



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa2311/1  
EHS:ahe&amn

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 956**

February 22, 2018 - Offered by Representative TUSLER.

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

2 **1.** Page 1, line 4: after "banks," insert "an exemption from wetland permitting  
3 requirements,".

4 **2.** Page 2, line 8: after that line insert:

5 **"SECTION 2m.** 281.36 (3b) (b) of the statutes, as affected by 2017 Wisconsin Act  
6 115, is amended to read:

7 281.36 **(3b)** (b) No person may discharge dredged material or fill material into  
8 a wetland unless the discharge is authorized by a wetland general permit or  
9 individual permit issued by the department under this section or the discharge is  
10 exempt under sub. (4), (4m) (a), (4p) (a), or (4r). No person may violate any condition  
11 contained in a wetland general or individual permit issued by the department under  
12 this section. The department may not issue a wetland general or individual permit  
13 under this section unless it determines that the discharge authorized pursuant to the

1 wetland general or individual permit will comply with all applicable water quality  
2 standards.

3 **SECTION 2r.** 281.36 (3m) (a) of the statutes, as affected by 2017 Wisconsin Act  
4 115, is amended to read:

5 281.36 **(3m)** (a) *When permit required.* Any person wishing to proceed with a  
6 discharge into any wetland shall submit an application for a wetland individual  
7 permit under this subsection unless the discharge has been authorized under a  
8 wetland general permit as provided in sub. (3g) or is exempt under sub. (4), (4m) (a),  
9 (4p) (a), or (4r). Before submitting the application, the department shall hold a  
10 meeting with the applicant to discuss the details of the proposed discharge and the  
11 requirements for submitting the application and for delineating the wetland. An  
12 applicant may include in the application a request for a public informational hearing.  
13 The application shall be accompanied by the applicable fee specified in sub. (11) or  
14 (12) (a).”.

15 **3.** Page 4, line 24: after that line insert:

16 “**SECTION 7m.** 281.36 (4p) of the statutes is created to read:

17 281.36 **(4p)** EXEMPTION; PREVIOUS PERMIT. (a) The permitting requirement  
18 under sub. (3b) does not apply to any discharge into a wetland if a discharge into that  
19 wetland was authorized under both a permit issued under sub. (3b) and a federal  
20 permit issued under 33 USC 1344 that required a mitigation plan that included all  
21 of the following and if the discharge complies with this mitigation plan:

22 1. Rehabilitation or restoration of 40 or more acres of agricultural lands into  
23 wetlands, which may include lands used for cranberry cultivation.

