



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-2722/1
ZDW:skw

2023 ASSEMBLY BILL 253

May 8, 2023 - Introduced by Representatives MURSAU, BEHNKE, S. JOHNSON, KITCHENS and O'CONNOR, cosponsored by Senator COWLES. Referred to Committee on Environment.

1 **AN ACT to amend** 281.36 (3r) (e) of the statutes; **relating to:** public access to
2 wetlands benefitting from the in lieu fee subprogram.

Analysis by the Legislative Reference Bureau

This bill eliminates the requirement that wetlands that benefit from the in lieu fee subprogram administered by the Department of Natural Resources be open to the public. The bill also provides that, in determining projects that benefit from the subprogram, DNR must, to the extent practicable, ensure that there is no net loss of public access to wetlands.

Under current law, DNR must issue wetland general permits for discharges of dredged or fill material into certain wetlands and may require a person to apply for and obtain a wetland individual permit if DNR determines that conditions specific to the site require additional restrictions on the discharge in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur. Under current law, 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.

Under current law, one method by which wetland mitigation may be accomplished is participating in the in lieu fee subprogram. Under this subprogram,

