



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 264

Proclamation of a State of Emergency Relating to the Permitting of Structures, Grading and Dredging For Flood Recovery

WHEREAS, heavy rainfall in areas saturated with continual summer rains beginning on or about June 7, 2008 caused widespread flooding in the State of Wisconsin; and

WHEREAS, the heavy rains and widespread flooding have caused bank erosion, deposit of soil and other materials, and structural damage to properties along lakes, streams and rivers in the State of Wisconsin; and

WHEREAS, this substantial damage has created an emergency need for repair or replacement of shoreline structures, stabilization of waterway banks or removal of deposited materials to restore property to the condition that existed prior to the recent widespread flooding; and

WHEREAS, when projects that involve repair or replacement of pre-existing structures are properly designed and conducted, grading or dredging to pre-existing condition can occur in or near public waters with minimal damage to fish and wildlife, water quality, natural scenic beauty, and navigation; and

WHEREAS, Wisconsin Statutes Sections 30.12, 30.123, 30.19, and 30.20 require that placement of structures, grading and dredging in or near public waters be conducted pursuant to a permit issued by the Department of Natural Resources; and

WHEREAS, Wisconsin Statutes Sections 30.12(3m), 30.123(8), 30.19(4), and 30.20(2) require notice provisions that are too lengthy to allow for timely repair and restoration of shorelines needed to qualify for federal protective measures funding;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and the laws of this state, and specifically by Wisconsin Statutes Sections 166.03(1)(b)1 and 166.03(1)(b)5, do hereby order:

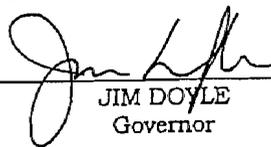
1. That the statutory notice provisions of Wisconsin Statutes Sections 30.12(3m), 30.123(8), 30.19(4), and 30.20(2) be suspended for 60 days following the signing of this order for any project to repair or replace a structure over or in public waters, grade on the bank of public waters and/or dredge in public waters, where the project is located in a county that I have declared a state disaster area after June 7, 2008; and
2. That individual permits may be issued for a project to repair or replace a previously authorized structure over or in public waters, grade on the bank of public waters and/or dredge in public waters to restore pre-existing conditions, where the following conditions have been followed:
 - a) The person proposing the project has made application to the appropriate Department of Natural Resources service center office; and

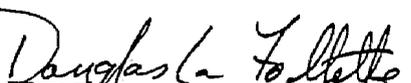
- b) The proposed site of the project has been field inspected within 72 hours of an application where determined to be necessary by Department of Natural Resources personnel; and
 - c) The proposed project will meet statutory standards and will not be detrimental to the public interest in navigable waters; and
3. That the Department of Natural Resources may authorize individual permits for a proposed project pursuant to this Order subject to whatever conditions are deemed necessary to ensure that the project will not be detrimental to the public interest in navigable waters. Such conditions may include, but are not limited to: the dimensions of the structure, grading or dredging; the project location; materials, installation methods or specifications; and maintenance practices; and
 4. That the Department of Natural Resources will make a written decision regarding an individual permit application within 72 hours of receiving a complete application; and
 5. That the Department of Natural Resources may reinstate the public notice requirement suspended in paragraph (1) of this Order if Department of Natural Resources personnel determine that the proposed project is not necessary to restore the pre-existing condition of the structure or property, or is otherwise inconsistent with the terms of this Order; and
 6. That the Department of Natural Resources will maintain active surveillance of activities authorized under the procedures established pursuant to this Order to ensure that only duly authorized activities occur; and
 7. That this Order is not to be construed in any manner as limiting the statutory enforcement power of the Department of Natural Resources with respect to any violations of existing Wisconsin Statute Chapter 30 permits, any permits issued pursuant to this Order, any conditions of any such permits, or any structures or activities placed or conducted without authorization pursuant to Wisconsin Statutes Chapter 30 or this Order; and
 8. That this Order is not to be construed in any manner as limiting the rights of any citizen to appeal a decision of the Department of Natural Resources under Wisconsin Statutes Section 30.209 or Chapter 227; and
 9. That the Department of Natural Resources is authorized to modify, or if necessary rescind, any emergency permit issued under this Order if it becomes apparent that unduly adverse impacts to public interests are being caused or aggravated by such permit, and any modification or rescission shall be in writing to the permittee.



By the Governor:

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-eighth day of July in the year two thousand and eight.


JIM DOYLE
Governor


DOUGLAS LA FOLLETTE
Secretary of State