

30.202 NAVIGABLE WATERS, HARBORS AND NAVIGATION

memorandum of understanding may contain recommended or required dredge disposal methods, equipment and policies.

(2) **AUTHORIZATION FOR DREDGING AND DREDGE SPOIL DISPOSAL.** If the department enters into a memorandum of understanding with the U.S. corps of engineers under sub. (1), the U.S. corps of engineers may deposit dredge spoils from dredging the Mississippi, St. Croix and Black rivers at approved sites according to specified conditions and standards including any special conditions and standards established under sub. (4).

(3) **EXEMPTION FROM STATUTES AND RULES.** Dredge spoil disposal activities authorized under sub. (2) are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601, 30.01 to 30.20, 30.21 to 30.99, 59.692 or 87.30 or chs. 281 to 285 or 289 to 299 or specified in any rule promulgated, order issued or ordinance adopted under those sections or chapters.

(4) **HAZARDOUS WASTE DREDGE SPOIL DISPOSAL.** In consultation with the U.S. corps of engineers, the department shall establish special conditions and standards for the disposal of dredge spoils which are hazardous waste, as defined under s. 291.01 (7). These special conditions and standards shall be established to ensure that public health and the environment are protected.

History: 1981 c. 240; 1995 a. 201, 227; 1997 a. 35, 248; 2005 a. 347.

NOTE: Chapter 240, laws of 1981, which created this section, has “legislative findings” in section 1.

NOTE: 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.

30.2022 Activities of department of transportation.

(1) Activities affecting waters of the state, as defined in s. 281.01 (18), that are carried out under the direction and supervision of the department of transportation in connection with highway, bridge, or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the prohibitions or permit or approval requirements specified under s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or 87.30 or chs. 281 to 285 or 289 to 299. However, at the earliest practical time prior to the commencement of these activities, the department of transportation shall notify the department of the location, nature, and extent of the proposed work that may affect the waters of the state.

(2) The exemption under sub. (1) does not apply unless the activity is accomplished in accordance with interdepartmental liaison procedures established by the department and the department of transportation for the purpose of minimizing the adverse environmental impact, if any, of the activity.

(3) If the department determines that there is reasonable cause to believe that an activity being carried out under this section is not in compliance with the environmental protection requirements developed through interdepartmental liaison procedures, it shall notify the department of transportation. If the secretary and the secretary of transportation are unable to agree upon the methods or time schedules to be used to correct the alleged noncompliance, the secretary, notwithstanding the exemption provided in this section, may proceed with enforcement actions as the secretary deems appropriate.

(4) The department of transportation and the department shall exchange information and cooperate in the planning and carrying out of such activities in order to alleviate, to the extent practical under the circumstances, any potential detrimental encroachment on the waters of the state.

(5) Except as may be required otherwise under s. 1.11, no public notice or hearing is required in connection with any interdepartmental consultation and cooperation under this section.

(6) This section does not apply to activities in the Lower Wisconsin State Riverway, as defined in s. 30.40 (15).

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347.

NOTE: 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.

30.2023 Seawalls; Wolf River and Fox River basins. A riparian owner is exempt from the permit requirements under s. 30.12 for a structure that is placed on the bed of a navigable water in the Wolf River and Fox River basin area, as described in s. 30.207 (1), and that extends beyond the ordinary high-water mark, if the following conditions apply:

(1) The structure is a vertical wall designed to prevent land from eroding into a navigable water.

(2) The structure is not a replacement for an existing structure and is placed on the bed of an artificial enlargement of a navigable water, or the structure is a replacement for an existing structure placed on the bed of a navigable water, including the bed of an artificial enlargement of a navigable water.

(3) If the structure is a replacement for an existing structure placed on the bed of a navigable water, including the bed of an artificial enlargement of a navigable water, it is placed not more than 2 feet waterward of the structure that it is replacing.

(4) The structure incorporates adequate bracing and anchors to ensure structural stability.

(5) A filter fabric lining containing a layer of gravel extends from the landward side of the structure to facilitate drainage.

(6) The base of the structure extends to a sufficient depth into the bed of the navigable water to ensure the structure’s stability and to prevent the structure from failing.

(7) The structure is secured into the bank of the navigable water in a manner that prevents erosion or scouring.

(8) The riparian owner places riprap at the base of the waterward side of the structure up to the waterline or, if the structure is placed in a location where watercraft are moored, the riparian owner places riprap at the base of the waterward side of the structure up to a point that allows adequate space for the mooring of watercraft.

(9) The structure is constructed of treated wood and built so that the top of the structure meets the lower of the following:

- The natural topography of the bank of the navigable water.
- A point that is 4 feet above the ordinary high-water mark of the navigable water.
- The minimum height required to prevent overtopping by wave action.

History: 2003 a. 118 ss. 42, 43.

30.2025 Lake Koshkonong comprehensive project.

(1) **DEFINITION.** In this section, “district” means the Rock-Koshkonong public inland lake protection and rehabilitation district.

(2) **AUTHORIZATION.** The district may implement a project developed and approved by the U.S. army corps of engineers to place structures, or fill, or both on the bed of Lake Koshkonong for any of the following purposes:

- To improve navigation or to provide navigation aids.
- To restore or protect wetland habitat or water quality.
- To create, restore, or protect fish and wildlife habitat.
- To enhance the natural aesthetic value or improve the recreational use of the lake.

(3) **LOCATION OF STRUCTURES AND FILL.** Any structure or fill placed as part of the project authorized under sub. (2) shall be located in Lake Koshkonong within the area that consists of Secs. 10, 13, 18, 19, 20, 24, 33, and 35, T 5 N., R 13.

(4) **PRELIMINARY REQUIREMENTS.** (a) Before beginning any activity involving the placement of a structure or fill as part of the project authorized under sub. (2), the district shall submit plans and specifications for the project to the department and obtain the department’s approval for the project.

(b) Before the department gives its approval for a project authorized under sub. (2), the department shall do all of the following:

- Comply with the requirements under s. 1.11.