

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2803/P3dn  
MGG:wlj:rs

October 24, 2011

The following comments are in response to the DNR Comments dated 9/30/11:

1. First page, comment for page 3, line 17: I have not included the word “compensatory” for three reasons: first, it is not used often or consistently under ss. 281.36 and 281.37. Second, it seems redundant. Third, I have now defined “mitigation” in s. 281.36 and if you want to use the term “compensatory mitigation,” it will have be the defined term and will need to appear consistently throughout the draft.
2. First page, comment for page 5, line 11: I know the federal term is “wetland general permit” but this sounds awkward, at least to me. Also, when the draft talks about both individual and general permits, it would need to read “wetland individual and general permits,” which also sounds awkward.
3. First page, comment for insert 281.36 (3g) (a)–(d): We did not get a chance to discuss this in our meeting. I have included some of this language in the draft. It seems to be addressing two items: what is required to be included in the general permit and what is required to be included in an application to proceed under a general permit. You will find my attempts to draft language as to what is to be in the application in s. 281.36 (3g) (g). As to what is to be contained in the general permit, I think it is clear that a general permit may contain conditions. See s. 281.36 (3b) (b), as renumbered. As to “eligibility standards,” would those be the basic requirements contained in a general permit? As to “exclusions,” I gather that the exemptions will not be limited to those in the statutes but that there can be “conditional exemptions.” I need to talk to someone in order to get further clarification before I can draft anything regarding “conditional exemptions.”

The following comment is in response to the DNR Comments dated 10/7/11:

Comment for page 17, lines 10–12: I did not make this change because it seems to make sense to allow DNR to inspect property where an exempt discharge may be occurring. However, if you want to limit the inspection authority to discharges under individual and general wetland permits, let me know.

Do you want an initial applicability provision so that the bill is limited to applications that are submitted after the effective date?

There are also embedded notes in the draft to assist you in your review.

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