

**2001 DRAFTING REQUEST**

**Bill**

Received: 02/22/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Wetland water quality certification

**Instructions:**

Same as SSA 1 to SB 37

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/26/2001	wjackson 02/26/2001	pgreensl 02/26/2001	_____	lrb_docadmin 02/26/2001		S&L
/2	gibsom 03/01/2001	wjackson 03/02/2001	pgreensl 03/02/2001	_____	lrb_docadmin 03/02/2001	lrb_docadmin	S&L 03/06/2001

FE Sent For:

<END>

Sent to Rep. Black

**2001 DRAFTING REQUEST**

**Bill**

Received: **02/22/2001**

Received By: **gibsom**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Susan McMurray**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - wet/shore/flood**

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Wetland water quality certification

---

**Instructions:**

Same as SSA 1 to SB 37

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/26/2001	wjackson 02/26/2001	pgreensl 02/26/2001	_____	lrb_docadmin 02/26/2001		S&L
/2	gibsom 03/01/2001	wjackson 03/02/2001	pgreensl 03/02/2001	_____	lrb_docadmin 03/02/2001		S&L

FE Sent For:

<END>

### 2001 DRAFTING REQUEST

#### Bill

Received: 02/22/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

#### Pre Topic:

No specific pre topic given

#### Topic:

Wetland water quality certification

#### Instructions:

Same as SSA 1 to SB 37

#### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	gibsom 02/26/2001	wjackson 02/26/2001	pgreensl 02/26/2001	<u>3/2</u>	lrb_docadmin 02/26/2001		S&L

FE Sent For:

12 3/2 WJ

3/2  
pg

pg 1  
SELF  
<END>

2001 DRAFTING REQUEST

Bill

Received: 02/22/2001

Received By: gibsom

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Wetland water quality certification

Instructions:

Same as SSA 1 to SB 37

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom	11 Wlj 2/26	2/26 pg	2/26 Pg/RS			

FE Sent For:

<END>

Today  
Mon 2/26

BILL

~~SENATE SUBSTITUTE AMENDMENT 1,~~

~~TO 2001 SENATE BILL 37~~

~~February 8, 2001 - Offered by COMMITTEE ON ENVIRONMENTAL RESOURCES.~~

REGEN

1 AN ACT *to repeal* 23.321 (1) (c); *to renumber* 23.321 (title) and (1) (title), (a) and  
2 (b); *to renumber and amend* 23.321 (1) (d) to (f) and (2) to (5); *to amend*  
3 281.69 (3) (b) 2., 281.98 (1) and 299.95; and *to create* 281.01 (21) and 281.36  
4 of the statutes; **relating to:** water quality certification for nonfederal wetlands  
5 and granting rule-making authority.

INSERT  
ANLV

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

6 SECTION 1. 23.321 (title) and (1) (title), (a) and (b) of the statutes are  
7 renumbered 281.37 (title) and (1) (title), (a) and (b).

8 SECTION 2. 23.321 (1) (c) of the statutes is repealed.

9 SECTION 3. 23.321 (1) (d) to (f) and (2) to (5) of the statutes are renumbered  
10 281.37 (1) (d) to (f) and (2) to (5), and 281.37 (2m) (a) and (b) 3., as renumbered, are  
11 amended to read:

1           281.37 (2m) (a) 1. A person who is the holder of a permit or other approval that  
2 authorizes a mitigation project shall grant a conservation easement under s. 700.40  
3 to the department to ensure that a wetland that is being restored, enhanced or  
4 created will not be destroyed or substantially degraded by any subsequent ~~owner~~  
5 proprietor of or holder of interest in the property on which the wetland is located.  
6 The department shall revoke the permit or other approval if the holder of the permit  
7 or other approval fails to take these measures.

8           2. A person who is restoring, enhancing or creating a wetland to provide  
9 transferable credits as part of a wetlands mitigation bank shall grant a conservation  
10 easement under s. 700.40 to the department, to ensure that the wetland will not be  
11 destroyed or substantially degraded by any subsequent ~~owner~~ proprietor of or holder  
12 of interest in the property on which the wetland is located.

13           (b) 3. Any subsequent ~~owner~~ proprietor of or holder of interest in the property  
14 on which the wetland specified in subd. 1. is located did not contribute to the loss of  
15 the wetland.

16           **SECTION 4.** 281.01 (21) of the statutes is created to read:

17           281.01 (21) "Wetland" has the meaning given in s. 23.32 (1).

18           **SECTION 5.** 281.36 of the statutes is created to read:

19           **281.36 Water quality certification for nonfederal wetlands. (1)**

20           DEFINITIONS. In this section:

21           (a) "Artificial wetland" has the meaning specified by the department by rule.

22           (b) "Federal law" means any regulation, rule, memorandum of agreement,  
23 guidance letter, or other provision established by a federal agency that has the effect  
24 of law.

1 (c) "Nonfederal wetland" means a wetland to which the federal permitting  
2 process under 33 USC 1344 does not apply due to the decision in Solid Waste Agency  
3 of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (U.S. Jan.  
4 9, 2001) but to which such permitting process did apply on January 8, 2001.

5 (d) "Water quality standards" means water quality standards set under rules  
6 promulgated by the department under s. 281.15.

7 (e) "Working day" has the meaning given in s. 227.01 (14).

8 (2) CERTIFICATION REQUIREMENT. No person may discharge dredged or fill  
9 material into a nonfederal wetland unless the discharge is authorized by a water  
10 quality certification issued by the department under this section. No person may  
11 violate any condition imposed by the department in a water quality certification  
12 under this section. The department may not issue a water quality certification under  
13 this section unless it determines that the discharge will comply with all applicable  
14 water quality standards.

15 (3) DELINEATION PROCEDURES. If there is a dispute between the department and  
16 a person who is applying for or who holds a water quality certification issued under  
17 this section as to the boundary delineation of a nonfederal wetland, the department  
18 and the person shall use the procedures contained in the wetlands delineation  
19 manual published by the U.S. army corps of engineers in resolving the dispute. The  
20 department shall use the 1987 edition of the manual unless the U.S. army corps of  
21 engineers publishes an edition of the manual after the effective date of this  
22 subsection .... [revisor inserts date], and the department by rule designates that  
23 edition as the one to be used under this subsection.

1           (4) EXEMPTIONS. Except as provided in sub. (5), the certification requirement  
2 under sub. (2) does not apply to any discharge that is the result of any of the following  
3 activities:

4           (a) Normal farming, silviculture, or ranching activities.

5           (b) Maintenance, emergency repair, or reconstruction of damaged parts of  
6 structures that are in use in a nonfederal wetland.

7           (c) Construction or maintenance of farm ponds, stock ponds, or irrigation  
8 ditches.

9           (d) Maintenance of drainage ditches.

10          (e) Construction or maintenance of farm roads, forest roads, or temporary  
11 mining roads that is performed in accordance with best management practices, as  
12 determined by the department, to ensure all of the following:

13           1. That the flow and circulation patterns and chemical and biological  
14 characteristics of the affected nonfederal wetland are not impaired.

15           2. That the reach of the affected nonfederal wetland is not reduced.

16           3. That any adverse effect on the aquatic environment of the affected  
17 nonfederal wetland is minimized to the degree required by the department.

18          (5) INAPPLICABILITY OF EXEMPTIONS. Notwithstanding sub. (4), a discharge that  
19 would be exempt under sub. (4) is subject to the certification requirement under sub.  
20 (2) if the discharge is incidental to an activity that has as its purpose bringing a  
21 nonfederal wetland, or part of a nonfederal wetland, into a use for which it was not  
22 previously subject and if the activity may do any of the following:

23           (a) Impair the flow or circulation of any nonfederal wetland.

24           (b) Reduce the reach of any nonfederal wetland.



1 (6) RULES FOR EXEMPTIONS. The department shall promulgate rules to interpret  
2 and implement the provisions under subs. (4) and (5). The rules shall be consistent  
3 with 33 USC <sup>1344</sup>~~1334~~ (f), as amended to the effective date of this subsection .... [revisor  
4 inserts date], and with any other federal law that is promulgated or adopted  
5 pursuant to that subsection or that is used to implement that subsection and that is  
6 in effect on the effective date of this subsection .... [revisor inserts date]. If 33 USC  
7 <sup>1344</sup>~~1334~~ (f) or the other federal law is amended or modified after the effective date of this  
8 subsection .... [revisor inserts date], the department may incorporate any of these  
9 amendments or modifications into the rules promulgated under this subsection but  
10 may not otherwise amend the rules.

11 (7) EXEMPTIONS; ARTIFICIAL WETLANDS. (a) The certification requirement under  
12 sub. (2) does not apply to a discharge into an artificial wetland identified in par. (b)  
13 if all of the following apply:

14 1. The person who proposes to make the discharge notifies the department of  
15 the discharge at least 15 working days before beginning the discharge.

16 2. Within 15 working days after the date on which the department receives the  
17 notice under subd. 1., the department does not notify the person that the artificial  
18 ~~nonfederal~~ wetland has a significant functional value as a wetland.

19 (b) To qualify for the exemption under par. (a), an artificial ~~nonfederal~~ wetland  
20 must be one or more of the following:

21 1. A sedimentation or storm water detention basin or associated conveyance  
22 feature that is operated and maintained only for sediment detention or flood storage  
23 purposes.

24 2. An active sewage lagoon, cooling pond, waste disposal pit, fish rearing pond,  
25 or landscape pond.

1           3. An actively maintained farm drainage or roadside ditch.

2           4. An active nonmetallic mining operation.

3           (8) GENERAL WATER QUALITY CERTIFICATIONS. (a) In lieu of issuing individual  
4 water quality certifications under this section, the department may issue a general  
5 water quality certification for types of discharges that the department determines  
6 are similar in nature or for the purpose of simplifying the certification process if the  
7 discharges meet all of the following standards:

8           1. The discharges will cause only minimal adverse environmental effects, as  
9 determined by the department, if they are performed separately.

10          2. The cumulative adverse effect on the environment by the discharges will be  
11 minimal, as determined by the department.

12          (b) No general water quality certification issued under this section may be  
13 effective for more than 5 years after the date of its issuance.

14          (c) If the department determines that any of the discharges under a general  
15 water quality certification issued under this section fails to meet any of the standards  
16 in par. (a), the department shall modify the certification so that the discharges meet  
17 all of the standards. If the department cannot modify the certification so that all of  
18 the standards will be met or if the department determines that the discharges subject  
19 to the general certification are more appropriately certified by using individual  
20 water quality certifications, the department shall revoke the general certification.

21          (d) Before issuing, modifying, or revoking a general water quality certification  
22 under this subsection, the department shall provide notice and a hearing under ss.  
23 227.17 and 227.18.

1           **(9) INSPECTION AUTHORITY.** (a) For purposes of enforcing this section, any  
2 employee or other representative of the department, upon presenting his or her  
3 credentials, may do any of the following:

4           1. Enter and inspect any property on which is located a nonfederal wetland, or  
5 part of a nonfederal wetland, that is subject to a water quality certification issued  
6 under this section.

7           2. Enter and inspect any property on which is located a wetland and where the  
8 department has reasonable suspicion that a violation of this section has occurred or  
9 is occurring to investigate a discharge of dredged or fill material.

10          3. Gain access to and inspect any records that the department requires a holder  
11 of a water quality certification to keep.

12          (b) Any employee or representative of the department may exercise the  
13 authority granted under par. (a) 1., 2., or 3. only during reasonable hours and only  
14 after the department has provided reasonable advance notice to the person owning  
15 the property involved or to the holder of the water quality certification.

16          (c) An employee or representative of the department may not gain access to or  
17 inspect any records as authorized under par. (a) 3. unless the holder of the water  
18 quality certification, or the holder's designee, is present or unless the holder of the  
19 certification waives this requirement.

20          **(10) OTHER REQUIREMENTS.** This section does not affect the authority of the  
21 department to do any of the following:

22          (a) Regulate the discharge of dredged or fill material in a nonfederal wetland  
23 under s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or  
24 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48.

1 (b) Issue a water quality certification under rules promulgated under this  
2 chapter to implement 33 USC 1341 (a).

3 **SECTION 6.** 281.69 (3) (b) 2. of the statutes is amended to read:

4 281.69 (3) (b) 2. The restoration of a wetland, ~~as defined in s. 23.32 (1)~~, if the  
5 restoration will protect or improve a lake's water quality or its natural ecosystem.

6 **SECTION 7.** 281.98 (1) of the statutes is amended to read:

7 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19), and 281.99 (2),  
8 any person who violates this chapter or any rule promulgated or any plan approval,  
9 license ~~or~~, special order, or water quality certification issued under this chapter shall  
10 forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of  
11 continued violation is a separate offense. While an order is suspended, stayed, or  
12 enjoined, this penalty does not accrue.

13 **SECTION 8.** 299.95 of the statutes is amended to read:

14 **299.95 Enforcement; duty of department of justice; expenses.** The  
15 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
16 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan  
17 approvals ~~and~~, permits, and water quality certifications of the department, except  
18 those promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except  
19 as provided in s. 285.86. The circuit court for Dane county or for any other county  
20 where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to  
21 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval  
22 ~~or~~, permit, or certification by injunctive and other relief appropriate for  
23 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295  
24 or this chapter or the rule, special order, license, plan approval ~~or~~, permit or  
25 certification prohibits in whole or in part any pollution, a violation is considered a

1 public nuisance. The department of natural resources may enter into agreements  
2 with the department of justice to assist with the administration of chs. 281 to 285 and  
3 289 to 295 and this chapter. Any funds paid to the department of justice under these  
4 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

5 **SECTION 9. Nonstatutory provisions.**

6 (1) TEMPORARY PROCESS.

7 (a) In this subsection, “federal law” has the meaning given in section 281.36 (1)  
8 (b) of the statutes, as created by this act.

9 (b) Except as provided in paragraph (c), no person may discharge dredged or  
10 fill material into a nonfederal wetland before the date on which the rules required  
11 under section 281.36 (6) of the statutes, as created by this act, are effective unless  
12 either of the following applies:

13 1. The person demonstrates to the satisfaction of the department of natural  
14 resources that the activity which will result in the discharge will qualify for an  
15 exemption under 33 USC <sup>1344</sup> ~~1384~~ (f), as amended to the effective date of this  
16 subdivision, and under any other federal law that is promulgated or adopted  
17 pursuant to that subsection or that is used to implement that subsection and that is  
18 in effect on the effective date of this subdivision.

19 2. The person receives a water quality certification issued under section 281.36  
20 of the statutes, as created by this act.

21 (c) This subsection does not apply after the date on which the rules required  
22 under section 281.36 (6) of the statutes, as created by this act, are effective.

23 (2) RULES DEADLINE. The department of natural resources shall submit in  
24 proposed form the rules required under section 281.36 (6) of the statutes, as created  
25 by this act, to the legislative council staff under section 227.15 (1) of the statutes no

1 later than the first day of the 13th month beginning after the effective date of this  
2 subsection.

3 (END)

## 2001 SENATE BILL 37

January 31, 2001 - Introduced by COMMITTEE ON ENVIRONMENTAL RESOURCES.  
Referred to Committee on Environmental Resources.

1 **AN ACT to repeal** 23.321 (1) (c) and 281.17 (10); **to renumber** 23.321 (title) and  
 2 (1) (title), (a) and (b); **to renumber and amend** 23.321 (1) (d) to (f) and (2) to  
 3 (5); **to amend** 281.01 (18), 281.69 (3) (b) 2., 281.98 (1) and 299.95; and **to create**  
 4 281.01 (21) and 281.36 of the statutes; **relating to:** water quality certification  
 5 for wetlands.

### *Analysis by the Legislative Reference Bureau*

Under federal law, activities involving the discharge of dredged or fill material into "navigable waters" must comply with certain guidelines contained in regulations promulgated by the federal environmental protection agency (EPA) in order for a discharge permit to be issued by the U.S. army corps of engineers (ACE). Before ACE may issue a permit, the department of natural resources (DNR) must determine that the project complies with state water quality standards, including those for wetlands.

Federal law defines "navigable waters" to be "the waters of the United States." ACE in turn has interpreted "the waters of the United States" to include nonnavigable, isolated, intrastate waters if they serve as habitat for migratory birds that cross state lines.

A recent U.S. Supreme Court decision, *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, 69 U.S.L.W. 4048 (2001), limited the types of bodies of waters for which ACE discharge permits are required. The court held that these nonnavigable, isolated, intrastate waters that serve as habitat for migratory

INS  
ANL

Waste

SENATE BILL 37

9

nonfederal

that no longer are subject to the ACE permitting process (nonfederal wetlands)

birds cannot be interpreted by ACE to be navigable waters and ~~may~~, therefore, no ACE discharge permits are required to discharge dredged or fill material into these bodies of water.

For discharges into wetlands, this bill incorporates into state law the content of some of the federal provisions governing the issuance of ACE discharge permits. Under the bill, no one may discharge dredged or fill material into a wetland, unless the discharge is authorized by a certification from DNR that the discharge will meet all applicable state water quality standards. The bill exempts from this certification process activities that are exempt from ACE discharge permits under federal law. These exemptions include normal farming, forestry, and ranching activities, maintenance and reconstruction of damaged parts of structures that are in bodies of water, maintenance of drainage ditches, and construction and maintenance of certain farm roads, forest roads, and temporary mining roads if certain requirements are met. As under federal law, an activity that would be exempt loses its exemption ~~if it is incidental to certain activities.~~ Under the bill, these activities include using a wetland for a use for which it was not previously used, an activity that may impair the flow of any body of water in this state, and activity that may reduce the reach of any body of water in this state. ~~As under federal law, there are provisions allowing DNR to issue general permits for types of discharges that are similar in nature. A general permit allows anyone to carry out the type of discharge, subject to the general permit as opposed to an individual permit authorized by the discharge that is being issued to a specific person.~~

INS  
ANL4

INS  
ANL3

may

INS  
ANL2

this bill provides that

Under current rules promulgated by DNR, discharges into certain artificial wetlands are exempt from meeting the water quality standards that apply to wetlands if the person seeking permission for the discharge notifies DNR at least 15 days before beginning the discharge and DNR does not notify the person within 15 days after receiving the notification that the artificial wetland has a significant functional value as a wetland. Under these rules, an artificial wetland is an area where water-based vegetation is present and for which there is no prior wetland or stream history. Wetlands that are eligible for this exemption include certain sedimentation and storm water detention basins, sewage lagoons, and farm drainage and roadside ditches. This bill incorporates these provisions into the statutes and expands the exemption to include all water quality standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

INS  
ANL4

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

- 1 SECTION 1. 23.321 (title) and (1) (title), (a) and (b) of the statutes are
- 2 renumbered 281.37 (title) and (1) (title), (a) and (b).
- 3 SECTION 2. 23.321 (1) (c) of the statutes is repealed.



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2622/?ins  
MGC:.....

No  
TT

**Insert ANL 1** provisions

These are in addition to any other requirements under current state law that regulate discharges into wetlands.

No  
TT

**Insert ANL 2**

under certain circumstances. The exemption is lost if the discharge is incidental to an activity that brings the nonfederal wetland into a use for which it was not previously used and if the activity may impair the flow or circulation or reduce the reach of any nonfederal wetland.

No  
TT

**Insert ANL 3**

Under the bill, DNR must promulgate rules to interpret and implement the provisions under the bill that establish the exemptions and the provisions concerning the loss of the exemptions. These rules must be consistent with applicable federal law. If ~~the~~ federal law is subsequently modified, DNR may incorporate the modifications into the rules. The bill also creates a temporary process to be used between the date ~~that~~ the bill becomes law and the date the rules are promulgated for determining whether an activity is exempt. During this time, no person may discharge into a nonfederal wetland based on the wetland being exempt unless the person demonstrates to DNR that the activity would qualify as an exempted activity under federal law if the wetland were subject to the ACE permitting process.

**Ins ANL 4**

The bill authorizes DNR to inspect any property on which a nonfederal wetland that is subject to a water quality certification is located, to inspect any property to investigate a discharge of dredged or fill material that DNR suspects to be in violation of the statutes regulating nonfederal wetlands, and to gain access to ~~them~~ \*  
\* inspect any records that a holder of a water quality certification for a nonfederal wetland must keep. Finally, the bill requires that certain procedures be used to resolve disputes concerning the boundaries of nonfederal wetlands that may occur between DNR and applicants for, or holders of, water quality certifications for discharges into nonfederal wetlands.

**Gibson-Glass, Mary**

---

**From:** Gibson-Glass, Mary  
**Sent:** Thursday, March 01, 2001 3:04 PM  
**To:** McMurray, Susan  
**Subject:** LRB 1622 Wetlands draft

Susan,

We are redrafting LRB 1622 to make a totally technical change to take care of a delayed effective date issue that was not addressed in your original draft. If you have questions about this once you have seen the bill, please give me a call.

Thanks,

Mary Gibson-Glass  
Senior Legislative Attorney  
267-3215



State of Wisconsin  
2001 - 2002 LEGISLATURE

RMR  
LRB-2622/A

MGG:kmg/wlj/hmh:pg

Fri  
AM

~~2701 SB-37~~  
~~500 24 - 55A1 - 5B-37~~

2001 BILL

REGEN

1 AN ACT *to repeal* 23.321 (1) (c); *to renumber* 23.321 (title) and (1) (title), (a) and  
2 (b); *to renumber and amend* 23.321 (1) (d) to (f) and (2) to (5); *to amend*  
3 281.69 (3) (b) 2., 281.98 (1) and 299.95; and *to create* 281.01 (21) and 281.36  
4 of the statutes; **relating to:** water quality certification for nonfederal wetlands  
5 and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

Under federal law, activities involving the discharge of dredged or fill material into "navigable waters" must comply with certain guidelines contained in regulations promulgated by the federal environmental protection agency (EPA) in order for a discharge permit to be issued by the U.S. army corps of engineers (ACE). Before ACE may issue a permit, the department of natural resources (DNR) must determine that the project complies with state water quality standards, including those for wetlands.

Federal law defines "navigable waters" to be "the waters of the United States." ACE in turn has interpreted "the waters of the United States" to include nonnavigable, isolated, intrastate waters if they serve as habitat for migratory birds that cross state lines.

A recent U.S. supreme court decision, *Solid Waste Agency of Northern Cook County v. Army Corps of Engineers*, 69 U.S.L.W. 4048 (2001), limited the types of bodies of waters for which ACE discharge permits are required. The court held that these nonnavigable, isolated, intrastate waters that serve as habitat for migratory

**BILL**

birds cannot be interpreted by ACE to be navigable waters and, therefore, no ACE discharge permits are required to discharge dredged or fill material into these bodies of water.

For discharges into wetlands that no longer are subject to the ACE permitting process (nonfederal wetlands), this bill incorporates into state law the content of some of the federal provisions governing the issuance of ACE discharge permits. These provisions are in addition to any other requirements under current state law that regulate discharges into wetlands. Under the bill, no one may discharge dredged or fill material into a nonfederal wetland unless the discharge is authorized by a certification from DNR that the discharge will meet all applicable state water quality standards. The bill exempts from this certification process activities that are exempt from ACE discharge permits under federal law. These exemptions include normal farming, forestry, and ranching activities, maintenance and reconstruction of damaged parts of structures that are in bodies of water, maintenance of drainage ditches, and construction and maintenance of certain farm roads, forest roads, and temporary mining roads if certain requirements are met. As under federal law, an activity that would be exempt loses its exemption under certain circumstances. The exemption is lost if the discharge is incidental to an activity that brings the nonfederal wetland into a use for which it was not previously used and if the activity may impair the flow or circulation or reduce the reach of any nonfederal wetland. Under the bill, DNR must promulgate rules to interpret and implement the provisions under the bill that establish the exemptions and the provisions concerning the loss of the exemptions. These rules must be consistent with applicable federal law. If federal law is subsequently modified, DNR may incorporate the modifications into the rules. The bill also creates a temporary process to be used between the date the bill becomes law and the date the rules are promulgated for determining whether an activity is exempt. During this time, no person may discharge into a nonfederal wetland based on the wetland being exempt unless the person demonstrates to DNR that the activity would qualify as an exempted activity under federal law if the wetland were subject to the ACE permitting process.

As under federal law, this bill provides that DNR may issue general permits for types of discharges that are similar in nature. A general permit allows any person to carry out the type of discharge, subject to the general permit as opposed to an individual permit that is issued to a specific person.

Under current rules promulgated by DNR, discharges into certain artificial wetlands are exempt from meeting the water quality standards that apply to wetlands if the person seeking permission for the discharge notifies DNR at least 15 days before beginning the discharge, and DNR does not notify the person within 15 days after receiving the notification that the artificial wetland has a significant functional value as a wetland. Under these rules, an artificial wetland is an area where water-based vegetation is present and for which there is no prior wetland or stream history. Wetlands that are eligible for this exemption include certain sedimentation and storm water detention basins, sewage lagoons, and farm drainage and roadside ditches. This bill incorporates these provisions into the statutes and expands the exemption to include all water quality standards. The bill

**BILL**

authorizes DNR to inspect any property on which a nonfederal wetland that is subject to a water quality certification is located, to inspect any property to investigate a discharge of dredged or fill material that DNR suspects to be in violation of the statutes regulating nonfederal wetlands, and to gain access to inspect any records that a holder of a water quality certification for a nonfederal wetland must keep.

Finally, the bill requires that certain procedures be used to resolve disputes concerning the boundaries of nonfederal wetlands that may occur between DNR and applicants for, or holders of, water quality certifications for discharges into nonfederal wetlands.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 23.321 (title) and (1) (title), (a) and (b) of the statutes are  
2 renumbered 281.37 (title) and (1) (title), (a) and (b).

3           **SECTION 2.** 23.321 (1) (c) of the statutes is repealed.

4           **SECTION 3.** 23.321 (1) (d) to (f) and (2) to (5) of the statutes are renumbered  
5 281.37 (1) (d) to (f) and (2) to (5), and 281.37 (2m) (a) and (b) 3., as renumbered, are  
6 amended to read:

7           **281.37 (2m) (a) 1.** A person who is the holder of a permit or other approval that  
8 authorizes a mitigation project shall grant a conservation easement under s. 700.40  
9 to the department to ensure that a wetland that is being restored, enhanced or  
10 created will not be destroyed or substantially degraded by any subsequent owner  
11 proprietor of or holder of interest in the property on which the wetland is located.  
12 The department shall revoke the permit or other approval if the holder of the permit  
13 or other approval fails to take these measures.

14           **2.** A person who is restoring, enhancing or creating a wetland to provide  
15 transferable credits as part of a wetlands mitigation bank shall grant a conservation

**BILL****SECTION 3**

1 easement under s. 700.40 to the department, to ensure that the wetland will not be  
 2 destroyed or substantially degraded by any subsequent ~~owner~~ proprietor of or holder  
 3 of interest in the property on which the wetland is located.

4 (b) 3. Any subsequent ~~owner~~ proprietor of or holder of interest in the property  
 5 on which the wetland specified in subd. 1. is located did not contribute to the loss of  
 6 the wetland.

7 **SECTION 4.** 281.01 (21) of the statutes is created to read:

8 281.01 (21) "Wetland" has the meaning given in s. 23.32 (1).

9 **SECTION 5.** 281.36 of the statutes is created to read:

10 **281.36 Water quality certification for nonfederal wetlands. (1)**

11 **DEFINITIONS.** In this section:

12 (a) "Artificial wetland" has the meaning specified by the department by rule.

13 (b) "Federal law" means any regulation, rule, memorandum of agreement,  
 14 guidance letter, or other provision established by a federal agency that has the effect  
 15 of law.

16 (c) "Nonfederal wetland" means a wetland to which the federal permitting  
 17 process under 33 USC 1344 does not apply due to the decision in Solid Waste Agency  
 18 of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (U.S. Jan.  
 19 9, 2001) but to which such permitting process did apply on January 8, 2001.

20 (d) "Water quality standards" means water quality standards set under rules  
 21 promulgated by the department under s. 281.15.

22 (e) "Working day" has the meaning given in s. 227.01 (14).

23 (2) **CERTIFICATION REQUIREMENT.** No person may discharge dredged or fill  
 24 material into a nonfederal wetland unless the discharge is authorized by a water  
 25 quality certification issued by the department under this section. No person may

INSERT  
4-6 ✓

**BILL**

1 violate any condition imposed by the department in a water quality certification  
2 under this section. The department may not issue a water quality certification under  
3 this section unless it determines that the discharge will comply with all applicable  
4 water quality standards.

5 (3) **DELINEATION PROCEDURES.** If there is a dispute between the department and  
6 a person who is applying for or who holds a water quality certification issued under  
7 this section as to the boundary delineation of a nonfederal wetland, the department  
8 and the person shall use the procedures contained in the wetlands delineation  
9 manual published by the U.S. army corps of engineers in resolving the dispute. The  
10 department shall use the 1987 edition of the manual unless the U.S. army corps of  
11 engineers publishes an edition of the manual after the effective date of this  
12 subsection .... [revisor inserts date], and the department by rule designates that  
13 edition as the one to be used under this subsection.

14 (4) **EXEMPTIONS.** Except as provided in sub. (5), the certification requirement  
15 under sub. (2) does not apply to any discharge that is the result of any of the following  
16 activities:

17 (a) Normal farming, silviculture, or ranching activities.

18 (b) Maintenance, emergency repair, or reconstruction of damaged parts of  
19 structures that are in use in a nonfederal wetland.

20 (c) Construction or maintenance of farm ponds, stock ponds, or irrigation  
21 ditches.

22 (d) Maintenance of drainage ditches.

23 (e) Construction or maintenance of farm roads, forest roads, or temporary  
24 mining roads that is performed in accordance with best management practices, as  
25 determined by the department, to ensure all of the following:

**BILL**

1           1. That the flow and circulation patterns and chemical and biological  
2 characteristics of the affected nonfederal wetland are not impaired.

3           2. That the reach of the affected nonfederal wetland is not reduced.

4           3. That any adverse effect on the aquatic environment of the affected  
5 nonfederal wetland is minimized to the degree required by the department.

6           **(5) INAPPLICABILITY OF EXEMPTIONS.** Notwithstanding sub. (4), a discharge that  
7 would be exempt under sub. (4) is subject to the certification requirement under sub.  
8 (2) if the discharge is incidental to an activity that has as its purpose bringing a  
9 nonfederal wetland, or part of a nonfederal wetland, into a use for which it was not  
10 previously subject and if the activity may do any of the following:

11           (a) Impair the flow or circulation of any nonfederal wetland.

12           (b) Reduce the reach of any nonfederal wetland.

13           **(6) RULES FOR EXEMPTIONS.** The department shall promulgate rules to interpret  
14 and implement the provisions under subs. (4) and (5). The rules shall be consistent  
15 with 33 USC 1344 (f), as amended to the effective date of this subsection .... [revisor  
16 inserts date], and with any other federal law that is promulgated or adopted  
17 pursuant to that subsection or that is used to implement that subsection and that is  
18 in effect on the effective date of this subsection .... [revisor inserts date]. If 33 USC  
19 1344 (f) or the other federal law is amended or modified after the effective date of this  
20 subsection .... [revisor inserts date], the department may incorporate any of these  
21 amendments or modifications into the rules promulgated under this subsection but  
22 may not otherwise amend the rules.

23           **(7) EXEMPTIONS; ARTIFICIAL WETLANDS.** (a) The certification requirement under  
24 sub. (2) does not apply to a discharge into an artificial wetland identified in par. (b)  
25 if all of the following apply:



**BILL**

1           1. The person who proposes to make the discharge notifies the department of  
2 the discharge at least 15 working days before beginning the discharge.

3           2. Within 15 working days after the date on which the department receives the  
4 notice under subd. 1., the department does not notify the person that the artificial  
5 wetland has a significant functional value as a wetland.

6           (b) To qualify for the exemption under par. (a), an artificial wetland must be one  
7 or more of the following:

8           1. A sedimentation or storm water detention basin or associated conveyance  
9 feature that is operated and maintained only for sediment detention or flood storage  
10 purposes.

11           2. An active sewage lagoon, cooling pond, waste disposal pit, fish rearing pond,  
12 or landscape pond.

13           3. An actively maintained farm drainage or roadside ditch.

14           4. An active nonmetallic mining operation.

15           **(8) GENERAL WATER QUALITY CERTIFICATIONS.** (a) In lieu of issuing individual  
16 water quality certifications under this section, the department may issue a general  
17 water quality certification for types of discharges that the department determines  
18 are similar in nature or for the purpose of simplifying the certification process if the  
19 discharges meet all of the following standards:

20           1. The discharges will cause only minimal adverse environmental effects, as  
21 determined by the department, if they are performed separately.

22           2. The cumulative adverse effect on the environment by the discharges will be  
23 minimal, as determined by the department.

24           (b) No general water quality certification issued under this section may be  
25 effective for more than 5 years after the date of its issuance.

**BILL**

1 (c) If the department determines that any of the discharges under a general  
2 water quality certification issued under this section fails to meet any of the standards  
3 in par. (a), the department shall modify the certification so that the discharges meet  
4 all of the standards. If the department cannot modify the certification so that all of  
5 the standards will be met or if the department determines that the discharges subject  
6 to the general certification are more appropriately certified by using individual  
7 water quality certifications, the department shall revoke the general certification.

8 (d) Before issuing, modifying, or revoking a general water quality certification  
9 under this subsection, the department shall provide notice and a hearing under ss.  
10 227.17 and 227.18.

11 **(9) INSPECTION AUTHORITY.** (a) For purposes of enforcing this section, any  
12 employee or other representative of the department, upon presenting his or her  
13 credentials, may do any of the following:

14 1. Enter and inspect any property on which is located a nonfederal wetland, or  
15 part of a nonfederal wetland, that is subject to a water quality certification issued  
16 under this section.

17 2. Enter and inspect any property on which is located a wetland and where the  
18 department has reasonable suspicion that a violation of this section has occurred or  
19 is occurring to investigate a discharge of dredged or fill material.

20 3. Gain access to and inspect any records that the department requires a holder  
21 of a water quality certification to keep.

22 (b) Any employee or representative of the department may exercise the  
23 authority granted under par. (a) 1., 2., or 3. only during reasonable hours and only  
24 after the department has provided reasonable advance notice to the person owning  
25 the property involved or to the holder of the water quality certification.

**BILL**

1 (c) An employee or representative of the department may not gain access to or  
2 inspect any records as authorized under par. (a) 3. unless the holder of the water  
3 quality certification, or the holder's designee, is present or unless the holder of the  
4 certification waives this requirement.

5 (10) OTHER REQUIREMENTS. This section does not affect the authority of the  
6 department to do any of the following:

7 (a) Regulate the discharge of dredged or fill material in a nonfederal wetland  
8 under s. 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 62.231, or  
9 87.30 or chs. 281 to 285 or 289 to 299, except s. 281.48.

10 (b) Issue a water quality certification under rules promulgated under this  
11 chapter to implement 33 USC 1341 (a).

12 **SECTION 6.** 281.69 (3) (b) 2. of the statutes is amended to read:

13 281.69 (3) (b) 2. The restoration of a wetland, ~~as defined in s. 23.32 (1)~~, if the  
14 restoration will protect or improve a lake's water quality or its natural ecosystem.

15 **SECTION 7.** 281.98 (1) of the statutes is amended to read:

16 281.98 (1) Except as provided in ss. 281.47 (1) (d), 281.75 (19), and 281.99 (2),  
17 any person who violates this chapter or any rule promulgated or any plan approval,  
18 license ~~or~~, special order, or water quality certification issued under this chapter shall  
19 forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of  
20 continued violation is a separate offense. While an order is suspended, stayed, or  
21 enjoined, this penalty does not accrue.

22 **SECTION 8.** 299.95 of the statutes is amended to read:

23 **299.95 Enforcement; duty of department of justice; expenses.** The  
24 attorney general shall enforce chs. 281 to 285 and 289 to 295 and this chapter, except  
25 ss. 281.48, 285.57, 285.59, and 299.64, and all rules, special orders, licenses, plan

**BILL**

1 approvals and, permits, and water quality certifications of the department, except  
2 those promulgated or issued under ss. 281.48, 285.57, 285.59, and 299.64 and except  
3 as provided in s. 285.86. The circuit court for Dane county or for any other county  
4 where a violation occurred in whole or in part has jurisdiction to enforce chs. 281 to  
5 285 and 289 to 295 or this chapter or the rule, special order, license, plan approval  
6 or, permit, or certification by injunctive and other relief appropriate for  
7 enforcement. For purposes of this proceeding where chs. 281 to 285 and 289 to 295  
8 or this chapter or the rule, special order, license, plan approval or, permit or  
9 certification prohibits in whole or in part any pollution, a violation is considered a  
10 public nuisance. The department of natural resources may enter into agreements  
11 with the department of justice to assist with the administration of chs. 281 to 285 and  
12 289 to 295 and this chapter. Any funds paid to the department of justice under these  
13 agreements shall be credited to the appropriation account under s. 20.455 (1) (k).

**SECTION 9. Nonstatutory provisions.**

## (1) TEMPORARY PROCESS.

16 (a) In this subsection, “federal law” has the meaning given in section 281.36 (1)

17 (b) of the statutes, as created by this act.

18 (b) Except as provided in paragraph (c), no person may discharge dredged or  
19 fill material into a nonfederal wetland before the date on which the rules required  
20 under section 281.36 (6) of the statutes, as created by this act, are effective unless  
21 either of the following applies:

22 1. The person demonstrates to the satisfaction of the department of natural  
23 resources that the activity which will result in the discharge will qualify for an  
24 exemption under 33 USC 1344 (f), as amended to the effective date of this  
25 subdivision, and under any other federal law that is promulgated or adopted

**BILL**

1 pursuant to that subsection or that is used to implement that subsection and that is  
2 in effect on the effective date of this subdivision.

3 2. The person receives a water quality certification issued under section 281.36  
4 of the statutes, as created by this act.

5 (c) This subsection does not apply after the date on which the rules required  
6 under section 281.36 (6) of the statutes, as created by this act, are effective.

7 (2) RULES DEADLINE. The department of natural resources shall submit in  
8 proposed form the rules required under section 281.36 (6) of the statutes, as created  
9 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
10 later than the first day of the 13th month beginning after the effective date of this  
11 subsection.

12

(END)

INSERT 11-11

**BILL**

stream history. Wetlands that are eligible for this exemption include certain sedimentation and storm water detention basins, sewage lagoons, and farm drainage and roadside ditches. This bill incorporates these provisions into the statutes and expands the exemption to include all water quality standards. The bill authorizes DNR to inspect any property on which a nonfederal wetland that is subject to a water quality certification is located, to inspect any property to investigate a discharge of dredged or fill material that DNR suspects to be in violation of the statutes regulating nonfederal wetlands, and to gain access to inspect any records that a holder of a water quality certification for a nonfederal wetland must keep.

Finally, the bill requires that certain procedures be used to resolve disputes concerning the boundaries of nonfederal wetlands that may occur between DNR and applicants for, or holders of, water quality certifications for discharges into nonfederal wetlands.

***Provisions on cranberry cultivation***

Under current law, the construction and maintenance of dams, ditches, and drains that are used in the cultivation of cranberries are exempt from all of the permitting and other statutory requirements administered by DNR that cover dams and other structures and activities that affect navigable waters. This bill repeals this exemption. Also, current wetland quality standards include different criteria that apply to existing cranberry cultivating operations. The bill prohibits the standards from containing procedures or provisions that specifically treat cranberry cultivation differently than other agricultural activities are treated.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 23.321 (title) and (1) (title), (a) and (b) of the statutes are  
2 renumbered 281.37 (title) and (1) (title), (a) and (b).

3           **SECTION 2.** 23.321 (1) (c) of the statutes is repealed.

4           **SECTION 3.** 23.321 (1) (d) to (f) of the statutes are renumbered 281.37 (1) (d) to  
5 (f). INS  
4-6

6           **SECTION 4.** 23.321 (2) of the statutes, as created by 1999 Wisconsin Act 147, is  
7 renumbered 281.37 (2). ↓

## BILL

1           **SECTION 5** 23.321 (2m) to (5) of the statutes are renumbered 281.37 (2m) to (5),  
2 and 281.37 (2m) (a) and (b) 3., as renumbered, are amended to read:

3           281.37 (2m) (a) 1. A person who is the holder of a permit or other approval that  
4 authorizes a mitigation project shall grant a conservation easement under s. 700.40  
5 to the department to ensure that a wetland that is being restored, enhanced or  
6 created will not be destroyed or substantially degraded by any subsequent ~~owner~~<sup>↑</sup>  
7 proprietor of or holder of interest in the property on which the wetland is located.  
8 The department shall revoke the permit or other approval if the holder of the permit  
9 or other approval fails to take these measures.

10           2. A person who is restoring, enhancing or creating a wetland to provide  
11 transferable credits as part of a wetlands mitigation bank shall grant a conservation  
12 easement under s. 700.40 to the department, to ensure that the wetland will not be  
13 destroyed or substantially degraded by any subsequent ~~owner~~ proprietor of or holder  
14 of interest in the property on which the wetland is located.

15           (b) 3. Any subsequent ~~owner~~ proprietor of or holder of interest in the property  
16 on which the wetland specified in subd. 1. is located did not contribute to the loss of  
17 the wetland.

18           **SECTION 6.** 31.34 of the statutes is amended to read:

19           **31.34 Flow of water regulated.** Each person, firm or corporation  
20 maintaining a dam on any navigable stream shall pass at all times at least 25% of  
21 the natural low flow of water of such stream, except as otherwise provided by law.  
22 This section, however, shall not apply to a plant or dam where the water is discharged  
23 directly into a lake, mill pond, or storage pond ~~or~~ ~~cranberry marsh~~, nor shall it apply  
24 to cases where in the opinion of the department such minimum discharge is not

W5  
4-6

**BILL**

1           1. The person demonstrates to the satisfaction of the department of natural  
2 resources that the activity which will result in the discharge will qualify for an  
3 exemption under 33 USC 1344 (f), as amended to the effective date of this  
4 subdivision, and under any other federal law that is promulgated or adopted  
5 pursuant to that subsection or that is used to implement that subsection and that is  
6 in effect on the effective date of this subdivision.

7           2. The person receives a water quality certification issued under section 281.36  
8 of the statutes, as created by this act.

9           (c) This subsection does not apply after the date on which the rules required  
10 under section 281.36 (6) of the statutes, as created by this act, are effective.

11           (2) RULES DEADLINE. The department of natural resources shall submit in  
12 proposed form the rules required under section 281.36 (6) of the statutes, as created  
13 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
14 later than the first day of the 13th month beginning after the effective date of this  
15 subsection.

16           ~~SECTION 20.~~ **Effective dates.** This act takes effect on the day after publication,  
17 except as follows:

18           (1) ~~The treatment of sections 31.34, 31.35, 31.36 (14), 88.93, 94.26, 94.27, and~~  
19 ~~94.31 of the statutes takes effect on the first day of the 13th month beginning after~~  
20 ~~publication.~~

21           (1) ~~(2)~~ The treatment of section 23.321 (2) of the statutes takes effect on August  
22 1, 2001, or on the day after publication, whichever is later.

23

(END)

INS 11-11





# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 2, 2001

### MEMORANDUM

To: Representative Black  
From: Mary Gibson-Glass, Senior Legislative Attorney  
Re: LRB-2622 Wetland water quality certification

~~\_\_\_\_\_~~  
**note:**

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

         JACKET FOR ASSEMBLY          JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-2215 at the address indicated at the top of this memorandum.

If the last paragraph of the draft states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

**please  
jacket for  
Rep. Plouffe**

**Spencer Black**  
State Representative  
77th Assembly District



Date: March 6

TO: LRB 5<sup>th</sup> Floor 2001

FROM: Susan Rep. Black's ofc.

RE: LRB 2622/2

266-7524

- In response to your recent request
- I thought you might be interested in the enclosed materials.

*this jacket plouff.*  
*please I Rep.*  
*bill - for*  
*is it possible for the jacket to be delivered to Rep. Black?*

Capitol Office  
Post Office Box 8952  
Madison, WI 53708  
(608) 266-7524