



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 169

Senate Amendment 1

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Senate Bill 169 relates to the regulation of certain structures in navigable waters, including specified bulkhead lines, piers, wharves, and boat slips.

Relevant Provisions in Senate Bill 169

The bill creates a new statutory exemption from the requirement to obtain a permit for certain grandfathered piers and wharves (i.e., piers or wharves placed on or before February 2, 2004). In particular, an exempt grandfathered pier or wharf:

- May not be more than eight feet wide.
- May have a platform at the end of the pier (not wharf) that is 200 square feet or less or, if it is from 200 to 300 square feet, is no more than 10 feet wide.
- May not interfere with the riparian rights of any other riparian owner.

To obtain this exemption, the owner of a grandfathered pier or wharf must register it with the Department of Natural Resources (DNR) within 36 months after the effective date of the legislation. DNR may not charge a fee for the registration.

The bill allows the owner to repair, maintain, or replace an exempt grandfathered pier or wharf or a structure that is exempt from enforcement, but the owner may not enlarge the structure. The owner may also relocate or reconfigure a grandfathered pier or wharf if the owner registers the reconfigured or relocated pier or wharf, and the DNR does not object to the relocation or reconfiguration. The bill prohibits DNR from objecting to a minor relocation or reconfiguration. If the DNR objects to the relocation or reconfiguration, the owner may continue to maintain the pier or wharf in the original location and configuration.

Senate Amendment 1

Senate Amendment 1 removes the authority of an owner to replace an exempt grandfathered pier or wharf or structure that is exempt from enforcement under the provisions in the bill described above. The owner may still repair and maintain the pier, wharf, or structure under the amendment.

The amendment also removes the prohibition on DNR objecting to a minor relocation or reconfiguration and the provision that if the DNR objects to the relocation or reconfiguration, the owner may continue to maintain the pier or wharf in the original location and configuration.

Legislative History

On March 11, 2008, the Senate Committee on Environment and Natural Resources introduced and recommended adoption of Senate Amendment 1 to Senate Bill 169 by a vote of Ayes, 3; Noes, 2; and recommended passage of Senate Bill 169, as amended, by a vote of Ayes, 5; Noes, 0.

JES:wu:ksm