

2011 Jr1 DRAFTING REQUEST

Assembly Amendment (AA-AB10)

Received: 01/26/2011

Received By: chanaman

Wanted: As time permits

Companion to LRB:

For: Jeffrey Mursau (608) 266-3780

By/Representing: Tim Gary

May Contact:

Drafter: mglass

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

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Mursau@legis.wisconsin.gov

Carbon copy (CC:) to: tim.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Brown County wetlands; changes in requirements.

Instructions:

See attached-- jacketed copy should go to Tim Gary in the JFC room

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>
/?	mglass 01/26/2011			_____			
/1			jfrantze 01/26/2011	_____	mbarman 01/26/2011	sbasford 01/26/2011 sbasford 01/26/2011	

FE Sent For:

<END>

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1/?	mglass	1/19/11 1/26	JG 1/26	Rg 1/26			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Gary, Tim
Sent: Wednesday, January 26, 2011 8:28 AM
To: Gibson-Glass, Mary
Subject: FW: Bill Amendment
Attachments: SB 10 1-24-11 redline(2) (00544703).DOC

Mary,

Can you draft this up, get it into editing and get it to me ASAP? (If I can have it before 10 AM that would be great, and if it could please be sent electronically to my email and that of Rep.Mursau at the same time ... I will be in committee meeting starting at 9:30.

And can the hard copy be sent to me and the chairman in the JFC room instead of to our office?

Tim Gary

Wisconsin State Assembly
Office of **Representative Jeff Mursau**
36th Assembly District, Research Assistant
Committee on Natural Resources, Clerk
Committee on Forestry, Clerk
PO Box 8952
Madison, WI 53708-8952
(608) 266-3780
[Sign Up for E-Updates](#)

From: Brian Dake [mailto:brndake@yahoo.com]
Sent: Wednesday, January 26, 2011 8:24 AM
To: Gary, Tim
Subject: Bill Amendment

Tim,

Per Paul Kent.

SENATE BILL 10

AN ACT to amend 59.692 (6m), 62.231 (6m), 87.30 (1) (d) and 281.165 (1); **and to create** 281.165 (4) of the statutes; **relating to:** an exemption from water quality standards for wetlands and from certain other regulatory provisions concerning water quality and surface water use that apply to a wetland area in Brown County; and review of certain changes to shoreland, wetland, and floodplain zoning ordinances that apply to a wetland area in Brown County.

Analysis by the Legislative Reference Bureau

Under this bill, an activity affecting a wetland in Brown County is considered to be in compliance with the water quality standards applicable to wetlands and exempts the activity from other laws administered by DNR that relate to water quality and navigable waters if the activity meets certain criteria. These criteria include that the wetland area to be affected must be less than three acres in size, that the site of the activity is in a tax incremental district, and that the person engaged in the activity will complete mitigation at a ratio of at least 1.5 acres of wetlands created or mitigation bank credits purchased to one acre of wetland affected depending on whether the wetland is a federal or nonfederal wetland.

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:

SECTION 1. 59.692 (6m) of the statutes is amended to read:

59.692 (6m) For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) or, (3) (a), or (4) (a), the department may not proceed under sub. (6) or (7) (b) or (c), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

SECTION 2. 62.231 (6m) of the statutes is amended to read:

62.231 (6m) CERTAIN AMENDMENTS TO ORDINANCES. For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2) or, (3) (a), or (4) (a), the department of natural resources may not proceed under sub. (6), or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet reasonable minimum standards.

SECTION 3. 87.30 (1) (d) of the statutes is amended to read:

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87.30 (1) (d) For an amendment to a floodplain zoning ordinance that affects an activity that meets all of the requirements under s. 281.165 (2) or, (3) (a), or (4) (a), the department may not proceed under this subsection, or otherwise review the amendment, to determine whether the ordinance, as amended, is insufficient.

SECTION 4. 281.165 (1) of the statutes is amended to read:

281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply with the water quality standards that are applicable to wetlands and that are promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated, order issued or ordinance adopted under any of those sections or chapters, if the activity meets all of the requirements under either sub. (2) or, (3), or (4).

SECTION 5. 281.165 (4) of the statutes is created to read:

281.165 (4) BROWN COUNTY. (a) Subsection (1) applies to an activity that meets all of the following requirements:

1. The wetland area is a nonfederal wetland and the activity will affect less than 3 acres of that wetland area.
2. The site of the activity is zoned for community business use and is part of a tax incremental district.
3. The site of the activity is located in the Village of Ashwaubenon in the vicinity of a professional football stadium.
4. The person who will engage in the activity shall have provided wetland mitigation at the ratio of at least 1.5 acres of wetland for each acre of wetland affected by the activity. The mitigation can provided in the form of a written affidavit demonstrating a purchase of credits from any of the wetland mitigation banks that are located in the state and that are approved by the department, or by an alternative mitigation project approved by the department.

Deleted: that will be affected by the activity

Deleted: in size

Deleted: Brown County

Deleted: The person engaged in the activity is in compliance with par. (b) 1. or 2.¶

¶
(b) 1. For a wetland that is other than a nonfederal wetland, as defined in s.¶ 281.36 (1) (c), before engaging the activity described in par. (a), the U.S. Army Corps¶ of Engineers shall have issued a permit for the activity that contains a mitigation¶ plan that requires the creation of at least 1.5 acres of wetland for each acre of wetland¶ affected by the activity.¶

¶
2. For a nonfederal wetland, as defined in s. 281.36 (1) (c), before engaging in¶ the activity described in par. (a),

Deleted: t

Deleted: at the ratio of at least 1.5 acres of

Deleted: ¶ wetland purchased for each acre of wetland affected by the activity and shall have¶ provided to the department a written affidavit that the purchase occurred. The¶ department may not require that the person meet any additional wetland mitigation¶ requirements

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State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0352/1

MGG:.....

Now

kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 10**

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

2 **1.** Page 1, line 5: substitute ~~the~~ Village of Ashwaubenon for "Brown County".

3 **2.** Page 1, line 6: substitute ~~the~~ Village of Ashwaubenon for "Brown County".

4 **3.** Page 3, line 8: substitute "VILLAGE OF ASHWAUBENON" for "BROWN COUNTY".

5 **4.** Page 3, line 10: delete lines 10 ~~to 12~~ and substitute:

6 "1m. The wetland area is a nonfederal wetland, as defined in s. 281.36 (1) (c),

7 and the activity will affect less than 3 acres of that wetland area."

8 **5.** Page 3, line 14: delete that line and substitute:

9 "3m. The site of the activity is located in the ~~Village~~ of Ashwaubenon in the

10 vicinity of a professional football stadium."

1 **6.** Page 3, line 15: delete the material beginning with that land and ending
2 with ^epage 4, line 3 [↓] and substitute:

3 “4m. The person who will engage in the activity shall have provided wetland
4 mitigation at the ratio of at least 1.5 acres of wetland for each acre of wetland affected
5 by the activity. Evidence of the mitigation can be provided by a written affidavit
6 demonstrating a purchase of credits from any of the wetland mitigation banks that
7 are located in the state and that are approved by the department or by an alternative
8 mitigation project approved by the department [Ⓞ] ^{RT}.

9

(END)

Barman, Mike

From: Hanaman, Cathlene
Sent: Wednesday, January 26, 2011 8:46 AM
To: Christina Duerst; Lori Northrop; Mike Barman; Sarah Basford

A0352

Is an MGG amendment. Please send the hard copy/jacket to Tim Gary in the JFC room.

412-E



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2011 LRBa0352/1 (For: Rep. Mursau)
has been copied/added to the drafting file for
2011 LRBa0357 (For: Sen. Kedzie)

Are These "Companion Amendments" ?? ... Yes

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: Tim Gary



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 01/26/2011 (Per: MGG)

The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.