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**ASSEMBLY SUBSTITUTE AMENDMENT**  
**TO 2003 ASSEMBLY BILL 655**

new  
x - ref  
new SR 2005 ✓

January 8, 2004 - Offered by SELECT COMMITTEE ON JOB CREATION.

gen  
cat

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), 30.28 (3) (b), 285.60 (2m) and 299.05 (2) (d); **to**  
6 **renumber** 30.12 (3) (bt) 1. to 9., 30.12 (4) (d), 30.135 (1) (a) 1., 30.135 (1) (a) 3.,  
7 30.20 (1) (c) 3., 30.28 (3) (a), 285.17 (2), 285.60 (6), 285.62 (8) and 285.66 (2); **to**  
8 **renumber and amend** 30.015, 30.07, 30.12 (3) (a) 2., 30.12 (3) (a) 2m., 30.12  
9 (3) (a) 7., 30.12 (3) (a) 8., 30.12 (3) (bt) (intro.), 30.12 (4) (a), 30.12 (4) (b), 30.12  
10 (4) (c), 30.12 (4) (e), 30.12 (4) (f), 30.12 (4m), 30.123 (1), 30.123 (4), 30.135 (1) (a)  
11 (intro.), 30.135 (1) (a) 2., 30.135 (1) (b), 30.19 (1) (intro.), 30.19 (1) (a), 30.19 (1)  
12 (c), 30.19 (4), 30.195 (3), 30.20 (1) (d), 30.206 (1), 30.206 (3), 30.206 (4), 285.21  
13 (1) (b), 285.27 (2) (b), 285.61 (2) and 285.62 (2); **to consolidate, renumber and**

1           **amend** 30.20 (1) (c) 1. and 2.; **to amend** 29.601 (5) (a), 30.01 (1p), 30.025 (1b)  
2           (b), 30.025 (1e) (a), 30.025 (1m) (a), 30.025 (2g) (a), 30.025 (3) (intro.), 30.025 (4),  
3           30.10 (4) (a), 30.11 (4), 30.12 (title), 30.12 (1) (intro.), 30.12 (1) (a), 30.12 (1) (b),  
4           30.12 (3) (a) 6., 30.12 (3) (c), 30.123 (2), 30.13 (1m) (intro.), 30.13 (1m) (b), 30.13  
5           (4) (a), 30.13 (4) (b), 30.18 (2) (a) (intro.), 30.18 (2) (b), 30.18 (4) (a), 30.18 (6) (b),  
6           30.19 (1m) (intro.), 30.19 (1m) (a), 30.19 (1m) (b), 30.19 (1m) (c), 30.19 (1m) (d),  
7           30.19 (1m) (e), 30.19 (4) (title), 30.19 (5), 30.195 (1), 30.196 (intro.), 30.20 (1) (a),  
8           30.20 (1) (b), 30.20 (2) (title), 30.20 (2) (a) and (b), 30.20 (2) (c), 30.2026 (2) (d),  
9           30.2026 (3) (a), 30.206 (6), 30.206 (7), 30.207 (1), 30.207 (3) (d) 2., 30.29 (3) (d),  
10          30.298 (3), 84.18 (6), 227.14 (2) (a), 227.19 (3) (intro.), 227.19 (3) (a), 227.19 (3)  
11          (b), 227.46 (1) (intro.), 227.53 (1) (a) 3., 236.16 (3) (d) (intro.), 285.11 (9), 285.21  
12          (4), 285.23 (1), 285.23 (2), 285.27 (1) (a), 285.27 (2) (a), 285.27 (4), 285.60 (1) (a)  
13          1., 285.61 (3) (intro.), 285.61 (3) (a), 285.61 (7) (a), 285.62 (1), 285.62 (5) (a),  
14          285.62 (6) (c) 1., 285.62 (7) (b), 285.63 (1) (d), 285.66 (3) (a), 285.81 (1) (intro.)  
15          and 299.05 (2) (a); **to repeal and recreate** 30.12 (3) (title), 30.12 (3) (a) (intro.),  
16          30.123 (title), 30.195 (2), 30.20 (1) (title), 285.60 (3) and 285.62 (9) (b); and **to**  
17          **create** 30.01 (1am), 30.01 (2m), 30.025 (5), 30.12 (1g) (intro.), (a), (b), (e), (f), (i),  
18          (j), (k), (km) and (L), 30.12 (2m), 30.12 (2r), 30.12 (3) (a) 3c., 30.12 (3) (a) 3g.,  
19          30.12 (3) (a) 3r., 30.12 (3) (a) 13., 30.12 (3) (br), 30.12 (3m), 30.121 (3w), 30.123  
20          (6), 30.123 (6m), 30.123 (6r), 30.123 (7), 30.123 (8), 30.19 (1b), 30.19 (1c), 30.19  
21          (1d), 30.19 (1m) (cm), 30.19 (3r), 30.19 (4) (a), 30.19 (4) (b), 30.19 (4) (c) 1., 30.20  
22          (1g) (title) and (b), 30.20 (1m), 30.20 (1r), 30.20 (1t), 30.20 (2) (bn), 30.20 (2) (d),  
23          30.20 (2) (e), 30.201, 30.2022 (title), 30.206 (1) (title), 30.206 (1) (c) 1. to 3.,  
24          30.206 (3) (title), 30.206 (3) (c), 30.206 (3r), 30.206 (5) (title), 30.208, 30.209,  
25          30.285, 30.291, 227.135 (1) (f), 227.137, 227.138, 227.14 (2) (a) 3., 227.14 (2) (a)

1 4., 227.14 (2) (a) 5., 227.14 (2) (a) 6., 227.14 (4) (b) 3., 227.19 (3) (cm), 227.43 (1g),  
2 227.44 (2) (d), 227.483, 285.14, 285.17 (2) (b), 285.21 (1) (b) 1. to 4., 285.23 (6),  
3 285.27 (2) (b) 1. to 4., 285.27 (2) (d), 285.60 (2g), 285.60 (5m), 285.60 (6) (b),  
4 285.60 (8), 285.60 (9), 285.60 (10), 285.61 (2) (b), 285.61 (10), 285.61 (11), 285.62  
5 (2) (b), 285.62 (8) (b), 285.62 (12), 285.66 (2) (b) and 285.81 (1m) of the statutes;  
6 **relating to:** air pollution control; administrative rules and hearings;  
7 structures, deposits, and other activities in or near navigable waters; notice,  
8 hearing, and review procedures related to permits to place structures and  
9 materials and to conduct activities in or near navigable waters; and granting  
10 rule-making authority.

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

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

12 29.601 (5) (a) This section does not apply to any activities carried out under the  
13 direction and supervision of the department of transportation in connection with the  
14 construction, reconstruction, maintenance and repair of highways and bridges in  
15 accordance with s. ~~30.12 (4)~~ 30.2022.

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

17 30.01 (1am) "Area of special natural resource interest" means any of the  
18 following:

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

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

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

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

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

4 30.01 (1p) "Fishing raft" means any raft, float or structure, including a raft or  
5 float with a superstructure and including a structure located or extending below or  
6 beyond the ordinary high-water mark of a water, which is designed to be used or is  
7 normally used for fishing, which is not normally used as a means of transportation  
8 on water and which is normally retained in place by means of a permanent or  
9 semipermanent attachment to the shore or to the bed of the waterway. "Fishing raft"  
10 does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a  
11 wharf or pier regulated under ~~s.~~ ss. 30.12 and 30.13.

12 **SECTION 4.** 30.01 (2m) of the statutes is created to read:

13 30.01 (2m) "Great Lakes water body" means Lake Superior or Lake Michigan  
14 and includes any bay or harbor that is part of Lake Superior or Lake Michigan.

15 **SECTION 5.** 30.01 (6b) of the statutes is repealed.

16 **SECTION 6.** 30.015 of the statutes is renumbered 30.208 (2) and amended to  
17 read:

18 30.208 (2) ~~TIME LIMITS FOR ISSUING PERMIT DETERMINATIONS~~ PROCEDURE FOR  
19 COMPLETING APPLICATIONS. In issuing individual permits or entering contracts under  
20 this ~~chapter~~ subchapter, the department shall initially determine whether a  
21 complete application for the permit or contract has been submitted and, no later than  
22 ~~60~~ 30 days after the application is submitted, notify the applicant in writing about  
23 the initial determination of completeness. If the department determines that the  
24 application is incomplete, the notice shall state the reason for the determination and  
25 the specific items of information necessary to make the application complete. An

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

11 **SECTION 7.** 30.02 of the statutes, as affected by 2003 Wisconsin Act 89, is  
 12 repealed.

13 **SECTION 8.** 30.025 (1b) (b) of the statutes, as created by 2003 Wisconsin Act 89,  
 14 is amended to read:

15 30.025 (1b) (b) "Permit" means ~~a~~ an individual permit or a general permit,  
 16 an approval required under this chapter or ch. 31, a storm water discharge permit  
 17 required under s. 283.33 (1) (a), or a water quality certification required under s.  
 18 281.36 or under rules promulgated under subch. II of ch. 281 to implement 33 USC  
 19 1341 (a).

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

22 30.025 (1e) (a) Except as provided in par. (b), this section applies to a proposal  
 23 to construct a utility facility if the utility facility is required to obtain, or give  
 24 notification of the wish to proceed under, one or more permits.

a contract under <sup>this</sup> subchapter or <sup>subchapter</sup> II of this chapter,  
or subch. II ↑

1           **SECTION 10.** 30.025 (1m) (a) of the statutes, as created by 2003 Wisconsin Act  
2 89, is amended to read:

3           30.025 (1m) (a) The permits that the person may be required to obtain and the  
4 permits under which the person must give notification of the wish to proceed.

5           **SECTION 11.** 30.025 (2g) (a) of the statutes, as created by 2003 Wisconsin Act  
6 89, is amended to read:

7           30.025 (2g) (a) The department shall review every proposed utility facility  
8 subject to this section, including each location, site, or route proposed for the utility  
9 facility, to assess whether each proposed location, site, or route can meet the criteria  
10 for proceeding under the authority of or obtaining the required permits, and shall  
11 provide that information to the commission.

12           **SECTION 12.** 30.025 (3) (intro.) of the statutes, as affected by 2003 Wisconsin  
13 Act 89, is amended to read:

14           30.025 (3) (intro.) The department shall ~~grant~~ issue, or authorize proceeding  
15 under, the necessary permits if it finds that the applicant has shown that the  
16 proposal:

17           **SECTION 13.** 30.025 (4) of the statutes, as affected by 2003 Wisconsin Act 89,  
18 is amended to read:

19           30.025 (4) PERMIT CONDITIONS. The permit may be issued, or the authority to  
20 proceed under a permit may be granted, upon stated conditions deemed necessary  
21 to assure compliance with the criteria designated under sub. (3). The department  
22 shall grant or deny the application for a permit for the utility facility within 30 days  
23 of the date on which the commission issues its decision under s. 196.49 or 196.491  
24 (3).

25           **SECTION 14.** 30.025 (5) of the statutes is created to read:

1           30.025 (5) EXEMPTION FROM CERTAIN PROCEDURES. Sections 30.208 and 30.209  
2 do not apply to an application for any permit under this section.

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

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

9           **SECTION 16.** 30.10 (4) (a) of the statutes is amended to read:

10           30.10 (4) (a) This section does not impair the powers granted by law under s.  
11 ~~30.123~~ 30.1235 or by other law to municipalities to construct highway bridges,  
12 arches, or culverts over streams.

13           **SECTION 17.** 30.11 (4) of the statutes is amended to read:

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

17           **SECTION 18.** 30.12 (title) of the statutes is amended to read:

18           **30.12 (title) Structures and deposits in navigable waters prohibited;**  
19 **exceptions; penalty.**

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

21           30.12 (1) ~~GENERAL PROHIBITION~~ PERMITS REQUIRED. (intro.) ~~Except as provided~~  
22 ~~under subs. (4) and (4m), unless a~~ Unless an individual or a general permit has been  
23 ~~granted by the department pursuant to statute or~~ issued under this section or  
24 authorization has been granted by the legislature ~~has otherwise authorized~~

1 ~~structures or deposits in navigable waters, it is unlawful, no person may do any of~~  
2 the following:

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

4 30.12 (1) (a) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the  
5 bed of any navigable water where no bulkhead line has been established; ~~or.~~

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

7 30.12 (1) (b) ~~To deposit~~ Deposit any material or ~~to~~ place any structure upon the  
8 bed of any navigable water beyond a lawfully established bulkhead line.

9 **SECTION 22.** 30.12 (1g) (intro.), (a), (b), (e), (f), (i), (j), (k), (km) and (L) of the  
10 statutes are created to read:

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

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

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

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

24 (f) A pier or wharf that is no more than 6 feet wide, that extends no further than  
25 to a point where the water is 3 feet at its maximum depth, or to the point where there



1 is adequate depth for mooring a boat or using a boat hoist or boat lift, whichever is  
2 closer to the shoreline, and which has no more than 2 boat slips for the first 50 feet  
3 of riparian owner's shoreline footage and no more than one additional boat slip for  
4 each additional 50 feet of the riparian owner's shoreline.

5 (i) Riprap in an amount not to exceed 100 linear feet that is placed to replace  
6 existing riprap and that includes the replacement of filter fabric or base substrate.

7 (j) Riprap in an amount not to exceed 300 linear feet that is placed to repair  
8 existing riprap, and that consists only of the placement of additional rock or the  
9 redistribution of existing rock within the footprint of the existing riprap.

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

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

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

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

**SECTION 24.** 30.12 (2m) of the statutes is created to read:

30.12 (2m) PERMITS IN LIEU OF EXEMPTIONS. The department may decide to  
21 require that a person engaged in an activity that is exempt under sub. (1g) apply for  
22 an individual permit or seek authorization under a general permit if the department  
23 has conducted an investigation and visited the site of the activity and has determined  
24 that conditions specific to the site require restrictions on the activity in order to  
25 prevent any of the following:

2 places

located in an inland lake or Great Lakes waterbody

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

4 **SECTION 25.** 30.12 (2r) of the statutes is created to read:

5 30.12 (2r) EXEMPTION DETERMINATIONS. (a) A person may submit to the  
6 department a written statement requesting that the department determine whether  
7 a proposed activity is exempt under sub. (1g). The statement shall contain a  
8 description of the proposed activity and site and shall give the department consent  
9 to enter and inspect the site.

10 (b) The department shall do all of the following within 15 days after receipt of  
11 a statement under par. (a).

12 1. Enter and inspect the site on which the activity is located, subject to s. 30.291,  
13 if the department determines such an inspection is necessary.

14 2. Make a determination as to whether the activity is exempt.

15 3. Notify in writing the person submitting the statement which general or  
16 individual permit will be required for the activity, if the department determines that  
17 the activity is not exempt.

18 (c) If the department does not take action under par. (b), the department may  
19 not require at any time that the person proposing to engage in the activity apply for  
20 an individual permit or seek authorization under a general permit,

21 (d) If a statement under par. (a) is not given or if the statement does not give  
22 consent to inspect, the 15-day time limit under par. (b) does not apply.

23 **SECTION 26.** 30.12 (3) (title) of the statutes is repealed and recreated to read:

24 30.12 (3) (title) GENERAL PERMITS.

*unless required to do so by a court or hearing examiner*

*hearing examiner*

1           **SECTION 27.** 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to  
2 read:

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

5           **SECTION 28.** 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and  
6 amended to read:

7           30.12 (1g) (c) ~~Place a~~ A fish crib, spawning reef, wing deflector, or similar  
8 device that is placed on the bed of navigable waters for the purpose of improving fish  
9 habitat.

10          **SECTION 29.** 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and  
11 amended to read:

12          30.12 (1g) (d) ~~Place a~~ A bird nesting platform, ~~a~~ wood duck house, or similar  
13 structure that is placed on the bed of a navigable water for the purpose of improving  
14 wildlife habitat.

15          **SECTION 30.** 30.12 (3) (a) 3. of the statutes is repealed.

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

17          30.12 (3) (a) 3c. Place riprap in order to replace or repair existing riprap, other  
18 than riprap that is exempt under sub. (1g) (i) or (j).

19          **SECTION 32.** 30.12 (3) (a) 3g. of the statutes is created to read:

20          30.12 (3) (a) 3g. Place riprap on the bed or bank of a navigable water adjacent  
21 to an owner's property in an amount up to and including 100 continuous feet in an  
22 inland lake of 300 acres or more.

23          **SECTION 33.** 30.12 (3) (a) 3r. of the statutes is created to read:

1 30.12 (3) (a) 3r. Place riprap on the bed or bank of a navigable water adjacent  
2 to an owner's property in an amount up to and including 300 continuous feet in a  
3 Great Lakes water body.

4 **SECTION 34.** 30.12 (3) (a) 6. of the statutes is amended to read:

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

subject  
to  
5.30,  
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12 **SECTION 35.** 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1g) (g) and  
13 amended to read:

14 30.12 (1g) (g) ~~Place an~~ An intake structure and pipe that is placed on the bed  
15 of a navigable water for the purpose of constructing a dry fire hydrant to supply water  
16 for fire protection.

17 **SECTION 36.** 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1g) (h) and  
18 amended to read:

19 30.12 (1g) (h) ~~Drive a piling~~ A piling that is driven into the bed of a navigable  
20 water adjacent to the owner's property for the purpose of deflecting ice, protecting  
21 an existing or proposed structure, or providing a pivot point for turning watercraft.

22 **SECTION 37.** 30.12 (3) (a) 13. of the statutes is created to read:

23 30.12 (3) (a) 13. Place a seawall to replace an existing seawall. The  
24 replacement may not exceed 100 continuous feet in an inland lake of 300 or more  
25 acres and may not exceed 300 continuous feet in a Great Lakes water body.

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that is in compliance ~~from~~ with  
Subch. I and this subchapter

1           **SECTION 38.** 30.12 (3) (b) of the statutes is repealed.

2           **SECTION 39.** 30.12 (3) (bn) of the statutes is repealed.

3           **SECTION 40.** 30.12 (3) (br) of the statutes is created to read:

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

7           **SECTION 41.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)  
8           and amended to read:

9           **30.2023 Seawalls; Wolf River and Fox River basins.** (intro.) A riparian  
10          owner is exempt from the permit requirements under ~~sub. (2) and this subsection s.~~  
11          30.12 for a structure that is placed on the bed of a navigable water in the Wolf River  
12          and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the  
13          ordinary high-water mark, if the following conditions apply:

14          **SECTION 42.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)  
15          to (9).

16          **SECTION 43.** 30.12 (3) (c) of the statutes is amended to read:

17          30.12 (3) (c) The department may ~~promulgate rules deemed necessary to carry~~  
18          ~~out the purposes of~~ impose conditions on general permits issued under par. (a) 6.5,  
19          ~~including rules to establish minimum standards to govern the architectural features~~  
20          of boat shelters and the number of boat shelters that may be constructed adjacent  
21          to a parcel of land. ~~The rules~~ conditions may not govern the aesthetic features or color  
22          of boat shelters. ~~The standards~~ conditions shall be designed to ~~assure~~ ensure the  
23          structural soundness and durability of ~~a boat shelter~~ boat shelters. A municipality  
24          may enact ordinances ~~not inconsistent that are consistent~~ with this section or with  
25          ~~rules promulgated under this section regulating paragraph and with any conditions~~

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 44.** 30.12 (3) (d) of the statutes is repealed.

4 **SECTION 45.** 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. (1) 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 46.** 30.12 (4) (title) of the statutes is repealed.

19 **SECTION 47.** 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 or~~ 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 48.** 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 49.** 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 50.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

24 **SECTION 51.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and  
25 amended to read:

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 52.** 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 53.** 30.12 (4m) (title) of the statutes is repealed.

9           **SECTION 54.** 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 55.** 30.12 (5) of the statutes is repealed.~~

16           **SECTION 56.** 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.

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



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 57.** 30.123 (title) of the statutes is repealed and recreated to read:

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

9 **SECTION 58.** 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 59.** 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 a 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 construct, place, or maintain a culvert in, on, or over navigable  
21 waters ~~unless a permit has been issued by the department under this section.~~ The  
22 ~~application for a permit shall contain the applicant's name and address, the proposed~~  
23 ~~location of the bridge, a cross section and plan view of the navigable waters and~~  
24 ~~adjacent uplands, a description of materials to be used in construction of the bridge,~~

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

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

4 **SECTION 61.** 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 62.** 30.123 (5) of the statutes is repealed.~~

14 **SECTION 63.** 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 (d) The construction or placement and the maintenance of a culvert to replace  
21 a culvert that is authorized under a permit issued under s. 30.12, 2001 stats., or  
22 30.123, 2001 stats, if the construction, placement, and maintained will comply with  
23 the same conditions of the permit.

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

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

2           30.123 (6m) PERMITS IN LIEU OF EXEMPTIONS. The department may decide to  
3 require that a person engaged in an activity that is exempt under sub. (6) (d) or (e)  
4 apply for an individual permit or seek authorization under a general permit if the  
5 department has conducted an investigation and visited the site of the activity and  
6 has determined that conditions specific to the site require restrictions on the activity  
7 in order to prevent any of the following:

8           (a) Significant adverse impacts to the public rights and interests.

9           (b) Environmental pollution, as defined in s. 299.01 (4).

10          (c) Material injury to the riparian rights of any riparian owner.

11          **SECTION 65.** 30.123 (6r) of the statutes is created to read:

12          30.123 (6r) EXEMPTION DETERMINATIONS. (a) A person may submit to the  
13 department a written statement requesting that the department determine whether  
14 a proposed activity is exempt under sub. (6) (d) or (e). The statement shall contain  
15 a description of the proposed activity and site and shall give the department consent  
16 to enter and inspect the site.

17          (b) The department shall do all of the following within 15 days after receipt of  
18 a statement under par. (a).

19           1. Enter and inspect the site on which the activity is located, subject to s. 30.291,  
20 if the department determines such an inspection is necessary.

21           2. Make a determination as to whether the activity is exempt.

22           3. Notify in writing the person submitting the statement which general or  
23 individual permit will be required for the activity, if the department determines that  
24 the activity is not exempt.

1 (c) If the department does not take action under par. (b), the department may  
2 not require at any time that the person proposing to engage in the activity apply for  
3 an individual permit or seek authorization under a general permit.

4 (d) If a statement under par. (a) is not given or if the statement does not give  
5 consent to inspect, the 15-day time limit under par. (b) does not apply.

6 **SECTION 66.** 30.123 (7) of the statutes is created to read:

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

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

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

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

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

18 **SECTION 67.** 30.123 (8) of the statutes is created to read:

19 30.123 (8) INDIVIDUAL PERMITS. (a) For the construction and maintenance of a  
20 bridge or culvert that is not exempt under sub. (6) and that is not subject to a general  
21 permit under sub. (7), a person may apply to the department for the individual  
22 permit that is required under sub. (2) in order to construct or maintain a bridge or  
23 culvert.

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

*unless required to do so by a court or hearing examiner*

✓  
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1           **SECTION 68.** 30.13 (1m) (intro.) of the statutes is amended to read:

2           30.13 (1m) SWIMMING RAFTS ALLOWED WITHOUT PERMIT UNDER CERTAIN  
3 CIRCUMSTANCES. (intro.) A riparian ~~proprietor~~ owner may place a swimming raft in  
4 a navigable waterway for swimming and diving purposes without obtaining a permit  
5 under s. 30.12 if all of the following conditions are met:

6           **SECTION 69.** 30.13 (1m) (b) of the statutes is amended to read:

7           30.13 (1m) (b) The swimming raft does not interfere with rights of other  
8 riparian ~~proprietors~~ owners.

9           **SECTION 70.** 30.13 (4) (a) of the statutes is amended to read:

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

15          **SECTION 71.** 30.13 (4) (b) of the statutes is amended to read:

16          30.13 (4) (b) *Interferes with riparian rights.* A wharf or pier which interferes  
17 with rights of other riparian ~~proprietors~~ owners constitutes an unlawful obstruction  
18 of navigable waters unless ~~a permit is issued for~~ the wharf or pier is authorized  
19 under a permit issued under s. 30.12 or unless other authorization for the wharf or  
20 pier is expressly provided.

21          **SECTION 72.** 30.135 (1) (title) of the statutes is repealed.

22          **SECTION 73.** 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

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

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

4 **SECTION 75.** 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 76.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

9 **SECTION 77.** 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 78.** 30.135 (2), (3) and (4) of the statutes are repealed.

16 **SECTION 79.** 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 80.** 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~~ an individual permit under this section if the diversion will result in a  
24 water loss averaging 2,000,000 gallons per day in any 30-day period above the  
25 person's authorized base level of water loss.

1           **SECTION 81.** 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 82.** 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 83.** 30.18 (9) of the statutes is repealed.~~

16           **SECTION 84.** 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 a general  
19 permit has been ~~granted by the department~~ issued under this section or  
20 authorization has been granted by the legislature, ~~it is unlawful~~ no person may do  
21 any of the following:

22           **SECTION 85.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and  
23 amended to read:

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

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 (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 86.** 30.19 (1) (b) of the statutes is repealed.

7 **SECTION 87.** 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 88.** 30.19 (1b) of the statutes is created to read:

13 30.19 **(1b)** DEFINITION. In this section:

14 (a) "Artificial water body" means a proposed or existing body of water that does  
15 not have a history of being a lake or stream or of being part of a lake or stream.

16 (b) "Bank" means either of the following:

17 1. Land area that is, in size, the greater of the following:

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

20 b. The portion of land surface extending landward from the ordinary  
21 high-water mark of any navigable waterway to the point where the slope is less than  
22 12 percent.

23 2. A bank as determined by the department by rule under sub. (1d).

24 (c) "Priority navigable waterway" means any of the following:



1           1. A navigable waterway, or a portion of a navigable waterway, that is identified  
2 as an outstanding or exceptional resource water under s. 281.15.

3           2. A navigable waterway, or a portion of a navigable waterway, identified as a  
4 trout stream.

5           3. A lake that is less than 50 acres in size.

6           4. Any other navigable waterway, or portion of a navigable waterway, that the  
7 department has determined, by rule, contains sensitive fish and aquatic habitat and  
8 that the department has <sup>specifically</sup> ~~individually~~ identified by rule. ✓

9           **SECTION 89.** 30.19 (1c) of the statutes is created to read:

10           30.19 (1c) DEFINITION; APPLICABILITY. The definition of "bank" under sub. (1b)  
11 does not apply after the 90th day after the day the rule under sub. (1d) is submitted  
12 to legislative council staff under s. 227.15 (1) or the day that the rule promulgated  
13 under sub. (1d) goes into effect, whichever is earlier.

14           **SECTION 90.** 30.19 (1d) of the statutes is created to read:

15           30.19 (1d) RULES; BANKS OF NAVIGABLE WATERWAYS. (a) The department shall  
16 promulgate a rule to determine what constitutes a bank for purposes of this section  
17 in accordance with all of the following:

18           1. For priority navigable waterways, the department shall promulgate a rule  
19 stating that a bank is, in size, the greater of the following:

20           a. The portion of land surface that extends a certain distance landward from  
21 the ordinary high-water mark of the navigable waterway, but the distance under the  
22 rule may not exceed 300 feet.

23           b. The portion of land surface that extends landward from the ordinary  
24 high-water mark of the navigable waterway to the point where the slope is measured

1 to be a certain percentage, but the percentage under the rule may not be less than  
2 10 percent.

3 1m. The rule promulgated under sub. 1. may apply to specific priority navigable  
4 waterways or to classes of priority navigable waterways.

5 2. For navigable waterways that are not priority navigable waterways, the  
6 department shall promulgate a rule stating that a bank is, in size, the greater of the  
7 following:

8 a. The portion of the land surface that extends a certain distance landward  
9 from the ordinary high-water mark of the navigable waterway, but the distance  
10 under the rule may not exceed 75 feet.

11 b. The portion of land surface that extends landward from the ordinary  
12 high-water mark of the navigable waterway to the point where the slope is measured  
13 to be a certain percentage, but the percentage under the rule may not be less than  
14 12 percent.

15 2m. The rule promulgated under subd. 1. may apply to specific navigable  
16 waterways or to classes of navigable waterways.

17 (am) The rule under this subsection may not require or allow the department  
18 to deviate from, or create an exemption from, the requirements of the rules  
19 promulgated under this section in determining what constitutes a bank at an  
20 individual, specific site.

21 (b) In promulgating the rule under this subsection, the determination under  
22 this subsection of what constitutes a bank may not include any land where the slope  
23 or drainage of the land into the navigable waterway is completely interrupted.

24 (c) To the extent practicable, the rule under this subsection shall be consistent  
25 with rules promulgated by the department that relate to shorelands, as defined in

1 s. 59.692 (1) (b), and floodplains, and rules promulgated under s. 281.16 (2) that  
2 relate to protective areas for wetlands and waterways.

3 (d) In promulgating the rule under this subsection, the department shall  
4 consider public rights and interests for the purpose of furthering the public trust in  
5 navigable waters.

6 **SECTION 91.** 30.19 (1m) (intro.) of the statutes is amended to read:

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

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

11 30.19 (1m) (a) The construction ~~and~~ or repair of any public highways ~~highway~~.

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

13 30.19 (1m) (b) Any agricultural ~~uses~~ use of land.

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

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

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

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

20 **SECTION 96.** 30.19 (1m) (d) of the statutes is amended to read:

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

24 **SECTION 97.** 30.19 (1m) (e) of the statutes is amended to read:

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

4           **SECTION 98.** 30.19 (2) of the statutes is repealed.

5           **SECTION 99.** 30.19 (3) of the statutes is repealed.

6           **SECTION 100.** 30.19 (3r) of the statutes is created to read:

7           30.19 (3r) GENERAL PERMITS. (a) The department shall issue statewide general  
8 permits under s. 30.206 that authorize persons to do all of the following:

9           1. Engage in an activity specified in sub. (1g) (am) <sup>Substantially</sup> in accordance with best  
10 management practices required for storm water discharge permits under ch. 283.

11           2. Engage in an activity specified in sub. (1g) (c).

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

15           **SECTION 101.** 30.19 (4) (title) of the statutes is amended to read:

16           30.19 (4) (title) ~~ISSUANCE OF PERMIT~~ INDIVIDUAL PERMITS.

17           **SECTION 102.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and  
18 amended to read:

19           30.19 (4) (c) (intro.) ~~If the~~ The department ~~finds that the project will not injure~~  
20 ~~public rights or interest, including fish and game habitat, that the project shall issue~~  
21 an individual permit pursuant to an application under par. (a) if the department  
22 finds that all of the following apply:

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

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

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

8           **SECTION 103.** 30.19 (4) (a) of the statutes is created to read:

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

13           **SECTION 104.** 30.19 (4) (b) of the statutes is created to read:

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

16           **SECTION 105.** 30.19 (4) (c) 1. of the statutes is created to read:

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

18           **SECTION 106.** 30.19 (5) of the statutes is amended to read:

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

1 permit on public access as it finds reasonably necessary to protect public health,  
2 safety, welfare, rights and interest and to protect private rights and property.

3 **SECTION 107.** 30.195 (1) of the statutes is amended to read:

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

8 **SECTION 108.** 30.195 (2) of the statutes is repealed and recreated to read:

9 30.195 (2) INDIVIDUAL PERMITS. (a) A riparian owner shall apply to the  
10 department for an individual permit in order to engage in activities for which a  
11 permit is required under sub. (1).

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

14 **SECTION 109.** 30.195 (3) (title) of the statutes is repealed.

15 **SECTION 110.** 30.195 (3) of the statutes is renumbered 30.195 (2) (c) and  
16 amended to read:

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

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

23 2. The proposed change of course or straightening of the navigable stream will  
24 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 111. 30.195 (4) of the statutes is repealed.~~

12           ~~SECTION 112. 30.195 (7) of the statutes is repealed.~~

13           **SECTION 113.** 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 114.** 30.20 (1) (title) of the statutes is repealed and recreated to read:

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

23           **SECTION 115.** 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 116.** 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 117.** 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 118.** 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

21 **SECTION 119.** 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 120.** 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 121.** 30.20 (1m) of the statutes is created to read:

17 30.20 (1m) PERMITS OR CONTRACTS IN LIEU OF EXEMPTIONS. 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 (a) Significant adverse impacts to the public rights and interests.

24 (b) Environmental pollution, as defined in s. 299.01 (4).

25 (c) Material injury to the riparian rights of any riparian owner.

✓  
insert  
33-15 →

1           **SECTION 122.** 30.20 (1r) of the statutes is created to read:

2           **30.20 (1r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the  
3 department a written statement requesting that the department determine whether  
4 a proposed activity is exempt under sub. (1g). The statement shall contain a  
5 description of the proposed activity and site and shall give the department consent  
6 to enter and inspect the site.

7           (b) The department shall do all of the following within 15 days after receipt of  
8 a statement under par. (a).

9           1. Enter and inspect the site on which the activity is located, subject to s. 30.291,  
10 if the department determines such an inspection is necessary.

11           2. Make a determination as to whether the activity is exempt.

12           3. Notify in writing the person submitting the statement of which general  
13 permit or individual permit will be required, or whether a contract will be required,  
14 if the department determines that the activity is not exempt.

15           (c) If the department does not take action under par. (b), the department may  
16 not require at any time that the person proposing to engage in the activity apply for  
17 an individual permit, seek authorization under a general permit, or apply to enter  
18 a contract,

19           (d) If a statement under par. (a) is not given or if the statement does not give  
20 consent to inspect, the 15-day time limit under par. (b) does not apply.

21           **SECTION 123.** 30.20 (1t) of the statutes is created to read:

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

✓  
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34-25 → unless required to do so by a court or hearing examiner

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

4 **SECTION 124.** 30.20 (2) (title) of the statutes is amended to read:

5 30.20 (2) (title) CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.

6 **SECTION 125.** 30.20 (2) (a) and (b) of the statutes are amended to read:

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

24 (b) The department, ~~whenever consistent with public rights,~~ may enter into  
25 ~~contracts~~ a contract on behalf of the state for the removal and lease or sale of any

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

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

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

23 **SECTION 127.** 30.20 (2) (c) of the statutes is amended to read:

24 30.20 (2) (c) ~~A permit to remove material from the bed of any lake or stream~~  
25 ~~not included in sub. (1) (a) may be issued by the department if it~~ The department

1 shall issue an individual permit pursuant to an application under par. (bn) if the  
2 department finds that the issuance of such a the permit will be consistent with the  
3 public interest in the water involved. A permit or contract issued under this  
4 paragraph may be issued for up to 10 years if the applicant notifies the department  
5 at least 30 days before removing any material lake or stream.

6 **SECTION 128.** 30.20 (2) (d) of the statutes is created to read:

7 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application  
8 at least 30 days before the proposed date of the removal, the department may issue  
9 the permit for a period of up to 10 years. The department may allow one extension  
10 of a permit issued under this paragraph, upon application to the department. The  
11 extension shall be for the same period of time as the original permit.

12 **SECTION 129.** 30.20 (2) (e) of the statutes is created to read:

13 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to  
14 an application for a permit or contract under this subsection.

15 **SECTION 130.** 30.201 of the statutes is created to read:

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

22 (a) A certificate of deposit.

23 (b) An irrevocable letter of credit.

24 (c) An irrevocable trust.

25 (d) An escrow account.

1 (e) A government security.

2 (f) Any other demonstration of financial responsibility.

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

5 **SECTION 131.** 30.2022 (title) of the statutes is created to read:

6 **30.2022 (title) Activities of department of transportation.**

7 **SECTION 132.** 30.2026 (2) (d) of the statutes is amended to read:

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

11 **SECTION 133.** 30.2026 (3) (a) of the statutes is amended to read:

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

22 **SECTION 134.** 30.206 (1) (title) of the statutes is created to read:

23 30.206 (1) (title) PROCEDURE FOR ISSUING GENERAL PERMITS.

24 **SECTION 135.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and  
25 amended to read:

1           30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~  
2           ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~  
3           ~~class of activities, according to rules promulgated by the department. Before issuing~~  
4           ~~general permits, the department shall determine after an environmental analysis~~  
5           ~~and notice and hearing under ss. 227.17 and 227.18, that. The department shall~~  
6           ~~issue the statewide general permits as rules promulgated under ch. 227 required~~  
7           ~~under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a). The statewide general~~  
8           ~~permits required under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a) shall be~~  
9           ~~promulgated with~~ <sup>within</sup> ~~540 days after the effective date of this paragraph .... [revisor~~  
10           ~~inserts date]. The department shall submit in proposed form the rule containing the~~  
11           ~~statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to~~  
12           ~~the legislative council staff under section 227.15 (1) no later than the first day of the~~  
13           ~~6th month beginning after the effective date of this paragraph ....[revisor inserts~~  
14           ~~date]. General permits issued under s. 30.206, 2001 stats., shall remain valid until~~  
15           ~~the date upon which the rules issuing these statewide general permits are~~  
16           ~~promulgated under this paragraph.~~

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

23           **SECTION 136.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

24           30.206 (1) (c) 1. Construction and design requirements that are consistent with  
25           the purpose of the activity authorized under the permit.

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

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

5           **SECTION 137.** 30.206 (2) of the statutes is repealed.

6           **SECTION 138.** 30.206 (3) (title) of the statutes is created to read:

7           30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL  
8 PERMITS.

9           **SECTION 139.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and  
10 amended to read:

11           30.206 (3) (a) A person wishing to proceed with an activity that may be  
12 authorized by a general permit shall apply to the department, with written  
13 notification of the person's wish to proceed, not less than ~~20 business~~ 30 days before  
14 commencing the activity authorized by a general permit. ~~The department may~~  
15 ~~request additional information from the applicant~~ notification shall provide  
16 information describing the activity in order to allow the department to determine  
17 whether the activity is ~~within the scope of a~~ authorized by the general permit and  
18 shall ~~inform the applicant in writing of its determination within 10 business days~~  
19 ~~after receipt of adequate information~~ give the department consent to enter and  
20 inspect the site, subject to s. 30.291.

21           **SECTION 140.** 30.206 (3) (c) of the statutes is created to read:

22           30.206 (3) (c) Upon completion of an activity that the department has  
23 authorized under a general permit, the applicant for the general permit shall provide  
24 to the department a statement certifying that the activity is in compliance with all  
25 of the conditions of the general permit and a photograph of the activity.

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