



## 1995 SENATE BILL 167

May 3, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Environment and Energy.

1     **AN ACT** *to amend* 30.206 (1) and 30.298 (3); and *to create* 30.207 of the statutes;  
2           **relating to:** exempting from permitting requirements certain activities in  
3           navigable waters and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, for certain types of activities in navigable waters, the department of natural resources (DNR) may issue a general permit that allows anyone to engage in a type of activity. The activities include placing certain structures such as fish cribs or bird nesting platforms, placing gravel and riprap and enlarging certain artificial waterways. For other types of activities, a person who wants to engage in the activity must obtain from DNR an individual permit.

Under this bill, no individual or general permit is needed if DNR promulgates rules establishing construction and location standards for the activity and if the activity does not have a significant impact on the environment or on the public's rights in navigable waters.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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

4           **SECTION 1.** 30.206 (1) of the statutes is amended to read:  
5           30.206 (1) For activities which require a permit or approval under ss. s. 30.12  
6           (3) (a) and or 30.19 (1) (a), the department may issue a general permit authorizing  
7           a class of activities, according to rules promulgated by the department. Before

1 issuing general permits, the department shall determine, after an environmental  
2 analysis and notice and hearing under ss. 227.17 and 227.18, that the cumulative  
3 adverse environmental impact of the class of activity is insignificant and that  
4 issuance of the general permit will not injure public rights or interest, cause  
5 environmental pollution, as defined in s. 144.01 (3), or result in material injury to the  
6 rights of any riparian owner.

7 **SECTION 2.** 30.207 of the statutes is created to read:

8 **30.207 Exemptions from permits.** (1) In addition to its authority under s.  
9 30.206, for activities that require a permit or approval under s. 30.12 (3) (a) or 30.19  
10 (1) (a), the department may exempt from general and individual permitting  
11 requirements a class of activities if all of the following apply:

12 (a) The department has promulgated rules establishing construction and  
13 location standards for the class of activity.

14 (b) The department determines that the individual and cumulative adverse  
15 environmental impact of the class of activity is insignificant and will not cause  
16 environmental pollution, as defined in s. 144.01 (3), and the class of activity will not  
17 result in material injury to the rights of any riparian owner or the rights or interests  
18 of the public in navigable waters.

19 (2) Failure of person to comply with the construction or location standards  
20 promulgated under sub. (1) (a) may subject the person to a forfeiture, but the failure  
21 to comply may not, by itself, result in abatement of the activity.

22 **SECTION 3.** 30.298 (3) of the statutes is amended to read:

1           30.298 (3) Any person who violates s. 30.206 or 30.207 shall forfeit not less than  
2           \$10 nor more than \$500 for the first offense and shall forfeit not less than \$50 nor  
3           more than \$500 upon conviction of the same offense a 2nd or subsequent time.

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(END)