

**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
12 nonfederal wetland.

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

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(END)