

State of Wisconsin



2017 Assembly Bill 935

Date of enactment: April 3, 2018
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2017 WISCONSIN ACT 214

AN ACT *to amend* 30.206 (1) (a); and *to create* 30.20 (3) of the statutes; **relating to:** creating a general permit for certain riparian owners to remove material from the bed of a navigable water and granting rule-making authority.

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

SECTION 1. 30.20 (3) of the statutes is created to read:

30.20 (3) GENERAL PERMITS; REMOVAL OF MATERIAL FROM BEDS OF NAVIGABLE WATERS; RIPARIAN OWNERS. (a) In this subsection:

1. "Inland waters" has the meaning given in s. 29.001 (45).
2. "Line of navigation" means the depth of a navigable water required to operate a boat on the navigable water.
3. "Riparian zone" means the area that extends from riparian land waterward to the line of navigation as determined by a method that establishes riparian zone lines between adjacent riparian owners in a manner that equitably apportions access to the line of navigation.

(b) The department shall issue a statewide general permit under s. 30.206 on or before the first day of the 6th month beginning after the effective date of this paragraph [LRB inserts date], that authorizes a riparian owner to remove material from an inland water that is an impoundment or associated feature, as defined in rules promulgated by the department, without obtaining a permit under s. 23.24 (3) if all of the following apply:

1. The removal occurs within the riparian owner's riparian zone.

2. The riparian owner's riparian zone abuts a navigable water that is affected by a man-made impoundment, and the material removed is unconsolidated sediment that was deposited after the navigable water was affected by the impoundment.

3. The removal does not occur in a navigable water that is identified as an outstanding or exceptional resource water under s. 281.15.

4. The total amount of material removed does not exceed 50 cubic yards per year.

5. The material is removed to allow the riparian owner to navigate from the shoreline of his or her riparian property to the line of navigation.

6. The riparian owner uses best management practices, established by the department and published on its Internet site, for the removal and disposal of the material.

SECTION 2. 30.206 (1) (a) of the statutes is amended to read:

30.206 (1) (a) The department shall issue the statewide general permits required under ss. 30.12 (3) (a) and (b), 30.123 (7), 30.19 (3r), and 30.20 (1t) (a) and (3).

SECTION 3. Nonstatutory provisions.

- (1) The department of natural resources shall create the general permit under section 30.20 (3) (b) of the statutes in consultation with local governmental units

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

established for the purpose of the management of lakes and other waterways.

(2) The department of natural resources shall establish for the general permit under section 30.20 (3) (b) of

the statutes a \$350 application fee for an application submitted by a group or association and a \$60 application fee for an application submitted by an individual.

