



State Senator
James R. Baumgart

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SB 361 5
Jim Baumgart

M E M O

**FLOOR DISTRIBUTION
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BAUMGART**

January 5, 2002

TO: All Senators
FROM: Senator Jim Baumgart
RE: Senate Bill 361, relating to the size of restored, enhanced or created wetlands that are part of wetland mitigation project.

SB 361 is the was drafted as a result of action taken by the Senate Environmental Resources Committee and the Joint Committee for Review of Administrative Rules (JCRAR) and is scheduled for consideration by the Senate today.

The rules establish a general standard of restoring 1½ acres of wetlands for every acre that is adversely impacted. However, also included was a variance request from that general standard down to a ratio of 1 to 1 for projects that will impact over 20 acres. The committee felt that all projects ought to be treated equally and therefore objected to this portion of the rule. The Joint Committee for Review of Administrative Rules concurred in that objection and Senate Bill 361, by rule, must be passed in order to honor the wishes of both JCRAR and the Senate Environmental Resources Committee.

The amendment that was introduced is technical in nature and brings the language of the bill into compliance with the how the original rule was drafted. It makes no substantive changes to the rules as they were written by the Department of Natural Resources and approved by the Senate and Assembly environment committees.

It is my hope that you will support this bill as amended. If you have any questions, please feel free to contact me.

TALKING POINTS:

SB 361, Relating to the size of restored, enhanced or created wetlands that are part of mitigation projects.

The rules call for a general mitigation ratio of 1½ acres of restored wetlands for every acre of adversely impacted wetlands.

- The original rules included a provision that allowed for a variance from the general mitigation ratio down to 1 to 1, for proposed projects that are going to impact 20 acres of wetlands.
- The Senate Environmental Resources Committee unanimously concluded that all projects ought to be treated the same and asked the Department of Natural Resources to remove this provision.
- The DNR declined to make this change and therefore the Committee had no other choice but to formally object to the provision.
- The Joint Committee for Review of Administrative Rules concurred with this objection and this legislation is the result of JCRAR's action.
- The substitute amendment only makes technical changes to the original bill. The amendment language is more consistent with how the rules were drafted and therefore will insure that the rules can continue to move forward and limit any confusion.
- The bill must be passed in order to honor the wishes of the Senate Environmental Resources Committee.

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number 01-4298/2	Introduction Number SB-361
Subject Acreage ratio for wetland mitigation	
Fiscal Effect	
State:	
<input checked="" type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriations	
<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
Local:	
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
Fund Sources Affected	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By DNR/ Joe Polasek (608) 266-2794	Authorized Signature Joe Polasek (608) 266-2794
Date 01/03/2002	

Fiscal Estimate Narratives

DNR 01/04/2002

LRB Number	01-4298/2	Introduction Number	SB-361	Estimate Type	Original
Subject					
Acreage ratio for wetland mitigation					

Assumptions Used in Arriving at Fiscal Estimate

Bill Summary: This legislation supports the objection of the Senate Committee on Environmental Resources and the Joint Committee for Review of Administrative Rules to a portion of proposed NR 350 that would allow the Department to grant a variance to reduce the replacement ratio to 1:1 for wetland projects that impact 20 acres or more of wetlands.

Fiscal Estimate: The Department expects no fiscal impact to state or local government associated with this bill. This legislation does not affect the effort needed to review a compensatory mitigation proposal, and will not increase or decrease costs to the Department.

Long-Range Fiscal Implications

None

Fiscal Estimate Worksheet - 2001 Session

Detailed Estimate of Annual Fiscal Effect

Original
 Updated
 Corrected
 Supplemental

LRB Number 01-4298/2		Introduction Number SB-361	
Subject			
Acreage ratio for wetland mitigation			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
None			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$	
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
TOTAL State Revenues		\$	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$	\$
NET CHANGE IN REVENUE		\$	\$
Agency/Prepared By		Authorized Signature	
DNR/ Joe Polasek (608) 266-2794		Joe Polasek (608) 266-2794	
		Date	
		01/03/2002	