



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 734

**Assembly Substitute
Amendment 2**

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Current law allows the owners of shoreline property to add additional riprap to existing riprap without obtaining a permit that would otherwise be required to place structures or deposits in navigable waters. The permit exception applies to riprap not to exceed 100 linear feet that replaces existing riprap on an inland lake or either of the Great Lakes, including their bays and harbors. The permit exception also allows riprap not to exceed 300 linear feet to repair existing riprap on an inland lake or Great Lakes water body that consists of placement of additional rock or redistribution of existing rock within the footprint of the existing riprap.

Current law also allows the placement of riprap pursuant to a general permit. A general permit requires the property owner to comply with conditions set forth by the Department of Natural Resources (DNR) in the general permit, but does not require the property owner to obtain an individual permit. The DNR is required by statute to issue general permits that allow the placement of riprap for replacement or repair of existing riprap that is not subject to an exemption, in order to allow the placement of riprap up to 100 continuous feet on an inland lake of 300 acres or more, and to allow the placement of riprap up to 300 continuous feet in the Great Lakes or their bays and harbors.

Assembly Bill 734 prohibits any state agency, except for the DNR for the exemptions and general permits described above, from promulgating or enforcing a rule to regulate or prohibit the use of riprap by any shoreline owner if the riprap is used to prevent erosion of the landowner's property and if the erosion is verified by a professional engineer.

Assembly Substitute Amendment 2 requires DNR to issue a statewide general permit to allow a riparian property owner to place riprap on the bed or bank of a navigable water adjacent the owner's property if all of the following conditions are met:

- The property is subject to significant erosion by the navigable water.
- The erosion is verified by a registered professional engineer.

- The riprap is designed by and installed under the supervision of a registered professional engineer.

Legislative History

The Assembly Committee on Property Rights and Land Management adopted Assembly Substitute Amendment 1 and recommended passage of Assembly Bill 734 as amended on November 29, 2005, each on a vote of Ayes, 4; Noes, 0.

The Assembly adopted Assembly Amendment 2 and passed the bill on January 31, 2006, by a vote of Ayes, 60; Noes, 37.

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