

30.66	Speed restrictions.	30.73	Use regulations, Brule River.
30.67	Accidents and accident reports.	30.74	Additional functions of department.
30.675	Distress signal flag.	30.742	Water exhibitions and races; rules.
30.678	Boating safety certificates; requirements; exemptions; operation by minors.	30.745	Limited jurisdiction for administration and enforcement of navigation aids by municipalities.
30.68	Prohibited operation.	30.75	Service of process on nonresident.
30.681	Intoxicated boating.	30.77	Local regulation of boating.
30.682	Preliminary breath screening test.	30.772	Placement and use of moorings; restrictions; permits.
30.683	Implied consent.	30.773	Designated mooring areas.
30.684	Chemical tests.	30.78	Local regulation of seaplanes.
30.686	Report arrest to department.	30.79	Local water safety patrols; state aids.
30.687	Officer's action after arrest for violating intoxicated boating law.	30.80	Penalties.
30.69	Water skiing.	30.81	Local regulations on icebound inland waters.
30.70	Skin diving.	30.90	Public access to Lake Lions.
30.71	Disposal of waste from boats equipped with toilets.	30.92	Recreational boating projects.
30.72	Watercraft use rules, Lower St. Croix River.	30.99	Parties to a violation.

## SUBCHAPTER I

## GENERAL PROVISIONS

**30.01 Definitions.** In this chapter:

**(1am)** “Area of special natural resource interest” means any of the following:

(a) A state natural area designated or dedicated under ss. 23.27 to 23.29 and shown on a map published on the department’s Internet site.

(b) A surface water identified as a trout stream by the department and shown on a map published on the department’s Internet site.

(bm) A surface water identified as an outstanding or exceptional resource water under s. 281.15 and shown on a map published on the department’s Internet site.

(d) A body of water designated as a wild rice water under a written agreement between the department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the department’s Internet site.

(e) A body of water in a wetland along Lake Michigan or Lake Superior that the department has identified as an ecologically significant coastal wetland and shown on a map published on the department’s Internet site.

(f) A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26 and shown on a map published on the department’s Internet site.

(g) The portion of a body of water that contains a sensitive area and shown on a map published on the department’s Internet site.

(h) A unique and significant wetland specified by the department in a special wetland inventory study or a special area management plan and shown on a map published on the department’s Internet site.

**(1b)** “Authorized base level of water loss” has the meaning given under s. 281.35 (1) (b).

**(1c)** (a) “Boat shelter” means a structure in navigable waters with a roof but no walls and, except as provided in par. (b), no sides, designed and constructed for the purpose of providing cover for a berth place for watercraft. Such a structure may include a device for lifting a boat.

(b) “Boat shelter” includes a structure under par. (a) that has temporary sides made of flexible material with a minimum openness factor of 5 percent if all of the following conditions are met:

1. The sides are placed and maintained by the owner or easement holder of adjacent riparian land or his or her agent.

2. The boat is registered under subch. V or exempt from registration requirements under s. 30.51 and either has a wooden hull or is designated as a boat with significant historic or cultural value, as determined by the state historical society or a local or county historical society established under s. 44.03.

3. The sides are located entirely within the riparian owner’s riparian zone.

4. There are no more than 2 boat shelters for the first 100 feet of the riparian owner’s shoreline footage and no more than one additional boat shelter for each additional 50 feet of the riparian owner’s shoreline footage. For purposes of this subdivision, shoreline footage is measured along a straight line connecting points where property lines meet the ordinary high–water mark.

5. The sides are placed no less than 36 inches above the water surface.

6. The structure is no more than 24 feet in length, unless the boat that will be sheltered is longer than 24 feet from bow to stern.

**(1d)** “Boathouse” means a structure with one or more walls or sides that has been used for one or more years for the storage of watercraft and associated materials, regardless of the current use of the structure.

**(1g)** “Bridge” means a structure used to convey people, animals and vehicles over navigable waters and includes pipe arches and culverts.

**(1j)** “Department” means the department of natural resources.

**(1m)** “Designated mooring area” means a mooring area designated by a municipality under s. 30.773 (2) and (3), approved by the department and marked as a mooring area.

**(1n)** “Drain” has the meaning given in s. 88.01 (8).

**(1nm)** “Duck Creek Drainage District” means Outagamie Drainage District No. 6 that is also known as the Duck Creek Drainage District and is located in Outagamie County.

**(1p)** “Fishing raft” means any raft, float or structure, including a raft or float with a superstructure and including a structure located or extending below or beyond the ordinary high–water mark of a water, which is designed to be used or is normally used for fishing, which is not normally used as a means of transportation on water and which is normally retained in place by means of a permanent or semipermanent attachment to the shore or to the bed of the waterway. “Fishing raft” does not include a boathouse or fixed houseboat regulated under s. 30.121 nor a wharf or pier regulated under ss. 30.12 and 30.13.

**(1r)** “Fixed houseboat” means a structure not actually used for navigation which extends beyond the ordinary high–water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

**(1t)** “Flotation device” means any device used to provide flotation for a fishing raft, including each individual barrel or styrofoam coffin.

**(2)** “Governing body” means a town board, a village board of trustees, a city council or a county board.

**(2m)** “Great Lakes water body” means Lake Superior or Lake Michigan and includes any bay or harbor that is part of Lake Superior or Lake Michigan.

**(3)** “Harbor facility” means every facility useful in the maintenance or operation of a harbor, including transportation facilities of all types, terminal and storage facilities of all types, wharves, piers, slips, basins, ferries, docks, bulkheads and dock walls, and floating and handling equipment, power stations, transmission

lines and other facilities necessary for the maintenance and operation of such harbor facilities.

**(3c)** “Line of navigation” means the depth of a navigable water that is the greater of the following:

- (a) Three feet, as measured at summer low levels.
- (b) The depth required to operate a boat on the navigable water.

**(3e)** “Mooring” when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless the term is qualified or restricted.

**(3m)** “Mooring anchor” means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.

**(3s)** “Mooring buoy” means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

**(3w)** “Motor vehicle” has the meaning designated under s. 340.01 (35) except that this term does not include snowmobiles.

**(4)** “Municipality” means any town, village, city or county in this state.

**(4m)** “Navigable waters” or “navigable waterway” means any body of water which is navigable under the laws of this state.

**(4o)** “Net pen” means an enclosure placed in a body of water and used to hold or rear fish.

**(4r)** “Outlying waters” has the meaning given in s. 29.001 (63).

**(5)** “Pier” means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat shelter which is removed seasonally. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

**(5m)** “Piling” means a group of piles.

**(5r)** “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.

**(6)** “Secretary” means the secretary of natural resources.

**(6b)** “Sensitive area” means an area of aquatic vegetation identified by the department as offering critical or unique fish and wildlife habitat, including seasonal or lifestage requirements, or offering water quality or erosion control benefits to the body of water.

**(6d)** “Surplus water” means any water of a stream that is not being beneficially used, as determined by the department.

**(6e)** “Swimming raft” means a floating platform without railings, roof or walls that is adequately anchored to the bed of navigable waters and is designed for swimming, diving and related activities.

**(7)** “Watercraft” means any device used and designed for navigation on water.

**(7m)** “Water loss” has the meaning given under s. 281.35 (1) (L).

**(8)** “Wharf” means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

**(9)** “Withdrawal” has the meaning given under s. 281.35 (1) (m).

**(10)** “Wolf River municipality” means any city, village or town which adjoins or includes any part of the Wolf River or its stream tributaries from the Shawano dam downstream to Lake Poygan.

**History:** 1983 a. 189; 1985 a. 243, 332; 1987 a. 374 ss. 1 to 9, 25, 34, 35, 46 to 49, 70, 76; 1987 a. 403; 1989 a. 56; 1993 a. 236; 1995 a. 227; 1997 a. 27, 248; 1999 a. 9; 2003 a. 118; 2013 a. 75; 2015 a. 387; 2017 a. 59.

No threshold showing that a waterway is actually navigated for commercial or recreational purposes is necessary in order to prove that the waterway is navigable. *City of Oak Creek v. Department of Natural Resources*, 185 Wis. 2d 424, 518 N.W.2d 276 (Ct. App. 1994).

**30.025 Permit procedure for utility facilities. (1b) DEFINITIONS.** In this section:

(a) “Commission” means the public service commission.

(b) “Permit” means an individual permit, a general permit, an approval, or a contract required under this subchapter or subch. II, a permit or an approval required under ch. 31, a storm water discharge permit required under s. 283.33 (1) (a) or (am), or a wetland general permit or wetland individual permit required under s. 281.36 or under rules promulgated under subch. II of ch. 281 to implement 33 USC 1341 (a).

(c) “Utility facility” means a project, as defined in s. 196.49 (3) (a), or a facility, as defined in s. 196.491 (1) (e).

**(1e) APPLICABILITY.** (a) Except as provided in pars. (b) and (c), this section applies to a proposal to construct a utility facility if the utility facility is required to obtain, or give notification of the wish to proceed under, one or more permits.

(b) This section does not apply to a proposal to construct a utility facility if the only permit that the utility facility is required to obtain from the department is a storm water discharge permit under s. 283.33 (1) (a) or (am).

(c) This section does not apply to a proposal to construct a utility facility for ferrous mineral mining and processing activities governed by subch. III of ch. 295, unless the person proposing to construct the utility facility elects to proceed in the manner provided under this section.

**(1m) PREAPPLICATION PROCESS.** Before filing an application under this section, a person proposing to construct a utility facility shall notify the department of the intention to file an application. After receiving such notice, the department shall confer with the person, in cooperation with the commission, to make a preliminary assessment of the project’s scope, to make an analysis of alternatives, to identify potential interested persons, and to ensure that the person making the proposal is aware of all of the following:

(a) The permits that the person may be required to obtain and the permits under which the person must give notification of the wish to proceed.

(b) The information that the person will be required to provide.

(c) The timing of information submissions that the person will be required to provide in order to enable the department to participate in commission review procedures and to process the application in a timely manner.

**(1s) APPLICATION FOR PERMITS.** (a) Any person proposing to construct a utility facility to which this section applies shall, in lieu of separate application for permits, submit one application for permits together with any additional information required by the department. The application shall be filed with the department at the same time that an application for a certificate is filed with the commission under s. 196.49 or in a manner consistent with s. 196.491 (3) and shall include the detailed information that the department requires to determine whether an application is complete and to carry out its obligations under sub. (4). The department may require supplemental information to be furnished thereafter.

(b) A person who applies to the commission for a certificate under s. 196.49 or 196.491 (3) is eligible to apply under par. (a) for any permit that the utility facility may require and to receive such permit.