

2007 DRAFTING REQUEST**Senate Amendment (SA-SB553)**Received: **03/07/2008**Received By: **rkite**Wanted: **As time permits**

Identical to LRB:

For: **Mark Miller (608) 266-9170**By/Representing: **Zac Kramer**This file may be shown to any legislator: **NO**Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Miller@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Army Corps of Engineers cooperation changes

Instructions:

See Attached

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 | rkite 03/07/2008 | wjackson 03/07/2008 | pgreensl 03/10/2008 | _____ | mbarman 03/10/2008 | mbarman 03/10/2008 | |
| /2 | mglass 03/10/2008 | csicilia 03/10/2008 | jfrantze 03/10/2008 | _____ | sbasford 03/10/2008 | sbasford 03/10/2008 | |

FE Sent For:

<END>

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FE Sent For:

1/2 gjs 3/10/08 J. Self 3/10/08 <END>

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| /? | rkite | 1 WJ 3/7 | 3/10 pg | 3/10 P8/8F | | | |

FE Sent For:

<END>

Kite, Robin

From: Kramer, Zac
Sent: Friday, March 07, 2008 3:38 PM
To: Kite, Robin
Subject: Additional Changes to LRBa1489/1

Hey Robin,
I have some additional changes to request for the amendment to the Wetlands bill.

1. Page 1 Line 8 through end of the amendment - delete
2. Somewhere in section 2 add language along the lines of "Before implementation of the wetland identification section of this bill DNR will enter into a memorandum of agreement with United States Army corps of engineers to assure that Wetlands determinations offered to property owners by DNR will be recognized as valid by the US Army Corps of Engineers. Any determination done or approved by DNR will be valid for a period of five years"
3. Also somewhere in section 2 add "All wetlands identified through any of the tiered processes will be located and note on the current wetland inventory map. Delineations done by third parties and with DNR/Army Corps of Engineers concurrence, shall be required to submit exact boundary location data."

We need this draft in an introducible form for the Assembly version by noon on Monday for a committee hearing and for the Senate version by Monday at 5 for a Senate committee. Sorry for getting this to you so late on Friday afternoon. Please let me know if you have any 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



State of Wisconsin
2007 - 2008 LEGISLATURE

Rm run
LRBa1613/2
RNK: / : : : :
Wlj

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE AMENDMENT ,
TO 2007 SENATE BILL 553**

D-Note

ASAP
Monday

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 12: after "wetland." insert "If the department determines that
3 a parcel of land contains a wetland, the department's evaluation under this
4 paragraph shall include the exact location and boundaries of the wetland."

5 **2.** Page 3, line 13: after "acres." insert "The department may not provide a
6 wetland identification under this paragraph before the date on which it enters into
7 a memorandum of agreement with the U.S. Army Corps of Engineers as specified in

8 sub. (2m)".

9 **3.** Page 3, line 16: after "person." insert "If the department concurs with the
10 boundaries of a wetland delineated by a 3rd person, the department's statement
11 under this paragraph shall include the exact location and boundaries of the

12 wetland".

1 **4.** Page 3, line 16: after that line insert:

2 **(2m)** The department of natural resources shall negotiate with the U.S. Army
3 Corps of Engineers to enter into a memorandum of agreement that provides that the
4 U.S. Army Corps of Engineers will concur with any written evaluation by the
5 department of whether a parcel of land contains a wetland under sub. (2) (b).”

6 **5.** Page 4, line 10: after “conditions” insert “, or other conditions at the site,”.

7 **6.** Page 4, line 14: after “conditions” insert “, or other conditions at the site,”.

8 **7.** Page 4, line 15: after “conditions” insert “, or other conditions at the site,”.

9 **8.** Page 4, line 18: after “conditions” insert “, or other conditions at the site,”.

10 **9.** Page 4, line 21: after “conditions” insert “, or other conditions at the site,”.

11 **10.** Page 4, line 21: after that line insert:

12 **(b)(5)(c)** A wetland identification provided by the department under sub. (2) (b) and
13 a wetland confirmation provided by the department under sub. (2) (c) remain
14 effective for 5 years from the date provided by the department.

15 **(b)(6)(d)** If the department determines under this ^{Section} subsection that a parcel of land is
16 likely to or does contain a wetland, or that it concurs with the boundaries of a wetland
17 as delineated by a 3rd person, the department shall include this information on
18 wetland maps prepared under s. 23.32.”

19 **(END)**

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1613/?dn

RNK:.....

WLY

Date

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 5 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 3 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 2 more years. Is this consistent with your intent?

SP

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1613/1dn
RNK:wlj:pg

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.

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Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

2007 - 2008 LEGISLATURE

16/3/2 RMR
LRBa1614/2
MGG&RNK:wlj:jo

SENATE

Now

1
stays

ASSEMBLY AMENDMENT,

TO 2007 ASSEMBLY BILL 915 553

SENATE

Bill list



1 At the locations indicated, amend the bill as follows:

2 **1.** Page 3, line 13: after "acres." insert "The department may not provide a
 3 wetland identification under this paragraph before the date on which it enters into
 4 a memorandum of agreement with the U.S. Army Corps of Engineers as specified in
 5 sub. (2m).".

6 **2.** Page 3, line 16: after "person." insert "The delineation prepared by the 3rd
 7 person shall include the exact location and boundaries of the wetland. If the
 8 department concurs with the boundaries of a wetland delineated by a 3rd person, the
 9 department's statement under this paragraph shall also include the exact location
 10 and boundaries of the wetland.".

11 **3.** Page 3, line 16: after that line insert:

12 "(2m) The department shall negotiate with the U.S. Army Corps of Engineers
 13 to enter into a memorandum of agreement that provides that the U.S. Army Corps

1 of Engineers will concur with any written evaluation by the department of whether
2 a parcel of land contains a wetland under sub. (2) (b).”.

3 **4.** Page 4, line 10: after “conditions” insert “, or other conditions at the site,”.

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7 **8.** Page 4, line 21: after “conditions” insert “, or other conditions at the site,”.

8 **9.** Page 4, line 21: after that line insert:

9 “**(5)** A wetland identification provided by the department under sub. (2) (b) and
10 a wetland confirmation provided by the department under sub. (2) (c) remain
11 effective for 5 years from the date provided by the department.

12 **(6)** If the department determines under this section that a parcel of land is
13 likely to or does contain a wetland, or that it concurs with the boundaries of a wetland
14 as delineated by a 3rd person, the department shall include this information on
15 wetland maps prepared under s. 23.32.”.

16 **(END)**