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nonfederal wetland.

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SENATE SUBSTITUTE AMENDMENT 1, **TO 2001 SENATE BILL 54**

March 12, 2001 - Offered by Committee on Environmental Resources.

1	AN ACT to create 281.36 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. 281.36 of the statutes is created to read:
4	281.36 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

(3) INAPPLICABILITY. This section does not apply on the day after the effective date of legislation enacted by the state legislature that subjects discharges of dredged or fill material into nonfederal wetlands to a certification process that includes provisions that afford protection to nonfederal wetlands that is comparable to, or more protective than, the protection afforded under the federal certification and permitting processes under 33 USC 1341 (a) and 1344 that applied to nonfederal wetlands on January 8, 2001. The secretary of natural resources shall determine when such legislation has been enacted and shall certify to the revisor of statutes the effective date of the legislation.

(END)