

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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March 10, 2008

This draft, among other things, requires DNR to negotiate with the U.S. Army Corps of Engineers to enter into a memorandum of agreement that provides that the Corps will concur with any written evaluation by DNR of whether a parcel of land contains a wetland under the wetland identification provision of the bill. This amendment does not specify for what purpose the Corps would be agreeing to the evaluation. Because of the urgency of providing this amendment draft to your office, I was not able to determine the possible purposes for which the Corps typically makes wetlands determinations. Without more information on this issue, it is difficult to know whether the language in the draft fully accomplishes your intent.

The amendment also provides that a wetland identification and a wetland confirmation remain in effect for five years. Again, this amendment does not specify for what purpose the identification or confirmation will remain in effect. For example, if DNR determines that a parcel contains a wetland, but three years later there is no longer evidence of a wetland on the parcel, the owner might be prohibited from putting a structure on that land for two more years. Is this consistent with your intent?

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