

SUBCHAPTER IV

LOWER WISCONSIN STATE RIVERWAY

Cross-reference: See also RB and s. [NR 103.04](#), Wis. adm. code.

30.40 Definitions. In ss. [30.40](#) to [30.49](#):

(1) “Agricultural use” means beekeeping; dairying; egg production; feedlots; grazing; floriculture; raising of livestock; raising of poultry; raising of fruits, nuts and berries; raising of grains, grass, mint and seed crops; raising of vegetables; and sod farming.

(1r) “Bluff zone” means land in the riverway in the areas that are 200 feet in width from behind the bluff line to 100 feet below the bluff line.

(2) “Board” means the Lower Wisconsin State Riverway board.

(3) “Boat” has the meaning given in s. [30.50](#) (2).

(3g) “Forester” means a person who is employed by the department to carry out assigned forest management responsibilities or who has received a bachelor’s or higher degree from a school of forestry with curriculum accredited by the society of American foresters in the management of forest resources.

(3r) “High-voltage transmission line” means a conductor of electric energy exceeding one mile in length designed for operation at a nominal voltage of 100 kilovolts or more, together with associated facilities or structures.

(4) “Highway” means a way or thoroughfare, except a waterway, that is used for vehicular travel by the public.

(6) “Mobile home” has the meaning given in s. [101.91](#) (10).

(7) “Modify” means to renovate, remodel, expand in size or otherwise change a structure that is not damaged or destroyed.

(7m) “Nonmetallic mining” has the meaning given in s. [295.11](#) (3).

(8) “Pedestrian” has the meaning given in s. [340.01](#) (43).

(9) “Person” means a natural person, corporation, limited liability company, partnership, association, cooperative, unincorporated cooperative association, municipality or other local governmental unit, private or public utility, municipal power district, estate or trust, the United States, a federal agency, the state of Wisconsin or a state agency.

(10) Notwithstanding s. [30.01](#) (5), “pier” means a structure extending into the river from the shore with water on both sides.

(10m) “Private drive” means a way in private ownership that is used for vehicular travel upon a single parcel of real property.

(11) “Private road” means a way or thoroughfare in private ownership and used for vehicular travel between 2 or more parcels of real property, not under common ownership, and a highway.

(12) “Public access site” means a site owned by the state or a municipality and that provides public access to the river for boats and for recreational users. “Public access site” includes a structure in conjunction with the site that is necessary for the operation and use by the public of the site.

(12m) “Recreational trail” means an unpaved trail or pathway that is used for recreational purposes and is not necessary for access to the river due to the difficulty of the terrain.

(13) “Refuse” means combustible and noncombustible rubbish, including, but not limited to, ashes, paper, glass, cloth, wood, metal and litter.

(14) “River” means the Wisconsin River downstream from the dam at Prairie du Sac.

(14m) “River edge zone” means land in the riverway in the areas that begin from the point at which tree growth begins at the edge of the river and that extend 75 feet landward from that point.

(15) “Riverway” means the area within the boundaries of the Lower Wisconsin State Riverway.

(16) “Solid waste” has the meaning given in s. [289.01](#) (33).

(17) “Stairway” means a structure constructed of wood or other material that is necessary due to the steepness of a slope for access to the river.

(18) “Structure” means a building, facility or other unit that is constructed or otherwise erected.

(18m) “Timber” means standing trees which, because of their size, quality and number, are marketable.

(19) “Utility facility” means any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment or other structure used for one of the following:

(a) The transmission or distribution of electrical power or light that is not a high-voltage transmission line.

(b) The transmission, distribution or delivery of heat, water, gas, sewer, telegraph or telecommunication services.

(20) “Visible from the river” means possible to be seen from any point on the river.

(21) “Visually inconspicuous” means difficult to be seen and not readily noticeable from any point on the river during the time when the leaves are on the deciduous trees.

(22) “Walkway” means a paved or unpaved trail or pathway or a structure constructed of wood or other material that is necessary due to the difficulty of the terrain for access to the river.

(22m) “Waterproof container” means a can, bucket, bag, box or other similar receptacle made of a material that retains its usefulness when exposed to water.

(23) Notwithstanding s. [30.01](#) (8), “wharf” means a structure in the river extending along the shore and generally connected with the uplands throughout its length.

(23m) “Woody vegetation” includes trees that are not timber.

(24) “Working day” has the meaning given in s. [227.01](#) (14).

History: 1989 a. 31; 1991 a. 76; 1993 a. 112; 1995 a. 211, 227; 1997 a. 35; 2005 a. 441; 2007 a. 11.

30.41 Creation. (1) There is created a Lower Wisconsin State Riverway consisting of land as designated by the natural resources board.

(2) The department shall publish as an appendix to ch. [NR 45](#), Wis. adm. code, a map and a description of the riverway.

History: 1989 a. 31.

30.42 Departmental duties, powers, prohibitions.

(1) The department shall:

(a) Manage the land in the riverway under its ownership, supervision, management or control in conformity with ss. [30.40](#) to [30.49](#).

(b) Promote to the recreational users of the riverway an appreciation of the physical characteristics of the riverway and an appreciation of the local history, traditions and culture of the river valley.

(c) Consult with the board and with municipalities located at least in part in or adjacent to the riverway on issues concerning the riverway.

(d) 1. Promulgate rules that are applicable only to land in the riverway to regulate the cutting and harvesting of timber so that the effect of cutting or harvesting of timber on the scenic beauty and the natural value of the riverway is minimized. For land that is in the river edge zone or the bluff zone, the rules promulgated under this paragraph shall require that the cutting and harvesting of timber be solely by selection cutting and that the minimum basal area for the residual stand of timber be 60 square feet per acre. The rules promulgated under this paragraph do not apply to any cutting or harvesting of timber subject to regulation under s. [30.43](#) (3).

2. For purposes of subd. 1., the department shall, by rule, define “basal area” and “selection cutting”.

(e) For each county named in s. 15.345 (8) (b), assign a department employee whose office is in the county to serve as a liaison representative on issues concerning the riverway.

(f) Encourage an owner of land who on August 9, 1989, is subject to a contract under subch. I of ch. 77 or an order designating managed forest land under subch. VI of ch. 77 to voluntarily modify the contract or amend the order to require compliance with the rules regulating timber cutting and harvesting promulgated under par. (d).

(2) The department may:

(a) Acquire land in the riverway under s. 23.09 (2) (d) including easements and rights in land under s. 23.09 (10).

(b) Enter into agreements with other agencies or persons to provide continuing and necessary maintenance, management, protection, husbandry and support for the land in the riverway under the ownership, supervision, management or control of the department.

(3) Notwithstanding s. 227.11, the department may not promulgate rules interpreting or establishing procedures for ss. 30.44 to 30.46 except for the promulgation of rules under sub. (1) (d).

(4) Notwithstanding s. 15.03, the department shall process and forward all personnel and biennial budget requests by the board without change except as requested or concurred in by the board.

History: 1989 a. 31; 1991 a. 76; 1995 a. 27, 211; 2015 a. 55.

Cross-reference: See also ch. NR 37, Wis. adm. code.

30.43 Board duties. The board shall:

(1) Review applications for permits under s. 30.44 (1) to (5) and issue permits for activities that comply with their applicable performance standards.

(3) Promulgate rules establishing procedures for the cutting or harvesting of timber or the cutting of woody vegetation in order to restore or maintain prairies or other native plant communities, to enhance wildlife habitat or to maintain confirmed archaeological sites. The rules shall require the person proposing the cutting or harvesting to prepare a management plan and obtain approval of the management plan from the department.

History: 1989 a. 31; 1991 a. 76; 1995 a. 211.

30.435 Board powers. The board may:

(1) Grant waivers under s. 30.44 (8) (c) and (f) and impose conditions under s. 30.44 (7).

(2) Issue general permits under s. 30.44 (1) (f).

(2m) Promulgate rules and otherwise act under s. 30.443.

(3) Enter into contracts to carry out its duties and powers under ss. 30.40 to 30.49.

(4) Employ staff outside the classified service in accordance with s. 16.505.

(5) Inform or advise a municipality that has land located outside the riverway as to the impact the development of the land may have on the riverway.

(6) Advise or make a recommendation to a city or village that has land adjacent to the riverway to encourage the city or village to adopt ordinances or other rules or regulations that preserve the scenic value of that land.

(7) Report to the legislature on the effectiveness of ss. 30.44 to 30.49.

(8) Advise the department on any conflict between the recreational use in the riverway and ss. 30.44 (1) to (5), 30.445 and 30.45 to 30.48.

(9) Delegate to its staff the power to:

(a) Issue, grant waivers to and impose conditions on permits, other than general permits.

(b) Enter into contracts.

History: 1989 a. 31; 1991 a. 76; 1995 a. 211.

30.44 Permits and waivers; board procedures.

(1) **STRUCTURES; MOBILE HOMES.** (a) For purposes of this subsection, notwithstanding s. 30.40 (18), “structure” excludes boat shelters, boathouses, bridges, dams, fishing rafts, fixed houseboats, piers, public access sites, stairways, swimming rafts, high-voltage transmission lines, utility facilities, walkways, wharves and any other structures that the board excludes by rule if the structures excluded by rule are of a minimal size or are of a type that is not visible from the river.

(b) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction of a structure, including clearing or grading the land for the structure.

2. Placement or replacement of a mobile home.

3. Modification of a structure or a mobile home.

4. Repair of a damaged structure or reconstruction of a destroyed structure unless exempt under par. (g).

5. Repair of a mobile home unless exempt under par. (g).

(c) A person may not be issued a permit for an activity in par. (b) on land that is visible from the river and that is in the riverway unless all of the following performance standards are met:

1. Sufficient vegetation exists on the land to allow the structure or mobile home to be visually inconspicuous.

2. The structure or mobile home shall not be higher than the surrounding vegetation during the time when the leaves are on the deciduous trees.

3. Visual impact shall be minimized by the use of exterior colors that harmonize with the natural surroundings during the time when the leaves are on the deciduous trees and by the limited use of glass or other reflective materials, except that a structure that is for agricultural use may be painted in a traditional manner in red or white.

4. The natural slope of the land shall be 20 percent or less.

4m. The person being issued the permit will comply with any applicable standards that the board imposes under s. 30.443 (2).

(d) A person may not be issued a permit for an activity in par. (b) on land that is not visible from the river and that is in the riverway unless the performance standard in par. (e) is met.

(e) The height of the structure or mobile home shall not result in its being visible from the river.

(f) For land in the riverway that is not visible from the river, the board may issue a general permit for an activity in par. (b) that is applicable to a designated area of the riverway instead of requiring applications for individual permits for the activity under par. (b). A person engaging in an activity in par. (b) in an area for which a general permit has been issued for the activity shall comply with the performance standard in par. (e).

(g) Paragraphs (b) to (f) do not apply to the repair of a damaged structure or mobile home or to the reconstruction of a destroyed structure if all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

2. The repaired mobile home or the repaired or reconstructed structure will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

(2) **WALKWAYS; STAIRWAYS.** (a) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction of a stairway or walkway.

3. The walkway or stairway shall be for pedestrians only.

(c) Paragraphs (a) and (b) do not apply to the repair of a damaged stairway or walkway or to the reconstruction of a destroyed stairway or walkway if all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

30.44 NAVIGABLE WATERS, HARBORS AND NAVIGATION

Updated 13–14 Wis. Stats.

2. The repaired or reconstructed stairway or walkway will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

4. The repaired or reconstructed stairway or walkway shall be for pedestrians only.

(3) FORESTRY. (a) A person shall apply for and receive a permit before cutting or harvesting timber on land in the riverway.

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (bn) is met.

(bn) The cutting and harvesting of timber shall comply with the rules regulating timber cutting and harvesting promulgated by the department under s. 30.42 (1) (d) or by the board under s. 30.43 (3).

(c) This subsection does not apply to the following:

1. Timber subject to a contract under subch. I of ch. 77 that is in effect on October 31, 1989, except as provided in s. 77.17.

2. Timber subject to an order designating managed forest land under subch. VI of ch. 77 that is in effect on October 31, 1989, except as provided in s. 77.82 (11m).

2m. The cutting of timber that is necessary for maintenance of an easement or a right-of-way for a highway, a railroad, a high-voltage transmission line or a utility facility.

2n. The cutting of timber that is necessary for the construction, reconstruction, modification, repair or maintenance of a recreational trail.

2p. The cutting of timber that is necessary for maintenance of the right-of-way for a private drive or a private road if the width of the area subject to cutting does not exceed the minimum width necessary for safe travel, but not to exceed 20 feet for a private drive or 30 feet for a private road.

2r. Diseased timber if a forester has issued a written determination that the timber is subject to an actual, potential or incipient infestation or infection by an insect or disease that is harmful to the timber.

3. Timber damaged by natural causes.

4. Timber cut on land that is more than 75 feet beyond the high-water mark of the river and that is owned or occupied by a person if the cut timber is used as firewood, fence posts or Christmas trees for agricultural or household use and if the cut timber is not sold or bartered to another person.

5. Timber cut pursuant to a written contract between private parties that is entered into before October 31, 1989, if a copy of the contract has been filed with the board before the next cutting that occurs after December 6, 1991, together with an affidavit on a form supplied by the board. The affidavit shall state that the contract was entered before October 31, 1989, and shall inform the person filing the contract and affidavit of the penalty for false swearing under s. 946.32.

(3e) NONMETALLIC MINING. (a) A person shall apply for and receive a permit before beginning or expanding nonmetallic mining on land in the riverway that is not visible from the river when the leaves are on the deciduous trees.

(b) A person may not be issued a permit for an activity in par. (a) unless the following performance standards are met:

1. Any structure and any stockpiled minerals or soil associated with the nonmetallic mining activity may not be visible from the river when the leaves are on the deciduous trees.

2. The excavation for the nonmetallic mining activity may not be visible from the river when the leaves are on the deciduous trees.

(3m) UTILITY FACILITIES; HIGH-VOLTAGE TRANSMISSION LINES.

(a) A person shall apply to and receive a permit from the board before constructing, modifying or relocating a utility facility or high-voltage transmission line that is in the riverway.

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (c) is met and, for a high-voltage transmission line, the board finds that the activity will not impair, to the extent practicable, the scenic beauty or natural value of the riverway.

(c) All reasonable efforts, as determined by the board, shall be taken to minimize the visual impact of the utility facility.

(d) The use of an aboveground utility facility shall not be a basis for the board to determine that all reasonable efforts will not be taken to minimize the visual impact. The board may not require a high-voltage transmission line to be placed underground in order to make the finding specified in par. (b).

(4) PUBLIC ACCESS SITES. (a) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction or modification of a public access site.

2. Repair of a damaged public access site or reconstruction of a destroyed public access site unless exempt under par. (d).

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (c) is met.

(c) All reasonable efforts, as determined by the board, shall be taken to minimize the visual impact of the public access site, including the use of exterior colors that harmonize with the surroundings and the limited use of glass or other reflective materials.

(d) Paragraphs (a) to (c) do not apply to the repair of a damaged public access site or to the reconstruction of a destroyed public access site if all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair or reconstruction.

2. The repaired or reconstructed public access site will not be larger in size or more visible from the river than it was immediately before it was damaged or destroyed.

(5) BRIDGES. (a) A person shall apply for and receive a permit before starting any of the following activities on land in the riverway:

1. Construction, modification or reconstruction of a bridge.

2. Repair of a bridge unless exempt under par. (d).

(b) A person may not be issued a permit for an activity in par. (a) unless the performance standard in par. (c) is met.

(c) Visual impact shall be minimized by the use of exterior colors that harmonize with the surroundings and by the limited use of glass or other reflective materials.

(d) Paragraphs (a) and (b) do not apply to the repair of a bridge in the riverway if all of the following are applicable:

1. No municipal ordinance or other municipal regulation prohibits the repair.

2. The repaired bridge will not be larger in size or more visible from the river than it was immediately before it was damaged.

(7) CONDITIONS ON PERMITS. The board may impose on a permit a condition that is necessary to assure compliance with the performance standards in subs. (1) to (5) or to assure that the activity is completed within a reasonable time.

(8) BOARD PROCEDURE. (a) Except as provided under sub. (1) (f), a person shall apply for and be issued by the board a permit for an activity in subs. (1) to (5) for land in the riverway.

(b) The board may not issue a permit under par. (a) if the performance standards for the activity are not met.

(c) The board may grant a waiver of a performance standard for an activity in sub. (1) (b) and issue a permit under par. (a) or may grant a waiver authorizing an activity prohibited under s. 30.45 (3) or (3m) for land in the riverway if one of the following applies:

1. A municipality requests the waiver that is necessary for municipal purposes.

2. An individual requests the waiver, enforcement of the per-

formance standard or prohibition will cause unnecessary hardship to the individual and the visual impact of the activity will be minimized to the greatest degree possible.

(d) For purposes of par. (c) 2., unnecessary hardship must be:

1. Compelling personal needs of the individual that are not self-imposed or self-created and that are not solely based on the financial hardship of the individual; or

2. Natural causes beyond the control of the individual.

(e) The board may not grant a waiver under par. (c) 2. for unnecessary hardship due to natural causes beyond the control of the individual if the reason for granting the waiver is based solely on the financial hardship of the individual.

(f) 1. The board may grant a waiver to modify a limitation for a wharf in the riverway, as specified under s. 30.45 (9) (a), if an individual requests the waiver, if enforcement of the limitation will cause unnecessary hardship to the individual and if the visual impact of the wharf will be minimized to the greatest degree possible.

2. For purposes of subd. 1., unnecessary hardship must be compelling personal needs of the individual that are not self-imposed or self-created and that are not solely based on the financial hardship of the individual.

(10) REVOCATION OF PERMIT. (a) The board shall revoke a permit issued under sub. (8) or s. 30.44 (9), 1993 stats., if a person fails to comply with the performance standards for the permit that are not waived under sub. (8) (c) or s. 30.44 (9) (c), 1993 stats.

(b) The board shall revoke a general permit issued under sub. (1) (f) if it finds the performance standard under sub. (1) (e) is not being met in the designated area.

History: 1989 a. 31; 1991 a. 76, 189; 1995 a. 201, 211; 1997 a. 35, 204.

Cross-reference: See also chs. NR 37 and RB 2, Wis. adm. code.

30.443 Erosion prevention and control. (1) For activities under s. 30.44 (1) (b), the board may do any of the following:

(a) Promulgate rules establishing standards for erosion prevention or control at sites in the riverway that are not subject to the standards established under s. 101.1206 (1), 101.653 (2), or 281.33 (3) (a) and that have a natural slope of 20 percent or less.

(b) Promulgate rules establishing standards for erosion prevention or control that are in addition to standards established under ss. 101.1206 (1) and 101.653 (2) for sites in the riverway that are subject to those standards and that have a natural slope of 12 percent or more but 20 percent or less.

(2) The board may impose any of the applicable standards established under sub. (1) (a) or (b) or ss. 101.1206 (1) or 101.653 (2) as a condition for receiving a permit under s. 30.44 (1), and the board may promulgate rules to enforce these standards in the riverway.

History: 1995 a. 211; 2009 a. 28; 2011 a. 32; 2013 a. 20.

30.445 Piers. (1) No person may construct, relocate or modify a pier or reconstruct a destroyed pier in the riverway.

(2) No person may have or maintain a pier in the riverway after November 30, 1990, unless the board has issued a permit for the pier under sub. (3) and the board has not revoked the permit under sub. (6).

(3) Any person who owns a pier in the riverway that was in existence on October 31, 1989, may, before September 1, 1990, apply for a permit from the board to have and maintain the pier. Upon application the board shall issue the permit.

(3m) (a) Notwithstanding subs. (2), (3) and (7), the board shall issue a permit to have and maintain a pier in the riverway to an owner of a pier in the riverway that was in existence on October 31, 1989, if the person applies for the permit before September 1, 1992, and if at least a two-thirds majority of the board votes to approve the issuance of the permit.

(b) If an owner fails to apply for a permit under par. (a) before September 1, 1992, or to remove the pier before that date, or if the board fails to approve the permit, the owner shall remove the pier before July 1, 1993.

(4) A permit issued under sub. (3) or (3m) authorizes the person to whom the permit is issued to have and maintain the pier in the riverway on the condition that it be maintained in at least as good condition as it was in on the date of the application for the permit.

(5) A permit issued under sub. (3) or (3m) authorizes repairs to the pier unless any of the following applies:

(a) A municipal ordinance or other municipal regulation prohibits the repair.

(b) The repaired pier will be larger in size or more visible from the river than it was immediately before the damage.

(6) The board shall revoke any permit issued under sub. (3) or (3m) if the owner of the pier does not comply with sub. (4) or (5).

(7) If a person who owns a pier in the riverway that was in existence on October 31, 1989, does not apply for a permit from the board or has not removed the pier before September 1, 1990, the person shall remove the pier by November 30, 1990.

(8) If a permit issued under sub. (3) or (3m) has been revoked, the owner of the pier shall remove the pier within 15 days after the revocation, or if the board grants additional time for the removal, within that time.

(9) Subsections (1) to (8) do not apply to a pier that is not located in the river and that is constructed after December 6, 1991.

History: 1989 a. 31; 1991 a. 76, 189, 315.

30.45 Prohibited and restricted activities in the riverway. In the riverway:

(1) No person may start or engage in an activity under s. 30.44 (1) to (5) or 30.445 without having any permit that is required under s. 30.44 or 30.445.

(1g) No person may cut or harvest timber unless par. (c) applies and either par. (a) or (b) applies:

(a) The person has a permit under s. 30.44 (3).

(b) The cutting or harvesting of the timber is exempt under s. 30.44 (3) (c).

(c) The cutting or harvesting complies with any rule promulgated under s. 30.42 (1) (d) which the person must comply with under s. 77.17 or 77.82 (11m).

(1r) No person may construct, modify or relocate a high-voltage transmission line unless it has been approved under s. 30.44 (3m) or 196.491 (3) (d) 3m.

(2) No person may violate a condition imposed under s. 30.44 (7) or under s. 30.44 (11) (d), 1993 stats.

(3) No person may cut woody vegetation below the ordinary high-water mark or within 75 feet beyond the ordinary high-water mark of the river except for the amount necessary for:

(a) One strip 15 feet or less in width for each separately owned parcel of land on the river that is necessary for gaining access to the river.

(ag) An activity for which a permit has been issued under s. 30.44 or 30.445 and has not been revoked under s. 30.44 (10) or 30.445 (6).

(ar) An activity that s. 30.44 or 30.445 exempts from a permit.

(b) Maintenance of an easement or right-of-way for a utility facility.

(bn) Construction, reconstruction, modification, relocation, repair or maintenance of a high-voltage transmission line.

(cg) Construction, modification, reconstruction or repair of a wharf as allowed under sub. (9).

(cr) Maintenance of a structure by a person who complies with any provision of ss. 30.44 to 30.46 and subs. (1), (2) and (4) to (13) that applies to the structure.

(d) Maintenance of a right-of-way for a highway, private road, private drive or a railroad.

(de) Construction, reconstruction, modification or repair of a highway or a railroad.

30.45 NAVIGABLE WATERS, HARBORS AND NAVIGATION

Updated 13–14 Wis. Stats.

(df) Construction, reconstruction, modification or repair of a private drive or private road if the width of the area subject to cutting does not exceed the minimum width necessary for safe travel, not to exceed 20 feet for a private drive or 30 feet for a private road.

(dg) Construction, reconstruction, modification, repair or maintenance of a recreational trail.

(dh) Modification, repair or reconstruction of a dam.

(dp) Removal of diseased woody vegetation if a forester has issued a written determination that the woody vegetation is subject to an actual, potential or incipient infestation or infection by an insect or disease that is harmful to the woody vegetation.

(dt) Cutting or harvesting timber if the cutting or harvesting complies with any rule promulgated under s. 30.42 (1) (d) which the landowner must comply with under s. 77.17 or 77.82 (11m).

(e) Removal of woody vegetation damaged by natural causes.

(f) Removal of woody vegetation that poses an imminent hazard to life or property.

(g) Cutting woody vegetation if the cutting complies with the rules promulgated under s. 30.43 (3).

(3m) No person may cut woody vegetation on land that is more than 75 feet beyond the ordinary high-water mark of the river except:

(a) As specified in sub. (3) (a) to (g).

(b) For woody vegetation cut on land owned or occupied by a person if the cut woody vegetation is used as firewood, fence posts or Christmas trees for agricultural or household use and if the cut woody vegetation is not sold or bartered to another person.

(3p) The restrictions against the cutting of woody vegetation under subs. (3) and (3m) do not apply to the cutting of woody vegetation that complies with sound horticultural or arboricultural practices, that does not involve the severing of the woody vegetation from the ground and that does not increase the visibility of any structure from the river.

(4) No person may store or dispose of junk as defined in s. 84.31 (2) (e).

(4m) Except as provided in sub. (4p), no person may store or dispose of solid waste unless the solid waste is:

(a) Nonhazardous sludges from a treatment work, as defined under s. 283.01 (18), that is spread as a soil conditioner or a nutrient on land that is in agricultural use; or

(b) Unmanipulated animal or vegetable manure, as defined in s. 94.64 (1) (t), that is spread as a soil conditioner or a nutrient on land that is in agricultural use.

(4p) No person may dispose of the debris resulting from the demolition of a building or a building foundation unless the disposal is on the same parcel on which the demolition site is located, the debris is of a type that is not required under s. 289.43 (8) (b) 1. to be disposed of in a licensed solid waste disposal facility and the debris is buried.

(5) No person may begin a mining activity or expand a mining activity, except as provided in sub. (5m) or s. 30.44 (3e).

(5m) No person may begin or expand a nonmetallic mining activity on land that is visible from the river when the leaves are on the deciduous trees.

(6) No person may construct, reconstruct or alter a highway or private road unless the highway or private road and any embankments, grading, rock cuts or associated structures are visually inconspicuous and are constructed with sufficient safeguards to prevent erosion.

(6m) No person may construct, reconstruct or alter a recreational trail unless the recreational trail and any embankments, grading and associated structures are visually inconspicuous and are constructed with sufficient safeguards to prevent erosion.

(7) No person may erect a sign that is visible from the river other than:

(a) A sign erected by the department that is necessary for public use of the riverway.

(b) A sign erected by the state or municipality in charge of a highway.

(c) A sign that does not exceed 12 inches high by 12 inches long prohibiting or authorizing entry onto land.

(9) No person may:

(a) Construct or modify a wharf or reconstruct a destroyed wharf unless it will be 20 feet or less in length and 3 feet or less in width and it will not have a railing or other structure extending above its deck.

(b) Repair a damaged wharf unless all of the following apply:

1. No municipal ordinance or other municipal regulation prohibits the repair.

2. The repaired wharf will not be larger in size or more visible from the river than it was immediately before it was damaged.

(10) No person may:

(a) Construct, relocate, replace or reconstruct a boat shelter.

(b) Have or maintain a boat shelter after November 15, 1990.

(13) No person may have or maintain a stairway or walkway unless sufficient safeguards are taken to minimize erosion.

History: 1989 a. 31; 1991 a. 76, 315; 1995 a. 211, 227, 451; 1997 a. 204.

30.452 Prohibited activities in the river. In the river, no person may:

(1) Construct, relocate, replace or reconstruct a swimming raft.

(2) Have or maintain a swimming raft after November 15, 1990.

History: 1991 a. 76, s. 42; Stats. 1991 s. 30.452.

30.455 Department of transportation activities.

(1) Construction, reconstruction, design, maintenance, modification or repair activities, or nonmetallic mining activities in the riverway, that are carried out under the direction and supervision of the department of transportation are not subject to ss. 30.44 to 30.45. At the earliest practical time before the commencement of these activities, the department of transportation shall notify and consult with the department and the board on the location, nature and extent of the proposed work.

(2) (a) The exemption under sub. (1) does not apply unless the standard in par. (b) is met.

(b) To the extent it is economically and technically feasible, the department of transportation shall minimize the visual impact of the activity and any resulting highway or structure.

(c) The department of transportation, in consultation with the department, shall adopt standards to implement par. (b).

(3) If the department determines that there is reasonable cause to believe that an activity being carried out under this section or a resulting highway or structure is not in compliance with the standard in sub. (2) (b), 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 considers appropriate.

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

History: 1989 a. 31; 1991 a. 76, 189; 1995 a. 211.

30.46 Agricultural use. **(1)** A person may develop or use land in the riverway for agricultural use that is not in agricultural use on October 31, 1989, if:

(a) The development and use comply with the rules for the soil and water resource management program promulgated by the department of agriculture, trade and consumer protection under s. 92.14; and

(b) The person otherwise complies with this subchapter in developing or using the land for agricultural use.

(2) Notwithstanding sub. (1) (b), a person is not required to comply with rules for the soil and water resource management program promulgated under s. 92.14 by the department of agriculture, trade and consumer protection for land in the riverway and that is in agricultural use on October 31, 1989.

(3) Notwithstanding sub. (1) (b), s. 30.44 (1) does not apply to the construction, modification, repair or reconstruction of a structure that is used exclusively for agricultural use on land in the riverway if the land is in agricultural use on October 31, 1989.

History: 1989 a. 31; 1991 a. 189.

30.47 Restrictions on recreational use. (1) No natural person may operate a boat on public waters in the riverway without having an adequately sized waterproof container in the boat in which to place refuse.

(2) No person may leave refuse on land in the riverway owned, managed, supervised or controlled by the department or on public waters in the riverway.

(3) (a) Except as provided in par. (b), no person may have a glass container on land in the riverway owned, managed, supervised or controlled by the department or on islands or public waters in the riverway.

(b) 1. Paragraph (a) does not apply to a natural person or his or her guest having a glass container on land in the riverway that the natural person owns or occupies as a tenant.

2. Paragraph (a) does not apply to a natural person having a glass container on land in the riverway that is also in a state park.

History: 1989 a. 31; 1993 a. 73.

30.48 Applicability. (1) Sections 30.44 to 30.47 are in addition to and are not superseded by any law, rule, ordinance or other regulation governing an activity that occurs in the riverway.

(2) Sections 30.44 to 30.47 do not apply to land that is located in a city or village on October 31, 1989, or to land located within 0.5 mile of the corporate limits of a city or village on October 31, 1989, that is annexed to the city or village after October 31, 1989.

History: 1989 a. 31; 1991 a. 189.

30.49 Enforcement. (1) **FORFEITURES.** (a) Any person who knowingly violates ss. 30.44 to 30.455 or 30.46 (1) shall forfeit not more than \$1,000 for each violation.

(b) Each day that a violation under par. (a) continues is a separate violation.

(c) Any person who violates ss. 30.44 to 30.455 or 30.46 (1) shall forfeit not more than \$1,000 for each violation.

(d) Any person who intentionally violates s. 30.47 shall forfeit not more than \$500.

(e) Paragraph (b) does not apply to a violation under par. (c) or (d).

(f) 1. For violations under par. (c), if the alleged violator has not previously received a warning notice for a violation of the same statutory provision, the law enforcement officer or warden shall issue the violator a warning notice and may not issue a citation.

2. The warning notice under subd. 1. shall inform the alleged violator of the action the alleged violator is required to take to be in compliance with the applicable statutory provision. If the warning notice requires the alleged violator to remedy the effects of the violation, the alleged violator has 30 days to do so unless subd. 3. applies.

3. The alleged violator may request in writing from the board

an extension of time to remedy the effects of the violation. The board for good cause may grant an extension of time.

4. If the alleged violator fails to comply with the warning notice, the law enforcement officer or warden may issue a citation. If the alleged violator complies with the warning notice, the law enforcement officer or warden may not issue a citation.

5. The department shall record the issuances of warning notices for purposes of this paragraph.

(2) **CIVIL REMEDIES.** (a) The state, board or a municipality may file a civil action to enforce ss. 30.44 to 30.46.

(b) If the plaintiff prevails in a civil action under par. (a), the court may grant:

1. Injunctive relief under ch. 813.

2. A declaratory judgment under s. 806.04.

3. A decree for specific performance for which the court may supervise compliance.

(3) **OTHER RIGHTS, REMEDIES.** This section does not limit any other right or remedy provided by law.

History: 1989 a. 31.

Cross-reference: See also ch. NR 301, Wis. adm. code.