



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 463**

**Assembly Amendments  
1 and 10**

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This memorandum describes the changes to **2011 Assembly Bill 463** contained in Assembly Amendments 1 and 10. 2011 Assembly Bill 463 changes the way that activities that impact wetlands are permitted by the Department of Natural Resources (DNR).

**Assembly Amendment 1** does all of the following:

- Doubles the time limit under current law for the DNR to provide wetland identification or wetland confirmation from 30 to 60 days.
- Adds wetland “preservation” to the list of activities that qualify as wetland mitigation under the bill.
- Requires that a wetland general permit “may only apply to a single and complete project.” This provision makes the language of the bill consistent with federal law preventing “permit stacking.”
- Removes “ephemeral ponds in wooded settings” from the list of land features for which the DNR may prohibit discharges under a wetland general permit under the bill, and adds “sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago” to that list.
- Allows the DNR to extend the time limit under the bill for evaluating a request for authorization for a discharge under a general permit if adverse weather conditions prevent the DNR from conducting an on-site inspection.

- Changes the time period for an authorization for a discharge under a wetlands general permit from “five years” to “five years or when the discharge is completed, whichever occurs first.”
- Adds expansions of existing agricultural facilities to the types of activities under the bill for which the DNR must limit its practicable alternatives analysis to on-site or adjacent locations.
- Clarifies that an applicant for a wetlands individual permit is not entitled to approval in exchange for conducting mitigation.
- Adds notices of administrative hearings to the list of notice types for which the DNR must establish notice procedures and for which the DNR must prescribe the form and content.
- Removes the requirement in the bill that certain notices may only be provided by mail.
- Provides for administrative and judicial review of DNR decisions related to wetland individual permits and a procedure for temporarily prohibiting a discharge under a wetland individual permit while a review is pending.

**Assembly Amendment 10** amends the definition of a wetlands “mitigation bank” to allow wetland mitigation credits to be “applied,” in addition to purchased, to compensate for adverse impacts to other wetlands.

### **LEGISLATIVE HISTORY**

Assembly Amendment 1 was introduced on January 17, 2012, by Representative Mursau and Assembly Amendment 10 was introduced on January 18, 2012, by the Assembly Committee on Natural Resources. On January 18, 2012, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendment 1 by a vote of Ayes, 14; Noes, 2; adoption of Assembly Amendment 10 by a vote of Ayes, 16; Noes, 0; and passage of Assembly Bill 463, as amended, by a vote of Ayes, 10; Noes, 6.

LAK:jb;ksm