

Kite, Robin

From: Bier, Beth
Sent: Tuesday, February 05, 2008 4:21 PM
To: Kite, Robin
Cc: Stolzenberg, John
Subject: Change to wetlands draft

Hi Robin,
The fees on page 3 line 4 and line 6 are supposed to be \$300, not \$50. Would it be possible to get an updated preliminary draft ASAP?
Thank you!
Beth

Beth Bier
Office of Senator Mark Miller
PO Box 7882
Madison, WI 53707

Phone: (608) 266-9170
Email: Beth.Bier@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

- regen. cont.

1 AN ACT *to amend* 20.370 (4) (bi) and 452.05 (1) (b); and *to create* 23.321, 23.323,
2 59.691, 60.625, 61.352, 62.232 and 101.02 (23) of the statutes; **relating to:**
3 notices concerning construction near or on lakes, streams, or wetlands that are
4 given to applicants for building permits and other construction approvals,
5 requiring the Department of Natural Resources to furnish informational
6 brochures about wetlands laws, requiring the Department of Natural
7 Resources to make determinations about whether certain land contains
8 wetlands, and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of the draft.

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

9 SECTION 1. 20.370 (4) (bi) of the statutes is amended to read:

1 20.370 (4) (bi) *Water regulation and zoning — fees.* From the general fund, all
2 moneys received under ss. 23.32 (3), 23.321 (2) and (3), 30.28, 31.39 and 281.22 for
3 activities relating to permits and approvals issued under chs. 30 and 31, water
4 quality standards under subch. II of ch. 281 and for wetland mapping under s. 23.32
5 and wetlands services under s. 23.321.

 ***NOTE: I have assumed that you want this program revenue appropriation to
fund the wetlands determinations activities under this proposal. Am I correct?

6 SECTION 2. 23.321 of the statutes is created to read:

7 **23.321 Wetland map review, identification, and confirmation.** (1) In
8 this section, “wetland” has the meaning given in s. 23.32 (1).

9 (2) Any person who owns or leases land may request that the department
10 provide any of the following services for the fee specified in sub. (3):

11 (a) A wetland map review that consists of a written evaluation, based upon a
12 review of wetland maps prepared by the department under s. 23.32 or other
13 information available to the department, of whether a parcel of land is likely to
14 contain a wetland.

15 (b) A wetland identification that consists of a written evaluation, based upon
16 an on-site inspection of the land by the department, of whether a parcel of land
17 contains a wetland. The department shall provide a wetland identification only for
18 a parcel of land that does not exceed 5 acres.

19 (c) A wetland confirmation that consists of a written statement, based upon an
20 on-site inspection of the land by the department, of whether the department concurs
21 with the boundaries of a wetland as delineated by a 3rd person. The department
22 shall provide a wetland confirmation only for a parcel of land that does not exceed
23 5 acres.

1 (3) The department shall charge the following fee for services provided under
2 sub. (2):

3 (a) For a wetland map review under sub. (2) (a), \$50.

\$300

4 (b) For a wetland identification under sub. (2) (b), \$50 for each acre inspected
5 by the department.

\$50

6 (c) For a wetland confirmation under sub. (2) (c), \$50 for each acre inspected
7 by the department.

\$50

\$300

8 (4) (a) Except as provided under par. (b), the department shall do all of the
9 following:

10 1. Provide a wetland map review not later than 15 days after a person files a
11 request for a wetland map review.

12 2. Provide a wetland identification not later than 30 days after a person files
13 a request for a wetland identification.

14 3. Provide a wetland confirmation not later than 30 days after a person files
15 a request for a wetland confirmation.

16 (b) If snow or icy conditions prevent the department from completing an on-site
17 inspection under sub. (2) (b) or (c) in sufficient time to comply with the deadline under
18 par. (a), the department shall provide a wetland identification under sub. (2) (b) or
19 a wetland confirmation under sub. (2) (c) not later than 30 days after the department
20 completes its on-site inspection.

21 SECTION 3. 23.323 of the statutes is created to read:

22 23.323 Wetlands informational brochure. The department shall furnish
23 an informational brochure to cities, villages, towns, and counties for distribution to
24 the public that describes the laws that apply to wetlands.

25 SECTION 4. 59.691 of the statutes is created to read:

1 **59.691 Required notice on certain approvals.** (1) In this section,
2 “wetland” has the meaning given in s. 23.32 (1).

3 (2) (a) Except as provided in par. (b), a county may not issue a building permit
4 or other approval for construction activity related to a dwelling, or to a garage, shed,
5 or other building that is an accessory building to a dwelling, to any person without
6 giving the person a written notice as specified in subs. (3) and (4) at the time the
7 building permit is issued.

8 (b) 1. A county is not required to give the notice under sub. (2) at the time that
9 it issues a building permit if the county issues the building permit on a standard
10 building permit form prescribed by the department of commerce.

11 2. A county is not required to give the notice under sub. (2) at the time that it
12 issues a building permit or other approval if the building permit or other approval
13 is for construction activity that does not involve any land disturbing activity
14 including removing protective ground cover or vegetation, or excavating, filling,
15 covering, or grading land.

16 (3) Each notice shall contain the following language: “YOU ARE
17 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
18 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
19 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
20 MAY NOT BE APPARENT. FAILURE TO COMPLY MAY RESULT IN REMOVAL
21 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
22 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
23 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
24 NATURAL RESOURCES SERVICE CENTER.”

1 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
2 address that gives the recipient of the notice direct contact with that Web site.

3 (5) A county in issuing a notice under this section shall require that the
4 applicant for the building permit sign a statement acknowledging that the person
5 has received the notice.

6 SECTION 5. 60.625 of the statutes is created to read:

7 **60.625 Required notice on certain approvals.** (1) In this section,
8 “wetland” has the meaning given in s. 23.32 (1).

9 (2) (a) Except as provided in par. (b), a town may not issue a building permit
10 for a dwelling, or for a garage, shed, or other building that is an accessory building
11 to the dwelling, to any person without giving the person a written notice as specified
12 in subs. (3) and (4) at the time the building permit is issued.

13 (b) 1. A town is not required to give the notice under sub. (2) at the time that
14 it issues a building permit if the county issues the building permit on a standard
15 building permit form prescribed by the department of commerce.

16 2. A town is not required to give the notice under sub. (2) at the time that it
17 issues a building permit or other approval if the building permit or other approval
18 is for construction activity that does not involve any land disturbing activity
19 including removing protective ground cover or vegetation, or excavating, filling,
20 covering, or grading land.

21 (3) Each notice shall contain the following language: “YOU ARE
22 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
23 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
24 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
25 MAY NOT BE APPARENT. FAILURE TO COMPLY MAY RESULT IN REMOVAL

1 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
2 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
3 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
4 NATURAL RESOURCES SERVICE CENTER.”

5 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
6 address that gives the recipient of the notice direct contact with that Web site.

7 (5) A town in issuing a notice under this section shall require that the applicant
8 for the building permit sign a statement acknowledging that the person has received
9 the notice.

10 SECTION 6. 61.352 of the statutes is created to read:

11 **61.352 Required notice on certain approvals.** (1) In this section,
12 “wetland” has the meaning given in s. 23.32 (1).

13 (2) (a) Except as provided in par. (b), a village may not issue a building permit
14 for a dwelling, or for a garage, shed, or other building that is an accessory building
15 to the dwelling, to any person without giving the person a written notice as specified
16 in subs. (3) and (4) at the time the building permit is issued.

17 (b) 1. A village is not required to give the notice under sub. (2) at the time that
18 it issues a building permit if the county issues the building permit on a standard
19 building permit form prescribed by the department of commerce.

20 2. A village is not required to give the notice under sub. (2) at the time that it
21 issues a building permit or other approval if the building permit or other approval
22 is for construction activity that does not involve any land disturbing activity
23 including removing protective ground cover or vegetation, or excavating, filling,
24 covering, or grading land.

1 (3) Each notice shall contain the following language: "YOU ARE
2 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
3 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
4 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
5 MAY NOT BE APPARENT. FAILURE TO COMPLY MAY RESULT IN REMOVAL
6 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
7 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
8 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
9 NATURAL RESOURCES SERVICE CENTER."

10 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
11 address that gives the recipient of the notice direct contact with that Web site.

12 (5) A village in issuing a notice under this section shall require that the
13 applicant for the building permit sign a statement acknowledging that the person
14 has received the notice.

15 SECTION 7. 62.232 of the statutes is created to read:

16 **62.232 Required notice on certain approvals.** (1) In this section,
17 "wetland" has the meaning given in s. 23.32 (1).

18 (2) (a) Except as provided in par. (b), a city may not issue a building permit for
19 a dwelling, or for a garage, shed, or other building that is an accessory building to
20 the dwelling, to any person without giving the person a written notice as specified
21 in subs. (3) and (4) at the time the building permit is issued.

22 (b) 1. A city is not required to give the notice under sub. (2) at the time that it
23 issues a building permit if the county issues the building permit on a standard
24 building permit form prescribed by the department of commerce.

1 2. A city is not required to give the notice under sub. (2) at the time that it issues
2 a building permit or other approval if the building permit or other approval is for
3 construction activity that does not involve any land disturbing activity including
4 removing protective ground cover or vegetation, or excavating, filling, covering, or
5 grading land.

6 (3) Each notice shall contain the following language: "YOU ARE
7 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
8 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
9 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
10 MAY NOT BE APPARENT. FAILURE TO COMPLY MAY RESULT IN REMOVAL
11 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
12 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
13 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
14 NATURAL RESOURCES SERVICE CENTER."

15 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
16 address that gives the recipient of the notice direct contact with that Web site.

17 (5) A city in issuing a notice under this section shall require that the applicant
18 for the building permit sign a statement acknowledging that the person has received
19 the notice.

20 SECTION 8. 101.02 (23) of the statutes is created to read:

21 101.02 (23) The department shall include the following language on every
22 standard building permit form prescribed by the department under this chapter:
23 "YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL
24 LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES,
25 AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN

1 WATER MAY NOT BE APPARENT. FAILURE TO COMPLY MAY RESULT IN
2 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
3 LAW. FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL
4 RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A
5 DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER.”

6 **SECTION 9.** 452.05 (1) (b) of the statutes is amended to read:

7 452.05 (1) (b) Approve forms for use in real estate practice. The department
8 may not approve a form for an offer to purchase real property unless the form
9 includes the following language: “SELLER MAY NOT BE AWARE OF WETLANDS
10 OR OTHER WATER FEATURES LOCATED ON THE SELLER’S PROPERTY. THE
11 PROSPECTIVE BUYER IS STRONGLY ADVISED TO INDEPENDENTLY
12 DETERMINE IF WETLANDS OR WATER FEATURES ARE LOCATED ON THE
13 PROPERTY BECAUSE WETLANDS AND WATER FEATURES MAY AFFECT
14 CONSTRUCTION ON, AND USE OF, THE PROPERTY.”

15 **SECTION 10. Nonstatutory provisions.**

16 (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department
17 of natural resources are increased by 3.0 PR project positions for the period ending
18 on June 30, 2012 and 1.0 PR position, to be funded from the appropriation under
19 section 20.370 (4) (bi) of the statutes, for the purpose of providing wetland map
20 review, identification, and confirmation services under section 23.321 of the statutes,
21 as created by this act.

22 **SECTION 11. Initial applicability.**

23 (1) BUILDING PERMITS. The treatment of section 59.691, 60.625, 61.352, and
24 62.232 of the statutes first applies to applications for building permits that are
25 submitted on the effective date of this subsection.

Kite, Robin

From: Stolzenberg, John
Sent: Wednesday, February 06, 2008 8:33 AM
To: Bier, Beth
Cc: Kramer, Zac; Nowlan, Andrew; 'Hagen, Cherie L - DNR'; Vollbrecht, Mary E - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR; Kite, Robin
Subject: RE: WETLANDS DRAFT!!

Beth,

Here are some comments on the new wetlands identification draft, LRB-3192/P2, in addition to the incorrect fees on page 3, lines 4 and 6:

1. The references to "parcel of land" page 2, lines 18 and 22 may be subject to varying interpretations since "parcel" can mean a portion of land or the piece of land under one ownership and control. [See, for example, ss. 84.095(1)(a), 87.01(5), 293.21(1)(b).] If others concur in this concern, one way to address it would be state "a parcel of land or part of a parcel of land that does not exceed 5 acres."
2. In the required local government notice provisions, the description of building permits or other approvals is limited to construction activities related to a dwelling, or to a garage, shed, or other building that is an accessory building to the dwelling. See, for example, page 4, lines 3 to 7. Should these activities be broadened to include the construction of other accessories to a dwelling that disturb land, such as the installation of a septic tank?
3. I'm not sure that the Department of Commerce's notice requirement starting on page 8, line 21, with the reference to "standard building permit form prescribed by the department under this chapter," picks up all of Commerce's forms of interest. Commerce and DNR staff may have some recommendations on this point.
4. A question for Robin Kite, the drafter - Should the text starting with "The" on page 9, line 7 and ending with the colon on page 9, line 9 be underscored?
This is correct in draft

Let me know if you have any questions on these comments.

John

John Stolzenberg,
Legislative Council
266-2988

From: Bier, Beth
Sent: Tuesday, February 05, 2008 3:17 PM
To: Nowlan, Andrew; 'Hagen, Cherie L - DNR'; Vollbrecht, Mary E - DNR; Smith, Amber M - DNR; Heinen, Paul H - DNR
Cc: Kramer, Zac; Stolzenberg, John
Subject: WETLANDS DRAFT!!
Importance: High

The wetlands draft came in. Everyone please take a look and let me know ASAP any concerns. Andrew, let's talk about which legislators (Lasee, etc) or groups we want to get on board before it goes out for co-sponsorship. We'll work on a draft co-sponsorship memo and let's aim to get something out this week if at all possible. Should we meet tomorrow morning?

<< File: 07-3192P2.pdf >>

Beth Bier
Office of Senator Mark Miller
PO Box 7882
Madison, WI 53707

Phone: (608) 266-9170
Email: Beth.Bier@legis.wisconsin.gov

Kite, Robin

From: Kramer, Zac
Sent: Monday, February 25, 2008 8:47 AM
To: Kite, Robin
Subject: Wetlands Bill Changes

Hey Robin,

I did some checking to make sure I was working on the correct draft. I think I now have all of pages and lines correct (for # 2 I had put page 3, not page 4). Please let me know if you see anything that does not work. I was wondering if there is any way we could get a new draft by the end of day? I know that is short notice and I am sure you are swamped, but we are hoping to have a meeting on the bill tomorrow. Thanks and please let me know if there are any problems.

- ✓ 1. Page 2, lines 18 & 22, come up with more appropriate term than "parcel"
- ✓ 2. Page 4, lines 4-5, delete starting at "dwelling" and continuing through "dwelling" on line 5. Substitute language on page 4, line 13 starting at "land disturbing" and continuing through line 15.
- ✓ 3. If (2) on page 4, lines 11-15 is no longer necessary, remove it.
- ✓ 4. Page 2, line 21-23. Remove the last sentence.
- ✓ 5. Page 3, line 6. Fee should be \$300 "per 20 acres" inspected
- ✓ 6. Page 3, line 13 and line 15, add "complete" before "request for a..."
- ✓ 7. Page 3, line 16, substitute "frozen ground" for "icy conditions"
- ✓ 8. Page 4, line 20 (and each notice subsequently) Change "may not be apparent" to "can be difficult to identify"

*this is already
in draft*

Zac Kramer

Office of Senator Mark Miller
State Capitol, Room 409 South
PO Box 7882
Madison, WI 53707
Phone 608.266.9170
Fax 608.266.5087

Kite, Robin

From: Kramer, Zac
Sent: Tuesday, February 19, 2008 12:06 PM
To: Kite, Robin
Cc: Bier, Beth; Nowlan, Andrew; Stolzenberg, John
Subject: Changes to Wetlands Bill

Hey Robin,

I am working on the wetlands bill while Beth focuses on some other things. Here is the list of changes we need made to the draft.

1. Page 2, lines 18 & 22, come up with more appropriate term than "parcel"
2. Page 4, lines 4-5, delete starting at "dwelling" and continuing through "dwelling" on line 5. Substitute language on page 3, line 13 starting at "land disturbing" and continuing through line 15.
3. If (2) on page 4, lines 11-15 is no longer necessary, remove it.
4. Page 2, line 21-23. Remove the last sentence.
5. Page 3, line 6. Fee should be \$300 "per 20 acres" inspected
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7. Page 3, line 16, substitute "frozen ground" for "icy conditions"
8. Page 4, line 20 (and each notice subsequently) Change "may not be apparent" to "can be difficult to identify"

Please let me know if you have any further questions.

Zac Kramer

Office of Senator Mark Miller
State Capitol, Room 409 South
PO Box 7882
Madison, WI 53707
Phone 608.266.9170
Fax 608.266.5087

3192

Kite, Robin

From: Kramer, Zac
Sent: Tuesday, February 26, 2008 3:02 PM
To: Kite, Robin
Subject: RE: Additional Changes to the Wetlands Bill

Robin,
59.691 (2) (a) deals with permits, not notices. The goal, as I understand it, is to have to same wording for notices and permits. Let me know if you have further questions

From: Kite, Robin
Sent: Tuesday, February 26, 2008 2:43 PM
To: Kramer, Zac
Subject: RE: Additional Changes to the Wetlands Bill

Zac:

I will try and get a draft to you tomorrow but cannot promise a draft if I am busy drafting amendments for the floor. Also, I do have some questions:

1. What kind of "tools" are you referring to in item 1.? Do you mean tools in the usual sense like a shovel or a hammer or are you using the term more broadly like a computer program or such? I think we need to be more specific on this issue.
2. With regard to item 3., can I just refer to "additional penalties and costs"?
3. With regard to item 2. in your e-mail on February 25th: I do not understand this instruction to add language about non-land disturbing activity because the draft already specifies that a notice is not required for non-land disturbing activities. See proposed s. 59.691 (2) (b) 2. in the draft and its corresponding provisions. Perhaps I am not understanding your intent. Can you clarify?

Thanks.

Robin

From: Kramer, Zac
Sent: Tuesday, February 26, 2008 2:28 PM
To: Kite, Robin
Subject: Additional Changes to the Wetlands Bill

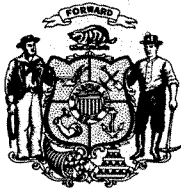
Hey Robin,
Here are four more changes to the bill;

1. Page 2 Line 14 - Can we add a sentence saying something like "Tools used (for the review) will be specifically noted in the written review"
2. Page 3 Lines 16-20 - delete and replace with something like "Due to variable, unpredictable and seasonal weather changes in Wisconsin, the DNR will use best professional judgment regarding when conditions are conducive to making accurate field determinations. In this situation the Department shall provide within 30 days a notice that the weather conditions are not suitable for an accurate determination and a determination will be made as soon as possible." (I know you will need to change my language around)
3. Page 5 Line 25 (and every other notice) - after the words "failure to comply may result in" add "restoration costs, forfeitures, fines and potential"
4. Page 9 Lines 6-14 - delete all of Section 9

Please call me with any questions. Do you think there is any way we can get a new draft tomorrow?

Zac Kramer

Office of Senator Mark Miller
State Capitol, Room 409 South
PO Box 7882
Madison, WI 53707
Phone 608.266.9170
Fax 608.266.5087



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

Inserts

SAV

regen. cat

1 AN ACT *to amend* 20.370 (4) (bi) and 452.05 (1) (b); and *to create* 23.321, 23.323,
 2 59.691, 60.625, 61.352, 62.232 and 101.02 (23) of the statutes; **relating to:**
 3 notices concerning construction near or on lakes, streams, or wetlands that are
 4 given to applicants for building permits and other construction approvals,
 5 requiring the Department of Natural Resources to furnish informational
 6 brochures about wetlands laws, requiring the Department of Natural
 7 Resources to ~~make determinations~~ about whether certain land contains
 8 wetlands, and making an appropriation. *provide evaluations and statements*

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version of ✓
the draft.

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

9 SECTION 1. 20.370 (4) (bi) of the statutes is amended to read: ✓

1 20.370 (4) (bi) *Water regulation and zoning — fees.* From the general fund, all
2 moneys received under ss. 23.32 (3), 23.321 (2) and (3), 30.28, 31.39 and 281.22 for
3 activities relating to permits and approvals issued under chs. 30 and 31, water
4 quality standards under subch. II of ch. 281 and for wetland mapping under s. 23.32
5 and wetlands services under s. 23.321.

> ****NOTE: I have assumed that you want this program revenue appropriation to fund the wetlands determinations activities under this proposal. Am I correct?

6 SECTION 2. 23.321 of the statutes is created to read:

7 **23.321 Wetland map review, identification, and confirmation.** (1) In
8 this section, "wetland" has the meaning given in s. 23.32 (1).

9 (2) Any person who owns or leases land may request that the department
10 provide any of the following services for the fee specified in sub. (3):

11 (a) A wetland map review that consists of a written evaluation, based upon a
12 review of wetland maps prepared by the department under s. 23.32 or other
13 information available to the department, of whether a parcel of land is likely to
14 contain a wetland.

15 (b) A wetland identification that consists of a written evaluation, based upon
16 an on-site inspection of the land by the department, of whether a parcel of land
17 contains a wetland. The department shall provide a wetland identification only for
18 a parcel of land ^{or a part of a parcel of land} that does not exceed 5 acres.

19 (c) A wetland confirmation that consists of a written statement, based upon an
20 on-site inspection of the land by the department, of whether the department concurs
21 with the boundaries of a wetland as delineated by a 3rd person. ~~The department~~

22 shall provide a wetland confirmation only for a parcel of land that does not exceed
23 5 acres.

The evaluation shall describe the method used by the department to review the wetland maps.

1 (3) The department shall charge the following fee for services provided under
2 sub. (2):

3 (a) For a wetland map review under sub. (2) (a), \$50.

4 (b) For a wetland identification under sub. (2) (b), \$300 for each acre inspected
5 by the department.

6 (c) For a wetland confirmation under sub. (2) (c), \$300 for each ~~acre~~ ^{20 acres} inspected
7 by the department.

8 (4) (a) Except as provided under par. (b), the department shall do all of the
9 following:

10 1. Provide a wetland map review not later than 15 days after a person files a
11 request ^{in the manner and form required by the department} for a wetland map review.

12 2. Provide a wetland identification not later than 30 days after a person files
13 a request ^{in the manner and form required by the department} for a wetland identification.

14 3. Provide a wetland confirmation not later than 30 days after a person files
15 a request ^{in the manner and form required by the department} for a wetland confirmation.

16 (b) If ~~snow or icy~~ ^{adverse weather} conditions prevent the department from ~~completing an~~ ^{conducting an accurate} on-site
17 inspection under sub. (2) (b) or (c) in sufficient time to comply with the deadline under

18 par. (a), the department shall provide a wetland identification under sub. (2) (b) or
19 a wetland confirmation under sub. (2) (c) ~~not later than 30 days~~ ^{as soon as possible} after the department

20 ~~completes its~~ ^{to conduct an accurate} on-site inspection. ^{weather conditions allow}

Insert
A

21 SECTION 3. 23.323 of the statutes is created to read:

22 **23.323 Wetlands informational brochure.** The department shall furnish
23 an informational brochure to cities, villages, towns, and counties for distribution to
24 the public that describes the laws that apply to wetlands.

25 SECTION 4. 59.691 of the statutes is created to read:

1 **59.691 Required notice on certain approvals.** (1) In this section,
2 "wetland" has the meaning given in s. 23.32 (1).

3 (2) (a) Except as provided in par. (b), a county ~~may not issue~~ ^{that issues} a building permit
4 or other approval for construction activity ~~related to a dwelling, or to a garage, shed,~~
5 ~~or other building that is an accessory building to a dwelling, to any person without~~
6 ~~giving the person~~ ^{shall give the applicant} a written notice as specified in subs. (3) and (4) at the time the
7 building permit is issued.

8 (b) 1. A county is not required to give the notice under ~~sub. (2)~~ ^{par. (a) ✓} at the time that
9 it issues a building permit if the county issues the building permit on a standard
10 building permit form prescribed by the department of commerce.

11 2. A county is not required to give the notice under ~~sub. (2)~~ ^{par. (a) ✓} at the time that it
12 issues a building permit or other approval if the building permit or other approval
13 is for construction activity that does not involve any land disturbing activity
14 including removing protective ground cover or vegetation, or excavating, filling,
15 covering, or grading land.

16 (3) Each notice shall contain the following language: "YOU ARE
17 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
18 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
19 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
20 ~~MAY NOT BE APPARENT~~ ^{CAN BE DIFFICULT TO IDENTIFY} FAILURE TO COMPLY MAY RESULT IN REMOVAL
21 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
22 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
23 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
24 NATURAL RESOURCES SERVICE CENTER."

all caps
or other penalties or costs

1 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
2 address that gives the recipient of the notice direct contact with that Web site.

3 (5) A county in issuing a notice under this section shall require that the
4 applicant for the building permit sign a statement acknowledging that the person
5 has received the notice.

6 SECTION 5. 60.625 of the statutes is created to read:

7 **60.625 Required notice on certain approvals.** (1) In this section,
8 "wetland" has the meaning given in s. 23.32 (1).

9 (2) (a) Except as provided in par. (b), a town ~~may not issue~~ ^{that issues} a building permit
10 ~~for a dwelling, or for a garage, shed, or other building that is an accessory building~~
11 ~~to the dwelling, to any person without giving the person~~ a written notice as specified
12 in subs. (3) and (4) at the time the building permit is issued. ^{Insert B}

13 (b) 1. A town is not required to give the notice under ~~sub. (2)~~ ^{parola} at the time that
14 it issues a building permit if the county issues the building permit on a standard
15 building permit form prescribed by the department of commerce.

16 2. A town is not required to give the notice under ~~sub. (2)~~ ^{parola} at the time that it
17 issues a building permit or other approval if the building permit or other approval
18 is for construction activity that does not involve any land disturbing activity
19 including removing protective ground cover or vegetation, or excavating, filling,
20 covering, or grading land.

21 (3) Each notice shall contain the following language: "YOU ARE
22 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
23 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
24 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
25 ~~MAY NOT BE APPARENT.~~ FAILURE TO COMPLY MAY RESULT IN REMOVAL

CAN BE DIFFICULT TO IDENTIFY - all caps

all caps
or other penalties or costs

1 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW FOR
2 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
3 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
4 NATURAL RESOURCES SERVICE CENTER.”

5 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
6 address that gives the recipient of the notice direct contact with that Web site.

7 (5) A town in issuing a notice under this section shall require that the applicant
8 for the building permit sign a statement acknowledging that the person has received
9 the notice.

10 SECTION 6. 61.352 of the statutes is created to read:

11 61.352 Required notice on certain approvals. (1) In this section,
12 “wetland” has the meaning given in s. 23.32 (1).

13 (2) (a) Except as provided in par. (b), a village ~~may not issue~~ ^{that issues} a building permit
14 for a dwelling, or for a garage, shed, or other building that is an accessory building
15 to the dwelling, to any person without giving the person a written notice as specified
16 in subs. (3) and (4) at the time the building permit is issued. ^{Insert B}

17 (b) 1. A village is not required to give the notice under ~~sub. (2)~~ ^{parola)} at the time that
18 it issues a building permit if the county issues the building permit on a standard
19 building permit form prescribed by the department of commerce.

20 2. A village is not required to give the notice under ~~sub. (2)~~ ^{parola)} at the time that it
21 issues a building permit or other approval if the building permit or other approval
22 is for construction activity that does not involve any land disturbing activity
23 including removing protective ground cover or vegetation, or excavating, filling,
24 covering, or grading land.

1 (3) Each notice shall contain the following language: "YOU ARE
 2 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
 3 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
 4 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
 5 ~~MAY NOT BE APPARENT~~ ^{CAN BE DIFFICULT TO IDENTIFY - all caps} FAILURE TO COMPLY MAY RESULT IN REMOVAL
 6 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR ^{all caps}
 7 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES ^{or other penalties or costs}
 8 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
 9 NATURAL RESOURCES SERVICE CENTER."

10 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
 11 address that gives the recipient of the notice direct contact with that Web site.

12 (5) A village in issuing a notice under this section shall require that the
 13 applicant for the building permit sign a statement acknowledging that the person
 14 has received the notice.

15 **SECTION 7.** 62.232 of the statutes is created to read:

16 **62.232 Required notice on certain approvals.** (1) In this section,
 17 "wetland" has the meaning given in s. 23.32 (1).

18 (2) (a) Except as provided in par. (b), a city ~~may not issue~~ ^{that issues} a building permit ~~for~~
 19 ~~a dwelling, or for a garage, shed, or other building that is an accessory building to~~
 20 ~~the dwelling, to any person without giving the person~~ ^{Insert B} a written notice as specified
 21 in subs. (3) and (4) at the time the building permit is issued.

22 (b) 1. A city is not required to give the notice under ~~sub. (2)~~ ^{par. (a)} at the time that it
 23 issues a building permit if the county issues the building permit on a standard
 24 building permit form prescribed by the department of commerce.

sub (2) par (a) ✓

1 2. A city is not required to give the notice under sub (2) at the time that it issues
2 a building permit or other approval if the building permit or other approval is for
3 construction activity that does not involve any land disturbing activity including
4 removing protective ground cover or vegetation, or excavating, filling, covering, or
5 grading land.

6 (3) Each notice shall contain the following language: "YOU ARE
7 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
8 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
9 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
10 MAY NOT BE APPARENT FAILURE TO COMPLY MAY RESULT IN REMOVAL
11 OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE LAW. FOR
12 MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
13 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
14 NATURAL RESOURCES SERVICE CENTER."

CAN BE DIFFICULT TO IDENTIFY - all caps

or other penalties or costs
all caps

15 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
16 address that gives the recipient of the notice direct contact with that Web site.

17 (5) A city in issuing a notice under this section shall require that the applicant
18 for the building permit sign a statement acknowledging that the person has received
19 the notice.

20 SECTION 8. 101.02 (23) of the statutes is created to read:

21 101.02 (23) The department shall include the following language on every
22 standard building permit form prescribed by the department under this chapter:
23 "YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL
24 LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES,
25 AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN

CAN BE DIFFICULT TO IDENTIFY

all caps

1 WATER ~~MAY NOT BE APPARENT~~ FAILURE TO COMPLY MAY RESULT IN
 2 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
 3 LAW. ^{of other penalties or costs - all caps} FOR MORE INFORMATION, VISIT THE DEPARTMENT OF NATURAL
 4 RESOURCES WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A
 5 DEPARTMENT OF NATURAL RESOURCES SERVICE CENTER."

6 SECTION 9. 452.05 (1) (b) of the statutes is amended to read:

7 452.05 (1) (b) Approve forms for use in real estate practice. The department
 8 may not approve a form for an offer to purchase real property unless the form
 9 includes the following language: "SELLER MAY NOT BE AWARE OF WETLANDS
 10 OR OTHER WATER FEATURES LOCATED ON THE SELLER'S PROPERTY. THE
 11 PROSPECTIVE BUYER IS STRONGLY ADVISED TO INDEPENDENTLY
 12 DETERMINE IF WETLANDS OR WATER FEATURES ARE LOCATED ON THE
 13 PROPERTY BECAUSE WETLANDS AND WATER FEATURES MAY AFFECT
 14 CONSTRUCTION ON, AND USE OF, THE PROPERTY."

15 SECTION 10. Nonstatutory provisions.

16 (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department
 17 of natural resources are increased by 3.0 PR project positions for the period ending
 18 on June 30, 2012 and 1.0 PR position, to be funded from the appropriation under
 19 section 20.370 (4) (bi) of the statutes, for the purpose of providing wetland map
 20 review, identification, and confirmation services under section 23.321 of the statutes,
 21 as created by this act.

22 SECTION 11. Initial applicability.

23 (1) BUILDING PERMITS. The treatment of section 59.691, 60.625, 61.352, and
 24 62.232 of the statutes first applies to applications for building permits that are
 25 submitted on the effective date of this subsection.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3192/P4
RNK:.....

Lbjk

INSERT A

No
Ch Within 30 days after determining that adverse weather conditions will prevent the department from complying with the deadline under par. (a), the department shall give notice to the person requesting the wetland identification or wetland confirmation that adverse weather conditions will prevent the department from complying with the deadline and giving notice to the person that the department will provide the wetland identification or wetland confirmation as soon as possible after weather conditions allow the department to conduct an accurate on-site inspection. ✓

INSERT B

— used 3 times

No
Ch or other approval for construction activity, shall give the applicant

end of inserts



Rm run
LRB-3192/PA
RNK:bjk:awn
stay

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Insert

SA ✓

regen. cat.

1 AN ACT to amend 20.370 (4) (bi); and to create 23.321, 23.323, 59.691, 60.625,
2 61.352, 62.232 and 101.02 (23) of the statutes; relating to: notices concerning
3 construction near or on lakes, streams, or wetlands that are given to applicants
4 for building permits and other construction approvals, requiring the
5 Department of Natural Resources to furnish informational brochures about
6 wetlands laws, requiring the Department of Natural Resources to provide
7 evaluations and statements about whether certain land contains wetlands, and
8 making an appropriation.

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version of the draft.~~

insert analysis

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

9 SECTION 1. 20.370 (4) (bi) of the statutes is amended to read:

1 20.370 (4) (bi) *Water regulation and zoning — fees.* From the general fund, all
2 moneys received under ss. 23.32 (3), 23.321 (2) and (3), 30.28, 31.39 and 281.22 for
3 activities relating to permits and approvals issued under chs. 30 and 31, water
4 quality standards under subch. II of ch. 281 and for wetland mapping under s. 23.32
5 and wetlands services under s. 23.321.

6 **SECTION 2.** 23.321 of the statutes is created to read:

7 **23.321 Wetland map review, identification, and confirmation.** (1) In
8 this section, “wetland” has the meaning given in s. 23.32 (1).

9 (2) Any person who owns or leases land may request that the department
10 provide any of the following services for the fee specified in sub. (3):

11 (a) A wetland map review that consists of a written evaluation, based upon a
12 review of wetland maps prepared by the department under s. 23.32 or other
13 information available to the department, of whether a parcel of land is likely to
14 contain a wetland. The evaluation shall describe the method used by the department
15 to review the wetland maps.

16 (b) A wetland identification that consists of a written evaluation, based upon
17 an on-site inspection of the land by the department, of whether a parcel of land
18 contains a wetland. The department shall provide a wetland identification only for
19 a parcel of land, or a part of a parcel of land, that does not exceed 5 acres.

20 (c) A wetland confirmation that consists of a written statement, based upon an
21 on-site inspection of the land by the department, of whether the department concurs
22 with the boundaries of a wetland as delineated by a 3rd person.

23 (3) The department shall charge the following fee for services provided under
24 sub. (2):

25 (a) For a wetland map review under sub. (2) (a), \$50.

1 provide the wetland identification or wetland confirmation as soon as possible after
2 weather conditions allow the department to conduct an accurate on-site inspection.

3 **SECTION 3.** 23.323 of the statutes is created to read:

4 **23.323 Wetlands informational brochure.** The department shall furnish
5 an informational brochure to cities, villages, towns, and counties for distribution to
6 the public that describes the laws that apply to wetlands.

7 **SECTION 4.** 59.691 of the statutes is created to read:

8 **59.691 Required notice on certain approvals.** (1) In this section,
9 "wetland" has the meaning given in s. 23.32 (1).

10 (2) (a) Except as provided in par. (b), a county that issues a building permit or
11 other approval for construction activity, shall give the applicant a written notice as
12 specified in subs. (3) and (4) at the time the building permit is issued.

13 (b) 1. A county is not required to give the notice under par. (a) at the time that
14 it issues a building permit if the county issues the building permit on a standard
15 building permit form prescribed by the department of commerce.

16 2. A county is not required to give the notice under par. (a) at the time that it
17 issues a building permit or other approval if the building permit or other approval
18 is for construction activity that does not involve any land disturbing activity
19 including removing protective ground cover or vegetation, or excavating, filling,
20 covering, or grading land.

21 (3) Each notice shall contain the following language: "YOU ARE
22 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
23 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
24 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
25 CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN

1 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
2 LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT
3 THE DEPARTMENT OF NATURAL RESOURCES WETLANDS
4 IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL
5 RESOURCES SERVICE CENTER.”

6 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
7 address that gives the recipient of the notice direct contact with that Web site.

8 (5) A county in issuing a notice under this section shall require that the
9 applicant for the building permit sign a statement acknowledging that the person
10 has received the notice.

11 SECTION 5. 60.625 of the statutes is created to read:

12 **60.625 Required notice on certain approvals.** (1) In this section,
13 “wetland” has the meaning given in s. 23.32 (1).

14 (2) (a) Except as provided in par. (b), a town that issues a building permit or
15 other approval for construction activity, shall give the applicant a written notice as
16 specified in subs. (3) and (4) at the time the building permit is issued.

17 (b) 1. A town is not required to give the notice under par. (a) at the time that
18 it issues a building permit if the county issues the building permit on a standard
19 building permit form prescribed by the department of commerce.

20 2. A town is not required to give the notice under par. (a) at the time that it
21 issues a building permit or other approval if the building permit or other approval
22 is for construction activity that does not involve any land disturbing activity
23 including removing protective ground cover or vegetation, or excavating, filling,
24 covering, or grading land.

1 ✓
2 (3) Each notice shall contain the following language: "YOU ARE
3 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
4 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
5 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
6 CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN
7 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
8 LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT
9 THE DEPARTMENT OF NATURAL RESOURCES WETLANDS
10 IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL
11 RESOURCES SERVICE CENTER."

12 ✓ (4) The notice required in sub. (2) (a) shall contain the electronic Web site
13 address that gives the recipient of the notice direct contact with that Web site.

14 ✓ (5) A town in issuing a notice under this section shall require that the applicant
15 for the building permit sign a statement acknowledging that the person has received
16 the notice.

17 ✓ SECTION 6. 61.352 of the statutes is created to read:

18 ✓ **61.352 Required notice on certain approvals.** (1) In this section,
19 "wetland" has the meaning given in s. 23.32 (1).

20 ✓ (2) (a) Except as provided in par. (b), a village that issues a building permit or
21 other approval for construction activity, shall give the applicant a written notice as
22 specified in subs. (3) and (4) at the time the building permit is issued.

23 ✓ (b) 1. A village is not required to give the notice under par. (a) at the time that
24 it issues a building permit if the county issues the building permit on a standard
building permit form prescribed by the department of commerce.

1 2. A village is not required to give the notice under par. (a) at the time that it
2 issues a building permit or other approval if the building permit or other approval
3 is for construction activity that does not involve any land disturbing activity
4 including removing protective ground cover or vegetation, or excavating, filling,
5 covering, or grading land.

6 (3) Each notice shall contain the following language: "YOU ARE
7 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
8 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
9 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
10 CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN
11 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
12 LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT
13 THE DEPARTMENT OF NATURAL RESOURCES WETLANDS
14 IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL
15 RESOURCES SERVICE CENTER."

16 (4) The notice required in sub. (2) (a) shall contain the electronic Web site
17 address that gives the recipient of the notice direct contact with that Web site.

18 (5) A village in issuing a notice under this section shall require that the
19 applicant for the building permit sign a statement acknowledging that the person
20 has received the notice.

21 SECTION 7. 62.232 of the statutes is created to read:

22 **62.232 Required notice on certain approvals.** (1) In this section,
23 "wetland" has the meaning given in s. 23.32 (1).

1 [✓] [✓] (2) (a) Except as provided in par. (b), a city that issues a building permit or other
2 approval for construction activity, shall give the applicant a written notice as
3 specified in subs. (3) [✓] and (4) at the time the building permit is issued.

4 [✓] [✓] (b) 1. A city is not required to give the notice under par. (a) at the time that it
5 issues a building permit if the county issues the building permit on a standard
6 building permit form prescribed by the department of commerce.

7 [✓] 2. A city is not required to give the notice under par. (a) at the time that it issues
8 a building permit or other approval if the building permit or other approval is for
9 construction activity that does not involve any land disturbing activity including
10 removing protective ground cover or vegetation, or excavating, filling, covering, or
11 grading land.

12 [✓] (3) Each notice shall contain the following language: "YOU ARE
13 RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL LAWS
14 CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES, AND
15 STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN WATER
16 CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY RESULT IN
17 REMOVAL OR MODIFICATION OF CONSTRUCTION THAT VIOLATES THE
18 LAW OR OTHER PENALTIES OR COSTS. FOR MORE INFORMATION, VISIT
19 THE DEPARTMENT OF NATURAL RESOURCES WETLANDS
20 IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF NATURAL
21 RESOURCES SERVICE CENTER."

22 [✓] (4) The notice required in sub. (2) (a) shall contain the electronic Web site
23 address that gives the recipient of the notice direct contact with that Web site.

1 [✓](5) A city in issuing a notice under this section shall require that the applicant
2 for the building permit sign a statement acknowledging that the person has received
3 the notice.

4 [✓]**SECTION 8.** 101.02 (23) of the statutes is created to read:

5 101.02 (23) The department shall include the following language on every
6 standard building permit form prescribed by the department under this chapter:
7 “YOU ARE RESPONSIBLE FOR COMPLYING WITH STATE AND FEDERAL
8 LAWS CONCERNING CONSTRUCTION NEAR OR ON WETLANDS, LAKES,
9 AND STREAMS. WETLANDS THAT ARE NOT ASSOCIATED WITH OPEN
10 WATER CAN BE DIFFICULT TO IDENTIFY. FAILURE TO COMPLY MAY
11 RESULT IN REMOVAL OR MODIFICATION OF CONSTRUCTION THAT
12 VIOLATES THE LAW OR OTHER PENALTIES OR COSTS. FOR MORE
13 INFORMATION, VISIT THE DEPARTMENT OF NATURAL RESOURCES
14 WETLANDS IDENTIFICATION WEB PAGE OR CONTACT A DEPARTMENT OF
15 NATURAL RESOURCES SERVICE CENTER.”

16 **SECTION 9. Nonstatutory provisions.**

17 (1) POSITION AUTHORIZATIONS. The authorized FTE positions for the department
18 of natural resources are increased by 3.0 PR project positions for the period ending
19 on June 30, 2012 and 1.0 PR position, to be funded from the appropriation under
20 section 20.370 (4) (bi) of the statutes, for the purpose of providing wetland map
21 review, identification, and confirmation services under section 23.321 of the statutes,
22 as created by this act.

23 **SECTION 10. Initial applicability.**

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3192/lins.
RNK:.....

Lbjk

INSERT ANALYSIS

This bill requires the Department of Natural Resources (DNR) to provide certain services relating to wetlands to persons who own or lease land. Under the bill, a wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and that has soils indicative of wet conditions. The bill requires DNR to provide, for a fee, a wetland map review, a wetland identification, or a wetland confirmation upon request by a person who owns or leases land.

Under the bill, a wetland map review consists of a written evaluation, based upon a review of wetland maps prepared by DNR or other information available to DNR, of whether a parcel of land is likely to contain a wetland. A wetland identification consists of a written evaluation, based upon an on-site inspection of the land by DNR, of whether a parcel of land contains a wetland. A wetland confirmation consists of a written statement, based upon an on-site inspection of the land by DNR, of whether DNR concurs with the boundaries of a wetland as delineated by a 3rd person. The bill establishes deadlines under which DNR must provide these services after a person files a request for the service. The bill specifies that if adverse weather conditions prevent DNR from conducting an accurate on-site inspection for a wetland identification or a wetland confirmation, DNR may provide the service as soon as possible after weather conditions allow DNR to conduct an accurate on-site inspection.

The bill also requires that each county, city, village, and town (municipality) that issues a building permit or other approval for construction activity must give the applicant a written notice that contains information about construction near or on wetlands including a statement that advises the applicant that the applicant is responsible for complying with state and federal laws concerning construction near or on wetlands, lakes, and streams. The bill requires the Department of Commerce (Commerce) to include this notice on every standard building permit form that it prescribes. The bill provides that a municipality is not required to give the notice if it issues a building permit on a standard building permit form prescribed by Commerce. If the municipality is required to give the notice, the bill provides that the municipality must require the applicant for the building permit to sign a statement acknowledging that the person has received the notice.

The bill also requires DNR to furnish an informational brochure to municipalities for distribution to the public that describes the laws that apply to wetlands.

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

end of insert