



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4298/1
EHS:klm

2017 SENATE BILL 789

February 7, 2018 – Introduced by Senator CRAIG, cosponsored by Representatives WICHGERS, TAUCHEN, JACQUE, WEATHERSTON and HORLACHER. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to create** 30.2005 of the statutes; **relating to:** an exemption from permit
2 requirements for certain riparian owners who remove material from the bed of
3 a navigable water.

Analysis by the Legislative Reference Bureau

This bill allows a person who owns waterfront property (riparian owner) to remove certain material from the bed of an inland navigable water without obtaining a permit from the Department of Natural Resources. No permit is required if the removal meets certain requirements, including that the removal occurs within the riparian owner's riparian zone, which is a specified area extending waterward of the shoreline; the removal is limited to a specified amount of material; the removal occurs in a navigable water that is affected by a man-made impoundment; the material removed is unconsolidated sediment that was deposited after the navigable water was affected by the impoundment; and the removal is undertaken in order to navigate from the shoreline of the riparian property to a specified water depth.

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

4 **SECTION 1.** 30.2005 of the statutes is created to read:
5 **30.2005 Permit exemption; removal of material from beds of navigable**
6 **waters; riparian owners. (1)** In this section:

SENATE BILL 789**SECTION 1**

1 (a) "Inland waters" has the meaning given in s. 29.001 (45).

2 (b) "Line of navigation" means the depth of a navigable water required to
3 operate a boat on the navigable water.

4 (c) "Riparian zone" means the area that extends from riparian land waterward
5 to the line of navigation as determined by a method that establishes riparian zone
6 lines between adjacent riparian owners in a manner that equitably apportions access
7 to the line of navigation.

8 (2) A riparian owner may remove material from the bed of a navigable water
9 that is an inland water without obtaining a permit under s. 23.24 (3) or under s. 30.20
10 if all of the following apply:

11 (a) The removal occurs within the riparian owner's riparian zone.

12 (b) The riparian owner's riparian zone abuts a navigable water that is affected
13 by a man-made impoundment, and the material removed is unconsolidated
14 sediment that was deposited after the navigable water was affected by the
15 impoundment.

16 (c) The removal does not occur in a navigable water that is identified as an
17 outstanding or exceptional resource water under s. 281.15.

18 (d) The total amount of material removed does not exceed 50 cubic yards per
19 year.

20 (e) The material is removed to allow the riparian owner to navigate from the
21 shoreline of his or her riparian property to the line of navigation.

22 (f) The riparian owner uses best management practices, established by the
23 department and published on its Internet site, for the removal and disposal of the
24 material.

25

(END)