



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1347/1
EHS:jld

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 388**

October 13, 2017 – Offered by Representative JACQUE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 5: delete lines 5 to 8 and substitute:

3 “281.36 (4m) EXEMPTION; ARTIFICIAL WETLANDS. (a) In this subsection, “artificial
4 wetland” means a landscape feature where hydrophytic vegetation may be present
5 as a result of human modification to the landscape or hydrology and for which there
6 is no prior wetland or stream history but does not include any of the following:”.

7 **2.** Page 3, line 9: delete that line.

8 **3.** Page 3, line 11: after that line insert:

9 “3. A wetland created as a result of a mitigation requirement under sub. (3r).”.

10 **4.** Page 3, line 12: delete lines 12 and 13 and substitute:

11 “(b) Subject to par. (c), the permitting requirement under sub. (3b) does not
12 apply to any discharge into an artificial wetland.”.

1 **5.** Page 3, line 13: after that line insert:

2 “(c) 1. A person who proposes a project that may affect an artificial wetland
3 shall notify the department no fewer than 15 working days before initiating the
4 project. The notice may include evidence that the landscape feature is an artificial
5 wetland, such as a statement issued by a professional who has investigated the
6 wetland and who is qualified to give such an opinion. The department shall publish
7 information on its Internet site describing the types of evidence needed for the
8 department to issue its determination.

9 2. The department shall issue a determination as to whether the landscape
10 feature is an artificial wetland within 15 working days after receiving notification
11 of the proposed project under subd. 1. unless the department notifies the person that
12 one of the following conditions applies:

13 a. The department does not have sufficient information about the parcel of land
14 to determine whether it contains an artificial wetland.

15 b. The department determines that the landscape feature is providing
16 significant functions that either protect adjacent or downstream property or
17 infrastructure from flooding or significantly improve the water quality of adjacent
18 or downstream water body.

19 3. If, within 15 working days after the notification under subd. 1. is delivered
20 to the department, the department notifies the person that subd. 2. a. applies, the
21 person shall cooperate with the department’s efforts to obtain information about the
22 relevant parcel of land and may only proceed with the project upon notification that
23 the department has determined the landscape feature to be an artificial wetland. If,
24 within 15 working days after the notification is delivered to the department, the

1 department notifies the person that subd. 2. b. applies, the person may not proceed
2 with the project unless authorized by, or otherwise exempted from, a wetland general
3 or individual permit under this section.”.

4 (END)