e) to
make it the same as that found in s. 30.123 (6m) (a). OK? MGG

12 (bn) If the department fails to comply with the 15-day period in par. (b), the
13 department may not require that the person proposing to engage in the exempt
14 activity apply for an individual permit or seek authorization under a general permit.

15 (c) Any decision or notification by the department under this subsection shall
16 be in writing.

17 **SECTION 63.** 30.123 (7) of the statutes is created to read:

18 30.123 (7) 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. Construct and maintain a clear-span bridge over a navigable water that
21 provides access to a principal structure, as defined by rule by the department.

22 2. Construct and maintain a culvert that replaces a culvert that is not exempt
23 under sub. (6) (c) and that is in a navigable water that is less than 35 feet wide.

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

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

6 **SECTION 64.** 30.123 (8) of the statutes is created to read:

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

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

14 **SECTION 65.** 30.13 (1m) (intro.) of the statutes is amended to read:

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

19 **SECTION 66.** 30.13 (1m) (b) of the statutes is amended to read:

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

22 **SECTION 67.** 30.13 (4) (a) of the statutes is amended to read:

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

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

3 **SECTION 68.** 30.13 (4) (b) of the statutes is amended to read:

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

9 **SECTION 69.** 30.135 (1) (title) of the statutes is repealed.

10 **SECTION 70.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
11 (intro.) and amended to read:

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

16 **SECTION 71.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

17 **SECTION 72.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
18 amended to read:

19 30.135 (1) (b) The platform or jump does not interfere with rights of other
20 riparian ~~proprietors~~ owners.

21 **SECTION 73.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

22 **SECTION 74.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
23 amended to read:

24 30.135 (2) If the department determines that any of the requirements under
25 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application

1 for an individual permit to the department. The notice and hearing provisions under
2 s. 30.208 (3) to (5) apply to the application.

3 **SECTION 75.** 30.135 (2), (3) and (4) of the statutes are repealed.

4 **SECTION 76.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

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

8 **SECTION 77.** 30.18 (2) (b) of the statutes is amended to read:

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

14 **SECTION 78.** 30.18 (4) (a) of the statutes is amended to read:

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

23 **SECTION 79.** 30.18 (6) (b) of the statutes is amended to read:

24 30.18 (6) (b) *Use of water.* A person issued a permit under this section for the
25 purpose of irrigation or agriculture may use the water on any land contiguous to the

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

3 SECTION 80. 30.18 (9) of the statutes is repealed.

4 SECTION 81. 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
5 and amended to read:

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

10 SECTION 82. 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
11 amended to read:

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

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

19 SECTION 83. 30.19 (1) (b) of the statutes is repealed.

20 SECTION 84. 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
21 amended to read:

22 30.19 (1g) (c) ~~To grade or otherwise~~ Grade or remove top soil topsoil from the
23 ~~bank of any navigable stream, lake or other body of navigable water~~ waterway where
24 the area exposed by ~~such~~ the grading or removal will exceed 10,000 square feet.

25 SECTION 85. 30.19 (1b) of the statutes is created to read:

~~SECTION 30.19~~ [#] 30.19 (1d) of the statutes is created to read:

* 30.19 (1d) ~~RULES~~ ^{STET} BANKS OF NAVIGABLE WATERWAYS. (a) The department shall promulgate a rule to determine what constitutes a bank for purposes of this section in accordance with all of the following:

1. For a navigable waterway that is a priority navigable waterway, the department shall promulgate a rule stating that a bank is, in size, the greater of the following as it applies to a particular navigable waterway:

a. The portion of land surface that extends 300 feet landward from the ordinary high-water mark of the navigable waterway.

b. The portion of land surface extending landward from the ordinary high-water mark of the navigable waterway to the point where the slope is less than * 10 per cent.

2. For a navigable waterway that is not a priority navigable waterway, the department shall promulgate a rule stating that a bank is, in size, the greater of the following as it applies to a particular navigable waterway.

a. The portion of the land surface that extends 75 feet landward from the ordinary high-water mark of the navigable waterway.

b. The portion of land surface extending landward from the ordinary high-water mark of the navigable waterway to the point where the slope is less than * 12 per cent.

(b) In promulgating the rule under this subsection, the description of land area included in what constitutes a bank may not include any land where the slope or drainage of the land into the navigable waterway is interrupted.

***NOTE: In the drafted language I was provided, there were so many negatives that I could not follow it. Is this is what is intended?

***NOTE: The drafting instructions for s. 30.19 (1d) (a) could be interpreted in various ways so if, as drafted, these provisions do not comply with your intent, please call me to discuss this MGG

↑
↓
9(a)

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

4 SECTION 86. 30.19 (1m) (intro.) of the statutes is amended to read:

5 30.19 (1m) ~~EXCEPTION~~ EXEMPTIONS. (intro.) ~~Subsection (1) does not apply to A~~
6 person is exempt from the permit requirements under this section for any of the
7 following:

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

9 30.19 (1m) (a) The construction ~~and~~ or repair of any public highways highway.

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

11 30.19 (1m) (b) Any agricultural uses use of land.

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

13 30.19 (1m) (c) ~~Any~~ An activity that affects a navigable inland lake that is
14 located wholly or partly in any county having a population of 750,000 or more.

15 SECTION 90. 30.19 (1m) (cm) of the statutes is created to read:

16 30.19 (1m) (cm) Any activity that affects a portion of Lake Michigan or of Lake
17 Superior that is located within a county having a population of 750,000 or more.

18 SECTION 91. 30.19 (1m) (d) of the statutes is amended to read:

19 30.19 (1m) (d) ~~These portions~~ Any activity that affects a portion of a navigable
20 streams, Lake Michigan or Lake Superior stream that is located within any a county
21 having a population of 750,000 or more.

22 SECTION 92. 30.19 (1m) (e) of the statutes is amended to read:

23 30.19 (1m) (e) Any work required to maintain the original dimensions of an
24 enlargement of ~~a waterway authorized~~ an artificial water body done pursuant to a
25 permit or legislative authorization under sub. (1) (a) ~~or (b)~~ (1g) (a) or (am).

[Handwritten signature]

INS 24-25 ✓

1 **SECTION 93.** 30.19 (1m) (g) of the statutes is created to read:

2 30.19 (1m) (g) The construction, dredging, or enlargement of any artificial
3 water body that is within 500 feet of the ordinary high-water mark of a navigable
4 waterway, if the artificial water body does not have a surface connection to any
5 navigable waterway other than an overflow device and if the construction, dredging,
6 or enlargement is authorized by a storm water discharge permit approved by the
7 department under ch. 283 or a facility plan approved or authorized by the
8 department under s. 281.41.

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

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

- 14 1. The grading or removal is authorized by a storm water discharge permit
15 approved by the department under ch. 283.
- 16 2. The grading or removal is authorized under an ordinance under s. 59.692,
17 61.351, or 62.231.
- 18 3. The grading or removal is authorized by an erosion control plan pursuant
19 to s. 101.653.

20 **SECTION 95.** 30.19 (1r) of the statutes is created to read:

21 30.19 (1r) PERMIT IN LIEU OF EXEMPTION. (a) The department may decide to
22 require that a person engaged in an activity that is exempt under sub. (1g) apply for
23 an individual permit or seek authorization under a general permit if the department
24 has conducted an investigation and visited the site of the activity and has determined

1 that conditions specific to the site require restrictions on the activity in order to
2 prevent any of the following:

- 3 1. Significant adverse impacts to the public rights and interests.
- 4 2. Environmental pollution, as defined in s. 299.01 (4).
- 5 3. Material injury to the riparian rights of any riparian owner.

6 (b) If a person submits to the department a written statement containing a
7 description and the location of a proposed activity that the person believes to be
8 exempt under sub. (1g), the department shall notify the person within 15 days after
9 receipt of the statement as to whether the activity is exempt if the owner of the site
10 upon which the proposed activity is located gives consent that is acceptable to the
11 department and that allows the department enough time to make an inspection
12 under s. 30.291. If not enough time is allowed, the 15-day period under this
13 paragraph does not begin until the day that the owner's consent is granted. If the
14 department determines the activity not to be exempt, the department shall notify the
15 person of which general permit or individual permit requirements apply to the
16 activity.

***NOTE: The cross-references in s. 30.19 (1r) (a) and (b) may need to be changed depending on any redraft instructions. MGG

17 (bn) If the department fails to comply with the 15-day period in par. (b), the
18 department may not require that the person proposing to engage in the exempt
19 activity apply for an individual permit or seek authorization under a general permit.

20 (c) Any decision or notification by the department under this subsection shall
21 be in writing.

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

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

*** NOTE: Did you intend to delete s. 30.19 (1r)? MGG

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

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

1. Engage in an activity specified in sub. (1g) ²(a) ²(am) ~~that is not exempt~~
~~under sub. (1m)~~ if the construction, dredging, or enlargement is authorized by a storm water discharge permit approved by the department under ch. 283 or a facility plan approved by the department under s. 281.41.

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

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

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

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

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

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

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

*** NOTE: If this language regarding storm water needs to be changed, please speak with Becky Tradewell @ MGB

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

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

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

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

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

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

16 30.19 (4) (b) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
17 an application under par. (a).

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

19 30.19 (4) (c) 1. The activity will not be detrimental to the public interest.

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

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

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

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

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

9 **SECTION 106.** 30.195 (2) of the statutes is repealed and recreated to read:

10 30.195 (2) INDIVIDUAL PERMITS. (a) A riparian owner shall apply to the
11 department for an individual permit in order to engage in activities for which a
12 permit is required under sub. (1).

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

15 **SECTION 107.** 30.195 (3) (title) of the statutes is repealed.

16 **SECTION 108.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and
17 amended to read:

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

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

24 2. The proposed change of course or straightening of the navigable stream will
25 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 109.** 30.195 (4) of the statutes is repealed.

12 **SECTION 110.** 30.195 (7) of the statutes is repealed.

13 **SECTION 111.** 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 112.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

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

23 **SECTION 113.** 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

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 114. 30.20 (1) (b) of the statutes is amended to read:

5 30.20 (1) (b) ~~Except as provided under pars. (e) and (d),~~ Unless an individual
6 or a 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 115. 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 116. 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 SECTION 117. 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

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 118.** 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 is not being removed from an area of special natural resource interest, and
11 if any of the following applies:

12 1. The removal is the amount necessary to place or maintain a structure that
13 is exempt from any permitting requirements in this chapter.

14 2. The removal is by hand or by hand-held devices without the use or aid of
15 external or auxiliary power.

16 **SECTION 119.** 30.20 (1m) of the statutes is created to read:

17 **30.20 (1m) PERMIT OR CONTRACT IN LIEU OF EXEMPTION.** (a) The department may
18 decide to require that a person engaged in an activity that is exempt under sub. (1g)
19 apply for an individual permit or contract, or seek authorization under a general
20 permit if the department has conducted an investigation and visited the site of the
21 activity and has determined that conditions specific to the site require restrictions
22 on the activity in order to prevent any of the following:

- 23 1. Significant adverse impacts to the public rights and interests.
24 2. Environmental pollution, as defined in s. 299.01 (4).
25 3. Material injury to the riparian rights of any riparian owner.

1 (b) If a person submits to the department a written statement containing a
2 description and the location of a proposed activity that the person believes to be
3 exempt under sub. (1g), the department shall notify the person within 15 days after
4 receipt of the statement as to whether the activity is exempt if the owner of the site
5 upon which the proposed activity is located gives consent that is acceptable to the
6 department and that allows the department enough time to make an inspection
7 under s. 30.291. If not enough time is allowed, the 15-day period under this
8 paragraph does not begin until the day that the owner's consent is granted. If the
9 department determines the activity not to be exempt, the department shall notify the
10 person of which contracting, general permit, or individual permit requirements
11 apply to the activity.

12 (bn) If the department fails to comply with the 15-day period in par. (b), the
13 department may not require that the person proposing to engage in the exempt
14 activity apply for an individual permit or contract or seek authorization under a
15 general permit.

16 (c) Any decision or notification by the department under this subsection shall
17 be in writing.

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

19 **30.20 (1r) GENERAL PERMITS.** (a) The department shall issue statewide general
20 permits under s. 30.206 that authorize any person to remove material for
21 maintenance purposes from an area from which material has been previously
22 removed.

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

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

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

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

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

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

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

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.~~

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. The department may allow one extension
7 of a permit issued under this paragraph, upon application to the department. The
8 extension shall be for the same period of time as the original permit.

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

10 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
11 an application for a permit or contract under this subsection.

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

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

- 19 (a) A certificate of deposit.
- 20 (b) An irrevocable letter of credit.
- 21 (c) An irrevocable trust.
- 22 (d) An escrow account.
- 23 (e) A government security.
- 24 (f) Any other demonstration of financial responsibility.

1 (2) Any interest earned by the financial assurance shall be paid to the person
2 operating the nonmetallic mining or reclamation project.

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

4 **30.2022 (title) Activities of department of transportation.**

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

6 30.2026 (2) (d) The village of Belleville shall create any artificial barrier under
7 this section in compliance with all state laws that relate to navigable bodies of water,
8 except s. 30.12 (1) and (2).

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

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

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

21 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

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

24 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
25 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~

1 class of activities, according to rules promulgated by the department. Before issuing
 2 general permits, the department shall determine after an environmental analysis
 3 and notice and hearing under ss. 227.17 and 227.18, that. The department shall
 4 issue the statewide general permits as rules promulgated under ch. 227 required
 5 under ss. 30.12 (3) (a), 30.123 (7) (a), ~~30.19 (3) (a)~~ and 30.20 (1r) (a) within 540 days
 6 after the effective date of this paragraph ... [reviser inserts date]. General permits
 7 issued under s. 30.206, 2001 stats., shall remain valid until the date upon which the
 8 rules issuing these statewide general permits are issued under this paragraph.

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

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

16 30.206 (1) (c) 1. Construction and design requirements that are consistent with
 17 the purpose of the activity authorized under the permit.

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

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

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

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

24 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
 25 PERMITS.

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The department shall issue the statewide general permits as rules promulgated under ss. 30.12 (3) (a) within 180 days after the effective date of this paragraph ... [reviser inserts date].