



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3174/1  
ZDW:klm

## 2017 SENATE BILL 406

September 14, 2017 - Introduced by Senators LEMAHIEU, CRAIG and TIFFANY, cosponsored by Representatives STEFFEN, E. BROOKS, FELZKOWSKI, GANNON, HORLACHER, KREMER, KULP and KUGLITSCH. Referred to Committee on Elections and Utilities.

- 1 **AN ACT** *to renumber and amend* 281.36 (3n) (d); and *to create* 281.36 (3n) (d)  
2 2. of the statutes; **relating to:** mitigation requirements applicable to wetland  
3 individual permits.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, if the Department of Natural Resources issues a wetland individual permit to a public utility, DNR may not require mitigation unless the discharge authorized by the wetland individual permit will result in a permanent fill of more than 10,000 square feet of wetland.

Under current law, no person may discharge dredged material or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit, or the discharge is exempt from permitting requirements. Current law requires DNR to issue wetland general permits for discharges to wetlands that are necessary for temporary access or waste disposal if not more than two acres of wetlands are affected, discharges for certain development if not more than 10,000 square feet of wetlands are affected, and for utility and highway construction and maintenance.

For a discharge into a wetland that is not authorized under a wetland general permit, current law requires a person to apply for and obtain a wetland individual permit. Before DNR may issue a wetland individual permit, it must require the restoration, enhancement, creation, or preservation of other wetlands to compensate for adverse impacts to a wetland resulting from the discharge, also known as mitigation.

