



**SENATE AMENDMENT 9,
TO SENATE BILL 1**

February 5, 2013 – Offered by Senator TIFFANY.

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

2 **1.** Page 156, line 19: after that line insert:

3 “(bg) *Measures excluded from consideration.* In determining if a navigable
4 water activity meets the requirements under par. (a) with regard to a navigable
5 water, the department may not consider any proposed measure under par. (b) if the
6 navigable water is any of the following:

7 1. A perennial stream, if the drainage area of the portion of the stream
8 upstream from the farthest downstream point of the navigable water activity is more
9 than 2 square miles. In this subdivision, “perennial stream” means a stream that
10 has a continuous flow every day of every year in which there is average precipitation.

11 2. A navigable water, other than a stream, that is more than 2 acres in area
12 every day of every year in which there is average precipitation and that is not a
13 freeze-out pond, as defined in s. 29.001 (29).

