

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2089/P1dn
MGG:wlj:ph

January 13, 2012

1. Under the bill, the surcharge may be used only for restoring and creating wetlands. I did not make any changes in this regard. This amendment changes the bill so that the concept of “preservation” is a mitigation activity for purposes of mitigation performed by mitigation banks and as mitigation projects. As to the in lieu fee subprogram, the bill already authorizes preservation as an activity under the subprogram.
2. Regarding the change on page 23, line 20, I substituted “discharge” for “activity” since under s. 281.36 “discharges,” and not “activities,” are authorized under wetland general permits.
3. I moved the order of the paragraphs under s. 281.36 (3n) due to the change requested in the cross-reference language found on page 28, line 1, of the bill. Other wording in s. 281.36 (3n) needed to be changed to be consistent with the language found on page 28, lines 22 to 24.
4. Please review the language created in the amendment for administrative and judicial review. The amendment contains no language exempting authorizations to proceed under general permits from the administrative hearing requirements under ch. 227. The language in this amendment is based on all of s. 30.209, not just s. 30.209 (1m).

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215