

State of Misconsin 2001 - 2002 LEGISLATURE

ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2001 SENATE BILL 54

March 15, 2001 – Offered by Representatives KEDZIE and JOHNSRUD.

1	AN ACT to create 281.163 of the statutes; relating to: discharges of dredged or
2	fill material into nonfederal wetlands.
	The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:
3	SECTION 1. 281.163 of the statutes is created to read:
4	281.163 Prohibitions against discharges into nonfederal wetlands. (1)
5	DEFINITIONS. In this section:
6	(a) "Nonfederal wetland" means a wetland to which the federal permitting
7	process under 33 USC 1344 does not apply due to the decision in Solid Waste Agency
8	of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (U.S. Jan.
9	9, 2001) but to which such permitting process did apply on January 8, 2001.
10	(b) "Wetland" has the meaning given in s. 23.32 (1).
11	(2) PROHIBITION. No person may discharge dredged or fill material into a
12	nonfederal wetland.

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(3) INAPPLICABILITY. (a) Subsection (2) does not apply to any of the following:
 1. A discharge of dredged or fill material into a nonfederal wetland if the
 discharge is authorized by a permit or other approval under ss. 59.692, 61.351,
 62.231, 87.30, 281.11 to 281.16, 281.165 to 281.47, or 281.49 to 281.85 or ch. 30, 31,
 283, 289, 291, 292, 293, 295, or 299.

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A discharge of dredged or fill material into a nonfederal wetland if the
discharge is not subject to a permitting or other approval requirement under ss.
59.692, 61.351, 62.231, 87.30, 281.11 to 281.16, 281.165 to 281.47, or 281.49 to 281.85
or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299 and if the discharge would have been
exempt on January 8, 2001 from the water quality standards for wetlands that are
set under rules promulgated under s. 281.15 (1).

3. A discharge of dredged or fill material into a nonfederal wetland if the
discharge is permitted under a permit issued by the U.S. army corps of engineers on
or before January 8, 2001, and if the discharge is performed in compliance with that
permit.

4. A discharge of dredged or fill material into a nonfederal wetland that is the
result of an activity that would have qualified for an exemption under 33 USC 1334
(f) on January 8, 2001, or under any other regulation, rule, memorandum of
agreement, guidance letter, or other provision established by a federal agency that
was promulgated or adopted pursuant to that subsection or that was used to
implement that subsection and that was in effect on January 8, 2001.

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(b) This section does not apply on or after July 1, 2001.

(END)