



State of Wisconsin
2003 - 2004 LEGISLATURE

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Now

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ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 655

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), 30.123 (3), 30.135 (1)
3 (title), 30.135 (2), (3) and (4), 30.19 (1) (b), 30.19 (2), 30.19 (3), 30.195 (3) (title),
4 30.206 (2), 30.206 (3m), 30.207 (4) (b), 30.207 (5), 30.28 (3) (b), 285.60 (2m) and
5 299.05 (2) (d); *to renumber* 30.12 (3) (bt) 1. to 9., 30.12 (4) (d), 30.135 (1) (a) 1.,
6 30.135 (1) (a) 3., 30.20 (1) (c) 3., 30.28 (3) (a), 285.17 (2), 285.60 (6), 285.62 (8)
7 and 285.66 (2); *to renumber and amend* 30.015, 30.07, 30.12 (3) (a) 2., 30.12
8 (3) (a) 2m., 30.12 (3) (a) 6., 30.12 (3) (a) 7., 30.12 (3) (a) 8., 30.12 (3) (bt) (intro.),
9 30.12 (3) (c), 30.12 (4) (a), 30.12 (4) (b), 30.12 (4) (c), 30.12 (4) (e), 30.12 (4) (f),
10 30.12 (4m), 30.123 (1), 30.123 (4), 30.135 (1) (a) (intro.), 30.135 (1) (a) 2., 30.135
11 (1) (b), 30.19 (1) (intro.), 30.19 (1) (a), 30.19 (1) (c), 30.19 (4), 30.195 (3), 30.20
12 (1) (d), 30.206 (1), 30.206 (3), 30.206 (4), 285.21 (1) (b), 285.27 (2) (b), 285.61 (2)
13 and 285.62 (2); *to consolidate, renumber and amend* 30.20 (1) (c) 1. and 2.;

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

1 227.14 (4) (b) 3., 227.19 (3) (cm), 227.43 (1g), 227.44 (2) (d), 227.483, 285.14,
2 285.17 (2) (b), 285.21 (1) (b) 1. to 4., 285.23 (6), 285.27 (2) (b) 1. to 4., 285.27 (2)
3 (d), 285.60 (2g), 285.60 (5m), 285.60 (6) (b), 285.60 (8), 285.60 (9), 285.60 (10),
4 285.61 (2) (a) (title), 285.61 (2) (a) 2., 285.61 (2) (b), 285.61 (10), 285.61 (11),
5 285.62 (2) (a) (title), 285.62 (2) (a) 2., 285.62 (2) (b), 285.62 (8) (b), 285.62 (12),
6 285.66 (2) (b) and 285.81 (1m) of the statutes; **relating to:** air pollution control;
7 administrative rules and hearings; structures, deposits, and other activities in
8 or near navigable waters; notice, hearing, and review procedures related to
9 permits to place structures and materials and to conduct activities in or near
10 navigable waters; and granting 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, ^{an approval,}
 16 or a contract ^{required} (under this subchapter or subch. II,) ^{a permit or} an approval required under this
 17 chapter or ch. 31, a storm water discharge permit required under s. 283.33 (1) (a),
 18 or a water quality certification required under s. 281.36 or under rules promulgated
 19 under subch. II of ch. 281 to implement 33 USC 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.

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) ^{land} (km) ~~and (n)~~ 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 located in an inland lake or Great Lakes waterbody and that includes
7 the replacement of filter fabric or base substrate.

8 (j) Riprap in an amount not to exceed 300 linear feet that is placed to repair
9 existing riprap located in an inland lake or Great Lakes waterbody, and that consists
10 only of the placement of additional rock or the redistribution of existing rock within
11 the footprint of the existing riprap.

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

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

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

20 SECTION 23. 30.12 (1m) of the statutes is created to read:

21 30.12 (1m) RULES. (a) The department may promulgate rules concerning the
22 exempt activities under sub. (1g) that ^{only} do any of the following:

- 23 1. Establish reasonable installation practices for the placement of structures
24 or the deposit of material to minimize environmental impacts.

1 2. Establish reasonable construction and design requirements for the
2 placement of structures under sub. (1g) (c), (d), (f), (g), (h), and (km) that are
3 consistent with the purpose of the activity.

4 3. Establish reasonable limitations on the location of the placement of
5 structures or the deposit of material at the site affected by the activity.

6 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
7 practices or requirements that prohibit the placement of structures or the deposit of
8 material or that render the placement of structures or the deposit of material
9 economically cost-prohibitive.

10 **SECTION 24.** 30.12 (2) of the statutes is repealed.

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

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

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

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

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

21 **SECTION 26.** 30.12 (2r) of the statutes is created to read:

22 **30.12 (2r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the
23 department a written statement requesting that the department determine whether
24 a proposed activity is exempt under sub. (1g). The statement shall contain a

1 description of the proposed activity and site and shall give the department consent
2 to enter and inspect the site.

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

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

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

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

11 (c) If the department does not take action under par. (b), the department may
12 not require at any time that the person proposing to engage in the activity apply for
13 an individual permit or seek authorization under a general permit unless required
14 to do so by a court or hearing examiner.

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

17 **SECTION 27.** 30.12 (3) (title) of the statutes is repealed and recreated to read:

18 30.12 (3) (title) GENERAL PERMITS.

19 **SECTION 28.** 30.12 (3) (a) (intro.) of the statutes is repealed and recreated to
20 read:

21 30.12 (3) (a) (intro.) The department shall issue statewide general permits
22 under s. 30.206 that authorize riparian owners to do all of the following:

23 **SECTION 29.** 30.12 (3) (a) 2. of the statutes is renumbered 30.12 (1g) (c) and
24 amended to read:

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

4 **SECTION 30.** 30.12 (3) (a) 2m. of the statutes is renumbered 30.12 (1g) (d) and
5 amended to read:

6 30.12 (1g) (d) ~~Place a~~ A bird nesting platform, ~~a~~ wood duck house, or similar
7 structure that is placed on the bed of a navigable water for the purpose of improving
8 wildlife habitat.

9 **SECTION 31.** 30.12 (3) (a) 3. of the statutes is repealed.

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

11 30.12 (3) (a) 3c. Place riprap in order to replace or repair existing riprap, other
12 than riprap that is exempt under sub. (1g) (i) or (j).

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

14 30.12 (3) (a) 3g. Place riprap on the bed or bank of a navigable water adjacent
15 to an owner's property in an amount up to and including 100 continuous feet in an
16 inland lake of 300 acres or more.

17 **SECTION 34.** 30.12 (3) (a) 3r. of the statutes is created to read:

18 30.12 (3) (a) 3r. Place riprap on the bed or bank of a navigable water adjacent
19 to an owner's property in an amount up to and including 300 continuous feet in a
20 Great Lakes water body.

21 **SECTION 35.** 30.12 (3) (a) 6. of the statutes is renumbered 30.12 (3m) (b) and
22 amended to read:

23 30.12 (3m) (b) ~~Place a permanent boat shelter adjacent to the owner's property~~
24 ~~for the purpose of storing or protecting watercraft and associated materials, except~~
25 ~~that no~~ No permit may be granted for issued that authorizes ~~a permanent boat~~

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

5 SECTION 36. 30.12 (3) (a) 7. of the statutes is renumbered 30.12 (1g) (g) and
 6 amended to read:

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7 30.12 (1g) (g) ~~Place an~~ An intake structure and pipe that is placed on the bed
 8 of a navigable water for the purpose of constructing a dry fire hydrant to supply water
 9 for fire protection.

10 SECTION 37. 30.12 (3) (a) 8. of the statutes is renumbered 30.12 (1g) (h) and
 11 amended to read:

12 30.12 (1g) (h) ~~Drive a piling~~ A piling that is driven into the bed of a navigable
 13 water adjacent to the owner's property for the purpose of deflecting ice, protecting
 14 an existing or proposed structure, or providing a pivot point for turning watercraft.

15 SECTION 38. 30.12 (3) (a) 13. of the statutes is created to read:

16 30.12 (3) (a) 13. Place a seawall to replace an existing seawall that is in
 17 compliance with subch. 1 and this subchapter ~~for which a permit has been issued under this chapter~~. The replacement may not exceed 100
 18 continuous feet in an inland lake of 300 or more acres and may not exceed 300
 19 continuous feet in a Great Lakes water body.

20 SECTION 39. 30.12 (3) (b) of the statutes is repealed.

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

22 SECTION 41. 30.12 (3) (br) of the statutes is created to read:

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

1 **SECTION 42.** 30.12 (3) (bt) (intro.) of the statutes is renumbered 30.2023 (intro.)
2 and amended to read:

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

8 **SECTION 43.** 30.12 (3) (bt) 1. to 9. of the statutes are renumbered 30.2023 (1)
9 to (9).

10 **SECTION 44.** 30.12 (3) (c) of the statutes is renumbered 30.12 (3m) (a) and
11 amended to read:

12 30.12 (3m) (a) The department may promulgate rules deemed that are
13 necessary to carry out the purposes of par. (a) 6. for issuing individual permits under
14 this section for permanent boat shelters, including rules to establish minimum
15 standards to govern the architectural features of boat shelters and the number of
16 boat shelters that may be constructed adjacent to a parcel of land. The rules may not
17 govern the aesthetic features or color of boat shelters. The standards shall be
18 designed to assure the structural soundness and durability of a boat shelter. A
19 municipality may enact ordinances not inconsistent with this section or with rules
20 promulgated under this section regulating the architectural features of boat
21 shelters.

22 **SECTION 45.** 30.12 (3) (d) of the statutes is repealed.

23 **SECTION 46.** 30.12 (3m) of the statutes is created to read:

24 30.12 (3m) **INDIVIDUAL PERMITS.** (a) For a structure or deposit that is not exempt
25 under sub. (1g) and that is not subject to a general permit under sub. (3), a riparian

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1 owner may apply to the department for the individual permit that is required under
2 sub. (1) in order to place the structure for the owner's use or to deposit the material.

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

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

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

12 **SECTION 47.** 30.12 (4) (title) of the statutes is repealed.

13 **SECTION 48.** 30.12 (4) (a) of the statutes is renumbered 30.2022 (1) and
14 amended to read:

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

1 **SECTION 49.** 30.12 (4) (b) of the statutes is renumbered 30.2022 (2) and
2 amended to read:

3 30.2022 (2) The exemption under ~~par. (a)~~ sub. (1) does not apply unless the
4 activity is accomplished in accordance with interdepartmental liaison procedures
5 established by the department and the department of transportation for the purpose
6 of minimizing the adverse environmental impact, if any, of the activity.

7 **SECTION 50.** 30.12 (4) (c) of the statutes is renumbered 30.2022 (3) and
8 amended to read:

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

18 **SECTION 51.** 30.12 (4) (d) of the statutes is renumbered 30.2022 (4).

19 **SECTION 52.** 30.12 (4) (e) of the statutes is renumbered 30.2022 (5) and
20 amended to read:

21 30.2022 (5) Except as may be required otherwise under s. 1.11, no public notice
22 or hearing is required in connection with any interdepartmental consultation and
23 cooperation under this ~~subsection~~ section.

24 **SECTION 53.** 30.12 (4) (f) of the statutes is renumbered 30.2022 (6) and amended
25 to read:

1 30.2022 (6) This ~~subsection~~ section does not apply to activities in the Lower
2 Wisconsin State Riverway, as defined in s. 30.40 (15).

3 **SECTION 54.** 30.12 (4m) (title) of the statutes is repealed.

4 **SECTION 55.** 30.12 (4m) of the statutes is renumbered 30.12 (1m), and 30.12
5 (1m) (c) (intro.), as renumbered, is amended to read:

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

10 **SECTION 56.** 30.121 (3w) of the statutes is created to read:

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

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

15 (b) The boathouse is located on land zoned exclusively for commercial or
16 industrial purposes or the boathouse is located on a brownfield, as defined in s.
17 560.13 (1) (a), or in a blighted area, as defined in s. 66.1331 (3) (a).

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

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

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

25 **30.123 (title) Bridges and culverts.**

1 **SECTION 58.** 30.123 (1) of the statutes is renumbered 30.1235 and amended to
2 read:

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

8 **SECTION 59.** 30.123 (2) of the statutes is amended to read:

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

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

20 **SECTION 61.** 30.123 (4) of the statutes is renumbered 30.123 (8) (c) and
21 amended to read:

22 30.123 (8) (c) ~~The department shall review the plans for the proposed bridge~~
23 ~~to determine whether the proposed bridge will be an obstruction to navigation or will~~
24 ~~adversely affect the flood flow capacity of the stream. The department shall grant~~
25 ~~the issue an individual permit if the proposed pursuant to an application under par.~~

1 (a) if the department finds that the bridge or culvert will not materially obstruct
2 navigation, will not materially reduce the effective flood flow capacity of a stream or
3 be, and will not be detrimental to the public interest.

4 **SECTION 62.** 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. 30.123, ~~2001 statute~~
12 30.123, ~~2001 statute~~ 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 63.** 30.123 (6m) of the statutes is created to read:

17 30.123 (6m) PERMITS IN LIEU OF EXEMPTIONS. 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 (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.

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

2 30.123 (6r) 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. (6) (d) or (e). The statement shall contain
5 a 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 which general or
13 individual permit will be required for the activity, if the department determines that
14 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 or seek authorization under a general permit unless required
18 to do so by a court or hearing examiner.

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 65.** 30.123 (6s) of the statutes is created to read:

22 30.123 (6s) RULES. (a) The department may promulgate rules concerning the
23 exempt activities under sub. (6) that ^{only} do any of the following:

24 1. Establish reasonable installation practices for culverts to minimize
25 environmental impacts.

1 2. Establish reasonable construction and design requirements for culverts that
2 are consistent with the purpose of the activity.

3 3. Establish reasonable limitations on the location of culverts at the site
4 affected by the activity.

5 (b) Notwithstanding par. (a), the rules under par. (a) 1. and 2. may not establish
6 practices or requirements that prohibit the construction of culverts or that render
7 the placement of culverts economically cost-prohibitive.

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

9 30.123 (7) GENERAL PERMITS. (a) The department shall issue statewide general
10 permits under s. 30.206 that authorize any person to do all of the following:

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

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

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

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

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

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

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

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

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

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

9 **30.13 (1m) (b)** The swimming raft does not interfere with rights of other
10 riparian ~~proprietors~~ owners.

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

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

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

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

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

24 **SECTION 73.** 30.135 (1) (a) (intro.) of the statutes is renumbered 30.135 (1)
25 (intro.) and amended to read:

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

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

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

8 30.135 (1) (b) The platform or jump does not interfere with rights of other
9 riparian ~~proprietors~~ owners.

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

11 **SECTION 77.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
12 amended to read:

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

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

18 **SECTION 79.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

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

22 **SECTION 80.** 30.18 (2) (b) of the statutes is amended to read:

23 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain
24 an approval under s. 281.41, may divert water from any lake or stream in this state
25 without ~~a~~ an individual permit under this section if the diversion will result in a

1 water loss averaging 2,000,000 gallons per day in any 30-day period above the
2 person's authorized base level of water loss.

3 **SECTION 81.** 30.18 (4) (a) of the statutes is amended to read:

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

12 **SECTION 82.** 30.18 (6) (b) of the statutes is amended to read:

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

17 **SECTION 83.** 30.19 (1) (intro.) of the statutes is renumbered 30.19 (1g) (intro.)
18 and amended to read:

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

23 **SECTION 84.** 30.19 (1) (a) of the statutes is renumbered 30.19 (1g) (a) and
24 amended to read:

into^a navigable waterway except as a result of storm events

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

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

including a stormwater management pond that does not discharge

8 SECTION 85. 30.19 (1) (b) of the statutes is repealed.

9 SECTION 86. 30.19 (1) (c) of the statutes is renumbered 30.19 (1g) (c) and
10 amended to read:

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

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

15 30.19 (1b) DEFINITION. In this section:

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

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

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

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

22 b. The portion of land surface extending landward from the ordinary
23 high-water mark of any navigable waterway to the point where the slope is less than
24 12 percent.

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

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

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

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

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

7 4. Any other navigable waterway, or portion of a navigable waterway, that the
8 department has determined, by rule, contains sensitive fish and aquatic habitat and
9 that the department has specifically identified by rule.

10 **SECTION 88.** 30.19 (1c) of the statutes is created to read:

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

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

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

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

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

24 b. The portion of land surface that extends landward from the ordinary
25 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 90.** 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 91.** 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 92.** 30.19 (1m) (b) of the statutes is amended to read:

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

14 **SECTION 93.** 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 94.** 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 95.** 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 96.** 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 97.** 30.19 (2) of the statutes is repealed.

5 **SECTION 98.** 30.19 (3) of the statutes is repealed.

6 **SECTION 99.** 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) substantially in accordance
10 with best management practices required for storm water discharge permits under
11 ch. 283.

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

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

16 **SECTION 100.** 30.19 (4) (title) of the statutes is amended to read:

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

18 **SECTION 101.** 30.19 (4) of the statutes is renumbered 30.19 (4) (c) (intro.) and
19 amended to read:

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

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

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

4 4. No material injury will result to the 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 102.** 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 103.** 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 104.** 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 105.** 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 106.** 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 107.** 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 108.** 30.195 (3) (title) of the statutes is repealed.

15 **SECTION 109.** 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 applied 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 110. 30.196 (intro.) of the statutes is amended to read:

12 **30.196 Enclosure of navigable waters; issuance of permits to**
13 **municipalities.** (intro.) A municipality may enclose navigable waters by directing,
14 placing or restricting navigable waters into an enclosed drain, conduit, storm sewer
15 or similar structure if the department grants the municipality ~~a~~ an individual
16 permit. The department may grant this permit to a municipality after following the
17 notice and hearing requirements under s. ~~30.02 (3) and (4)~~ 30.208 (3) to (5) if it finds
18 that granting the permit:

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

20 30.20 (1) (title) PERMITS OR CONTRACTS REQUIRED.

21 SECTION 112. 30.20 (1) (a) of the statutes is amended to read:

22 30.20 (1) (a) ~~No~~ Unless a contract has been entered into with the department
23 under sub. (2) (a) or (b) or authorization has been granted by the legislature, no
24 person may remove any material from the bed of ~~any~~ a natural navigable lake or from

1 the bed of any outlying waters of this state without first obtaining a contract as
2 provided in sub. (2).

3 SECTION 113. 30.20 (1) (b) of the statutes is amended to read:

4 30.20 (1) (b) ~~Except as provided under pars. (c) and (d),~~ Unless an individual
5 or a general permit has been issued by the department under this section or
6 authorization has been granted by the legislature, no person may remove any
7 material from the bed of any lake or navigable stream that is not mentioned
8 described under par. (a) without first obtaining a permit from the department under
9 sub. (2) (e).

10 SECTION 114. 30.20 (1) (c) 1. and 2. of the statutes are consolidated, renumbered
11 30.20 (1g) (a) 1. and amended to read:

12 30.20 (1g) (a) 1. ~~Except as provided under subd. 2., a person may remove A~~
13 removal of material from the bed of a farm drainage ditch which was not a navigable
14 stream before ditching. ~~2. The department may require a permit under sub. (2) (e)~~
15 ~~for a removal under subd. 1. only if it is exempt from the individual and general~~
16 permit requirements under this section unless the department finds that the
17 proposed removal may have a long-term adverse effect on cold-water fishery
18 resources or may destroy fish spawning beds or nursery areas.

19 SECTION 115. 30.20 (1) (c) 3. of the statutes is renumbered 30.20 (1g) (a) 2.

20 SECTION 116. 30.20 (1) (d) of the statutes is renumbered 30.20 (1g) (c) and
21 amended to read:

22 30.20 (1g) (c) ~~The A removal of material by the drainage board for the Duck~~
23 Creek Drainage District may, without a permit under sub. (2) (e), remove material
24 from a drain that the board operates in the Duck Creek Drainage District is exempt
25 from the individual and general permit requirements under this section if the

1 removal is required, under rules promulgated by the department of agriculture,
2 trade and consumer protection, in order to conform the drain to specifications
3 imposed by the department of agriculture, trade and consumer protection after
4 consulting with the department of natural resources.

5 **SECTION 117.** 30.20 (1g) (title) and (b) of the statutes are created to read:

6 30.20 (1g) (title) EXEMPTIONS.

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

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

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

15 **SECTION 118.** 30.20 (1k) of the statutes is created to read:

16 30.20 (1k) RULES. (a) The department may promulgate rules concerning the
17 exempt activities under sub. (1g) that ^{only} do any of the following:

18 1. Establish reasonable procedures for undertaking the removal of material to
19 minimize environmental impacts.

20 2. Establish reasonable limitations on the location of the removal of material
21 at the site affected by the activity.

22 (b) Notwithstanding par. (a), the rules under par. (a) 1. may not establish
23 procedures that prohibit undertaking the removal of material or that render the
24 undertaking of the removal of material economically cost-prohibitive.

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

1 **30.20 (1m) PERMITS OR CONTRACTS IN LIEU OF EXEMPTIONS.** The department may
2 decide to require that a person engaged in an activity that is exempt under sub. (1g)
3 apply for an individual permit or contract, or seek authorization under a general
4 permit if the department has conducted an investigation and visited the site of the
5 activity and has determined that conditions specific to the site require restrictions
6 on the activity in order to prevent any of the following:

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

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

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

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

11 **30.20 (1r) EXEMPTION DETERMINATIONS.** (a) A person may submit to the
12 department a written statement requesting that the department determine whether
13 a proposed activity is exempt under sub. (1g). The statement shall contain a
14 description of the proposed activity and site and shall give the department consent
15 to enter and inspect the site.

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

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

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

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

24 (c) If the department does not take action under par. (b), the department may
25 not require at any time that the person proposing to engage in the activity apply for

1 an individual permit, seek authorization under a general permit, or apply to enter
2 a contract unless required to do so by a court or hearing examiner.

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

5 **SECTION 121.** 30.20 (1t) of the statutes is created to read:

6 30.20 (1t) GENERAL PERMITS. (a) The department shall issue statewide general
7 permits under s. 30.206 that authorize any person to remove material for
8 maintenance purposes from an area from which material has been previously
9 removed.

10 (am) No person may be authorized to proceed under a general permit issued
11 under par. (a) unless the person has demonstrated to the department that material
12 has been previously removed from the area for which the person has requested
13 authorization to proceed.

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

17 **SECTION 122.** 30.20 (2) (title) of the statutes is amended to read:

18 30.20 (2) (title) ~~CONTRACTS FOR REMOVAL AND INDIVIDUAL PERMITS.~~

19 **SECTION 123.** 30.20 (2) (a) and (b) of the statutes are amended to read:

20 30.20 (2) (a) The department, ~~whenever consistent with public rights,~~ may
21 enter into ~~contracts~~ a contract on behalf of the state for the removal and lease or sale
22 of any material from the bed of any navigable lake or of any of the outlying waters,
23 and for the lease or sale of the material. Every if the contract is consistent with public
24 rights. A person seeking to enter into such a contract shall apply to the department.
25 Each contract entered into under this paragraph shall contain such any conditions

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

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

1 more than 75 years. Should any doubt exist as to whether the state, in fact, owns
2 such lake bed or stream bed such contract or lease shall be for such interests, if any,
3 as the state may own. Title to the royalties to be paid when mining operations are
4 begun shall be determined at such future time as royalties for ores so sold are paid
5 or are due and payable.

6 **SECTION 124.** 30.20 (2) (bn) of the statutes is created to read:

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

11 **SECTION 125.** 30.20 (2) (c) of the statutes is amended to read:

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

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

20 30.20 (2) (d) If an applicant for a permit under par. (bn) submits the application
21 at least 30 days before the proposed date of the removal, the department may issue
22 the permit for a period of up to 10 years. The department may allow one extension
23 of a permit issued under this paragraph, upon application to the department. The
24 extension shall be for the same period of time as the original permit.

25 **SECTION 127.** 30.20 (2) (e) of the statutes is created to read:

1 30.20 (2) (e) The notice and hearing provisions of s. 30.208 (3) to (5) apply to
2 an application for a permit or contract under this subsection.

3 **SECTION 128.** 30.201 of the statutes is created to read:

4 **30.201 Financial assurance for nonmetallic mining.** (1) If the
5 department requires that financial assurance be provided as a condition for a permit
6 under s. 30.19, 30.195, or 30.20 or for a contract under s. 30.20 for nonmetallic mining
7 and reclamation, the financial assurance may be a bond or alternative financial
8 assurance. An alternative financial assurance may include cash or any of the
9 following:

10 (a) A certificate of deposit.

11 (b) An irrevocable letter of credit.

12 (c) An irrevocable trust.

13 (d) An escrow account.

14 (e) A government security.

15 (f) Any other demonstration of financial responsibility.

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

18 **SECTION 129.** 30.2022 (title) of the statutes is created to read:

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

20 **SECTION 130.** 30.2026 (2) (d) of the statutes is amended to read:

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

24 **SECTION 131.** 30.2026 (3) (a) of the statutes is amended to read:

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

11 **SECTION 132.** 30.206 (1) (title) of the statutes is created to read:

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

13 **SECTION 133.** 30.206 (1) of the statutes is renumbered 30.206 (1) (a) and
14 amended to read:

15 30.206 (1) (a) ~~For activities which require a permit or approval under ss. 30.12~~
16 ~~(3) (a) and 30.19 (1) (a), the department may issue a general permit authorizing a~~
17 ~~class of activities, according to rules promulgated by the department. Before issuing~~
18 ~~general permits, the department shall determine after an environmental analysis~~
19 ~~and notice and hearing under ss. 227.17 and 227.18, that. The department shall~~
20 issue the statewide general permits as rules promulgated under ch. 227 required
21 under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a). The statewide general
22 permits required under ss. 30.12 (3) (a), 30.123 (7) (a), and 30.20 (1t) (a) shall be
23 promulgated within 540 days after the effective date of this paragraph ... [revisor
24 inserts date]. The department shall submit in proposed form the rule containing the
25 statewide general permit under s. 30.19 (3r) (a) and the rule under s. 30.19 (1d) to

1 the legislative council staff under section 227.15 (1) no later than the first day of the
2 6th month beginning after the effective date of this paragraph[revisor inserts
3 date]. General permits issued under s. 30.206, 2001 stats., shall remain valid until
4 the date upon which the rules issuing these statewide general permits are
5 promulgated under this paragraph.

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

12 **SECTION 134.** 30.206 (1) (c) 1. to 3. of the statutes are created to read:

13 30.206 (1) (c) 1. Construction and design requirements that are consistent with
14 the purpose of the activity authorized under the permit.

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

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

19 **SECTION 135.** 30.206 (2) of the statutes is repealed.

20 **SECTION 136.** 30.206 (3) (title) of the statutes is created to read:

21 30.206 (3) (title) PROCEDURES FOR CONDUCTING ACTIVITIES UNDER GENERAL
22 PERMITS.

23 **SECTION 137.** 30.206 (3) of the statutes is renumbered 30.206 (3) (a) and
24 amended to read:

1 30.206 (3) (a) A person wishing to proceed with an activity that may be
2 authorized by a general permit shall apply to the department, with written
3 notification of the person's wish to proceed, not less than ~~20 business~~ 30 days before
4 commencing the activity authorized by a general permit. The department ~~may~~
5 ~~request additional information from the applicant~~ notification shall provide
6 information describing the activity in order to allow the department to determine
7 whether the activity is ~~within the scope of a~~ authorized by the general permit and
8 shall ~~inform the applicant in writing of its determination within 10 business days~~
9 ~~after receipt of adequate information~~ give the department consent to enter and
10 inspect the site, subject to s. 30.291. The department may make a request for
11 additional information one time during the 30-day period. If the department makes
12 a request for additional information, the 30-day period is tolled from the date the
13 person applying for authorization to proceed receives the request until the date on
14 which the department receives the information.

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

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

20 **SECTION 139.** 30.206 (3m) of the statutes is repealed.

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

22 30.206 (3r) INDIVIDUAL PERMIT IN LIEU OF GENERAL PERMIT. (a) The department
23 may decide to require a person who has applied under sub. (3) for authorization to
24 proceed under a general permit to apply for and be issued an individual permit or be
25 granted a contract if either of the following applies:

1 1. The department determines that the proposed activity is not authorized
2 under the general permit.

3 2. The department has conducted an investigation and visited the site and has
4 determined that conditions specific to the site require restrictions on the activity in
5 order to prevent significant adverse impacts to the public rights and interest,
6 environmental pollution, as defined in s. 299.01 (4), or material injury to the riparian
7 rights of any riparian owner.

8 (b) A decision by the department to require an individual permit under this
9 subsection shall be in writing.

10 **SECTION 141.** 30.206 (4) of the statutes is renumbered 30.206 (3) (b) and
11 amended to read:

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

20 **SECTION 142.** 30.206 (5) (title) of the statutes is created to read:

21 30.206 (5) (title) FAILURE TO FOLLOW PROCEDURAL REQUIREMENTS.

22 **SECTION 143.** 30.206 (6) of the statutes is amended to read:

23 30.206 (6) REQUEST FOR INDIVIDUAL PERMIT. A person proposing an activity for
24 which a general permit has been issued may request an individual permit under the

1 applicable provisions of this ~~chapter~~ subchapter or ch. 31 in lieu of seeking
2 authorization under the general permit.

3 **SECTION 144.** 30.206 (7) of the statutes is amended to read:

4 30.206 (7) This section does not apply to an application for a general permit for
5 the Wolf River and Fox River basin area or any area designated under s. 30.207 (1m)
6 ~~if the application for the general permit may be submitted under s. 30.207.~~

7 **SECTION 145.** 30.207 (1) of the statutes is amended to read:

8 30.207 (1) GEOGRAPHICAL AREA. For purposes of this section and s. ~~30.12 (3) (bt)~~
9 30.2023, the Wolf River and Fox River basin area consists of all of Winnebago County;
10 the portion and shoreline of Lake Poygan in Waushara County; the area south of
11 STH 21 and east of STH 49 in Waushara County; that portion of Calumet County in
12 the Lake Winnebago watershed; all of Fond du Lac County north of STH 23; that
13 portion of Outagamie County south and east of USH 41; that portion of Waupaca
14 County that includes the town of Mukwa, city of New London, town of Caledonia,
15 town of Fremont; and the portion and shoreline of Partridge Lake and the Wolf River
16 in the town of Weyauwega.

17 **SECTION 146.** 30.207 (3) (d) 2. of the statutes is amended to read:

18 30.207 (3) (d) 2. Specify the department's plans for proceeding on the
19 application. ~~The plans shall include a timetable for the notice and hearing required~~
20 ~~under sub. (4).~~

21 **SECTION 147.** 30.207 (4) (b) of the statutes is repealed.

22 **SECTION 148.** 30.207 (5) of the statutes is repealed.

23 **SECTION 149.** 30.208 of the statutes is created to read:

24 **30.208 Applications for individual permits and contracts; department**
25 **determinations. (1) APPLICATION REQUIRED.** A person who seeks to obtain or modify

1 an individual permit under this subchapter or to enter into a contract under s. 30.20
2 shall submit an application to the department. The application may contain a
3 request for a public hearing on the application.

4 **(3) NOTICE OF COMPLETE APPLICATION; REQUEST FOR PUBLIC HEARING; DECISION. (a)**

5 Upon determination by the department that an application submitted under sub. (1)
6 is complete, the department shall provide notice of complete application to interested
7 and potentially interested members of the public, as determined by the department.
8 The department shall provide the notice within 15 days after the determination that
9 the application is complete. If the applicant has requested a public hearing as part
10 of the submitted application, a notice of public hearing shall be part of the notice of
11 complete application.

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

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

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

23 (e) Within 30 days after the public hearing is held or, if no public hearing is held,
24 within 30 days of the 30-day comment period under sub. (4) (a), the department shall

1 render a decision, issuing, denying, or modifying the permit or approving the
2 contract that is the subject of the application submitted under sub. (1).

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

12 (b) If a public hearing is held, the period for public comment shall end on the
13 10th day following the date on which the public hearing is completed.

14 (d) The department shall promulgate rules to establish procedures for the
15 conduct of public hearings held under this subsection. Notwithstanding s. 227.42,
16 a public hearing held under this subsection shall be an informational hearing and
17 may not be treated as, nor converted to, a contested case under s. 227.01 (3).

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

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

24 (b) The department shall, by rule, prescribe the form and content of notices of
25 complete applications and notices of public hearings to be provided under sub. (3),

1 and notices of administrative hearings to be provided under s. 30.209 (1m). Each
2 notice shall include all of the following information:

- 3 1. The name and address of each applicant or permit holder.
- 4 2. A brief description of each applicant's activity or project that requires the
5 permit.
- 6 3. The name of the waterway in or for which the activity or project is planned.
- 7 4. For a notice of complete application and a notice of public hearing under sub.
8 (3), a statement of the tentative determination to issue, modify, or deny a permit for
9 the activity or project described in the application.
- 10 5. For a notice of complete application and a notice of public hearing under sub.
11 (3), a brief description of the procedures for the formulation of final determinations,
12 including a description of the comment period required under sub. (4).

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

- 15 1. Requiring that the applicant for the permit or contract provide by
16 publication, mailing, or other distribution one or more of the notices.
- 17 2. That the applicant for the permit or contract pay for the publication, mailing,
18 or any other distribution costs of providing one or more of the notices.

19 **SECTION 150.** 30.209 of the statutes is created to read:

20 **30.209 Contracts and individual permits; administrative and judicial**
21 **review.** (1) In this section, "applicant" means any person applying to receive a
22 permit or contract under this subchapter or any person who has received a permit
23 or contract under this subchapter.

1 **(1m) REQUEST FOR ADMINISTRATIVE REVIEW.** (a) Any interested person may file
2 a petition with the department for administrative review within 30 days after any
3 of the following decisions given by the department:

4 1. The issuance, denial, or modification of any individual permit issued under
5 or contract entered into this subchapter.

6 2. The imposition of, or failure to impose, a term or condition on any individual
7 permit issued or contract entered into under this subchapter.

8 (b) If the petitioner is not the applicant, the petition shall describe the
9 petitioner's objection to the permit or contract and shall contain all of the following:

10 1. A description of the objection that is sufficiently specific to allow the
11 department to determine which provisions of this subchapter may be violated if the
12 proposed activity or project under the permit or contract is allowed to proceed.

13 2. A description of the facts supporting the petition that is sufficiently specific
14 to determine how the petitioner believes the activity or project, as proposed, may
15 result in a violation of the provisions of this subchapter.

16 3. A commitment by the petitioner to appear at the administrative hearing and
17 present information supporting the petitioner's objection.

18 (c) The activity or project shall be stayed pending an administrative hearing
19 under this section, if the petition contains a request for the stay showing that a stay
20 is necessary to prevent irreversible harm to the environment.

21 (d) If a stay is requested under par. (c), the stay shall be in effect until either
22 the department denies the request for an administrative hearing or the hearing
23 examiner determines that the stay is not necessary.

24 (e) The petitioner shall file a copy of the petition with the department. If the
25 petitioner is not the applicant, the petitioner shall simultaneously provide a copy of

1 the petition to the applicant. The applicant may file a response to the petition with
2 the department. If the applicant files a response under this paragraph, it shall be
3 filed within 15 days after the petition is filed.

4 (f) The department shall grant or deny the petition within 30 days after the
5 petition is filed. The failure of the department to dispose of the petition within this
6 30-day period is a denial. The department shall deny the petition if any of the
7 following applies:

8 1. The petitioner is not the applicant and the petition does not comply with the
9 requirements of par. (b).

10 2. The objection contained in the petition is not substantive. The department
11 shall determine that an objection is substantive if the supporting facts contained in
12 the objection appear to be substantially true and raise reasonable grounds to believe
13 that the provisions of this subchapter may be violated if the activity or project is
14 undertaken.

15 (fm) If the department denies the petition, the department shall send the
16 petitioner the denial in writing, stating the reasons for the denial.

17 (g) If the department grants a petition under this subsection, the department
18 shall refer the matter to the division of hearings and appeals in the department of
19 administration within 15 days after granting the petition unless the petitioner and
20 the applicant agree to an extension.

21 **(2) ADMINISTRATIVE HEARINGS.** (a) An administrative hearing under this
22 subsection shall be treated as a contested case under ch. 227.

23 (b) If a stay under sub. (1) (c) is in effect, the hearing examiner shall, within
24 30 days after receipt of the referral under sub. (1) (g), determine whether
25 continuation of the stay is necessary to prevent significant adverse impacts or

1 irreversible harm to the environment pending completion of the hearing. The
2 hearing examiner shall make the determination based on the request under sub. (1)
3 (c), any response from the applicant under sub. (1) (e), and any testimony at a public
4 hearing or any public comments. The determination shall be made without a
5 hearing.

6 (c) A hearing under this section shall be completed within 90 days after receipt
7 of the referral of the petition under sub. (1) (g), unless all parties agree to an
8 extension of that period. In addition, a hearing examiner may grant a one-time
9 extension for the completion of the hearing of up to 60 days on the motion of any party
10 and a showing of good cause demonstrating extraordinary circumstances justifying
11 an extension.

12 (d) Notwithstanding s. 227.44 (1), the department shall provide a notice of the
13 hearing at least 30 days before the date of the hearing to all of the following:

- 14 1. The applicant.
- 15 2. Each petitioner, if other than the applicant.
- 16 3. Any other persons required to receive notice under the rules promulgated
17 under s. 30.208 (5).

18 **(3) JUDICIAL REVIEW.** (a) Any person whose substantial interest is affected by
19 a decision of the department under sub. (1m) (a) 1. or 2. may commence an action in
20 circuit court to review that decision.

21 (b) Any party aggrieved by a decision of a hearing examiner under sub. (2) may
22 commence an action in circuit court to review that decision.

23 **SECTION 151.** 30.28 (3) (a) of the statutes is renumbered 30.28 (3).

24 **SECTION 152.** 30.28 (3) (b) of the statutes is repealed.

25 **SECTION 153.** 30.285 of the statutes is created to read: