

2003 DRAFTING REQUEST

Bill

Received: 08/22/2003

Received By: rnelson2

Wanted: Soon

Identical to LRB:

For: Glenn Grothman (608) 264-8486

By/Representing: Ron Sklansky

This file may be shown to any legislator: NO

Drafter: rnelson2

May Contact:

Addl. Drafters:

Subject: Nat. Res. - nav. waters

Extra Copies: Ron Sklansky, LC

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Wild river regulation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rnelson2 09/02/2003	jdyer 09/03/2003	jfrantze 09/03/2003	_____	mbarman 09/03/2003		
		jdyer 09/03/2003		_____			
/1	rnelson2	jdyer	pgreensl	_____	lnorthro	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/17/2003	09/17/2003	09/17/2003	_____	09/17/2003	09/17/2003	

FE Sent For:

*none  
needed*

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	09/17/2003	09/17/2003	09/17/2003	_____	09/17/2003		

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		jdyer 09/03/2003	9/17 PS	9/17 PS			
		19/17 JLD					

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/?	rnelson2	1/19/3 jld	9/13	7/6/3			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Gibson-Glass, Mary  
**Sent:** Thursday, August 21, 2003 3:59 PM  
**To:** Nelson, Robert P.  
**Cc:** Kite, Robin  
**Subject:** FW: jcrar rule suspension

Bob:

Since you are doing Seratti's bill on this issue (LRB 03-2830) could you please do this one also?

There may be a time limit on it due to it being a JCRAR bill.

Thanks,

Mary

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

**From:** Sklansky, Ron  
**Sent:** Wednesday, August 20, 2003 10:38 AM  
**To:** Gibson-Glass, Mary; Kite, Robin  
**Subject:** jcrar rule suspension

Mary and Robin:

Yesterday, August 19, JCRAR suspended s. NR 302.04 (5) (a) and (b), relating to wild river regulation. Subsection (5) provides as follows:

- (5) BRIDGES.** To preserve the natural condition and beauty and other incidents of navigation in the wild rivers, no bridges, except as provided in s. NR 302.07, shall be permitted unless they comply with the following requirements:
- (a) Reasonable access to a residential dwelling is not available without use of a bridge crossing and the applicant proves a need as defined in par. (b).
  - (b) Bridges shall be designed to accommodate foot traffic only unless an applicant proves a need, other than convenience, for vehicle passage over the bridge. Provided, the obtaining of property rights or ownership, or development of property to which access is sought, subsequent to the effective date of these rules does not prove need for vehicle passage over a bridge.
  - (c) Bridges shall be clear span and provide a minimum clearance of 5 feet between the ordinary high watermark and the stringer or lowest portion of the bridge, unless the department determines a lesser clearance is appropriate due to aesthetic conditions will not infringe on public rights in navigation on the wild river in the area of the proposed bridge placement.
  - (d) Bridges shall be constructed in a manner that results in the least impact on the natural condition and beauty of the river, taking into consideration materials necessary for the traffic and weight the bridge is to support.

So, JCRAR needs a bill draft, probably amending s. 30.26, Stats., that prohibits DNR from conditioning the placement of a bridge across a wild river on the notions of reasonable

access to a residential dwelling and of foot traffic only. [The JCRAR action was instigated by Rep. Seratti who wants ATV and snowmobile crossings over wild rivers.] A draft should be prepared for each house at the request of Rep. Grothman and Sen. Leibham. Thanks.

Let me know if you have any questions.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3153/P1

RPN:.....

JL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

① AN ACT ...; **relating to:** suspending the department of natural resources rule  
2 related to limits on bridges over wild rivers.

*Analysis by the Legislative Reference Bureau*

Under current law, the legislature may designate rivers as part of the state's wild river system. The department of natural resources (DNR) administers the system to preserve, protect, and enhance the rivers' natural beauty and unique recreational value. Currently portions of the Pike, Pine, and Popple rivers are designated as wild rivers.

This bill prohibits DNR from promulgating a rule that conditions the placement of a bridge across a wild river on the need for a person to have access to a residential dwelling or that limits such a bridge to foot traffic only.

*Suspended*  
This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules to suspend section 302.04 (5) (a) and (b), Wisconsin Administrative Code, a rule of the DNR, on August 19, 2003. The rule provides that bridges, other than state and municipal highway bridges, may only be constructed over scenic rivers if they meet certain conditions. These conditions include requirements that the bridge is necessary for access to a dwelling and that the bridge results in the least impact possible on the natural condition and beauty of the river. The bridge must be limited to pedestrian

use unless there is a need, other than for convenience, that vehicles be allowed on the bridge.

---

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

1           SECTION 1. 30.26 (4) <sup>✓</sup> of the statutes is created to read:

2           30.26 (4) RESTRICTION ON DEPARTMENT. <sup>✓</sup> The department may not prohibit or  
3 impose any requirements on the construction of a bridge over a wild river that limit

4 the use of the bridge <sup>✓</sup> to persons who need access to a residential dwelling ~~or that limit~~

5 ~~the use of the bridge to pedestrians.~~

plain period  
(END)

6

**Nelson, Robert P.**

**From:** Sklansky, Ron  
**Sent:** Tuesday, September 16, 2003 4:15 PM  
**To:** Nelson, Robert P.  
**Subject:** wild river draft

*Call Ron -  
new proposal, or redraft  
of 3153  
need by Thurs  
an*

Bob:

Here is the wild river proposal that JCRAR voted to introduce today.

Ron



jcrar wild river  
proposed draf...

*ie b ha  
Gootha*



State of Wisconsin  
2003 - 2004 LEGISLATURE

3/1  
LRB-315/P1  
RPN:jld:jf

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Regen

1 AN ACT to create 30.26 (4) of the statutes; relating to: suspending the  
2 Department of Natural Resources rule related to limits on bridges over wild  
3 rivers.

constructed before September 16, 2003,

**Analysis by the Legislative Reference Bureau**

Under current law, the legislature may designate rivers as part of the state's wild river system. The Department of Natural Resources (DNR) administers the system to preserve, protect, and enhance the rivers' natural beauty and unique recreational value. Currently portions of the Pike, Pine, and Popple rivers are designated as wild rivers.

This bill prohibits DNR from promulgating a rule that ~~conditions the placement of a bridge across a wild river on the need for a person to have access to a residential dwelling or that limits such a bridge to foot traffic only.~~ *prohibits the crossing*

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules to suspend section 302.04 (5) (a) and (b), Wis. Adm. Code, a rule of DNR, on August 19, 2003. The suspended rule provides that bridges, other than state and municipal highway bridges, may only be constructed over scenic rivers if they meet certain conditions. These conditions include requirements that the bridge is necessary for access to a dwelling and that the bridge results in the least impact possible on the natural condition and beauty of the river. The bridge must be limited to pedestrian use

*by an all-terrain vehicle traveling on an all-terrain vehicle trail or by a snowmobile traveling on a snowmobile trail*

unless there is a need, other than for convenience, that vehicles be allowed on the bridge.

---

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

1  
2  
3  
4  
5  
6

SECTION 1. 30.26 (4) of the statutes is created to read:

9

30.26 (4) RESTRICTION ON DEPARTMENT. The department may not prohibit or impose any requirements on the construction of a bridge over a wild river that limit the use of the bridge to pedestrians or to persons who need access to a residential dwelling.

(END)

Insert 2-5

Insert 2-5

SECTION 1. 30.26 (4) of the statutes is created to read:

30.26 (4) RESTRICTION ON DEPARTMENT. The department may not prohibit the crossing of a bridge, constructed before September 16, 2003, over a wild river by an all-terrain vehicle traveling on an all-terrain vehicle trail, as defined under s. 23.33 (1) (d), or by a snowmobile traveling on a snowmobile trail, as defined under s. 350.17 (17).

01