

## 2013 DRAFTING REQUEST

### Senate Amendment (SA-SSA2-SB1)

Received: 2/22/2013 Received By: mglass  
Wanted: As time permits Same as LRB:  
For: Robert Jauch (608) 266-3510 By/Representing: Jeff Buhrandt  
May Contact: Drafter: mglass  
Subject: Nat. Res. - wet/shore/flood Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Jauch@legis.wisconsin.gov  
Carbon copy (CC) to: beau.stafford@legis.wisconsin.gov  
larry.konopacki@legis.wisconsin.gov

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Mitigation options for wetlands

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#### Instructions:

Take out mitigation banks and in lieu fee program as mitigation options

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#### 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 2/22/2013			_____			
/P1	mglass 2/25/2013	kfollett 2/22/2013	rschlue 2/22/2013	_____	mbarman 2/22/2013		
/P2	mglass 2/26/2013	csicilia 2/25/2013	jmurphy 2/25/2013	_____	srose 2/25/2013		

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/1		csicilia 2/26/2013	rschluet 2/26/2013	_____	srose 2/26/2013	srose 2/26/2013	

FE Sent For:

**<END>**

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p  
no provision  
for 1/2 bank/fee re fed  
wetlands since fed state  
cannot dictate fed  
mitigation law

**Drafting History:**

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/P1	mglass 2/22/2013	kfollett 2/22/2013	rschluet 2/22/2013	_____	mbarman 2/22/2013		

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*Om 2/25*  
*Just RS 2/25*

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/? mglass

1/Plf  
2/22  
J  
N

FE Sent For:

<END>



*file pm*



*RMR*

LRBa0132/S

MGG:...

*pl*  
*[Signature]*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**SENATE AMENDMENT ,**  
**TO SENATE SUBSTITUTE AMENDMENT 2,**  
**TO SENATE BILL 1**

✓

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 128, line 4: substitute "For a mitigation program for a federal wetland,  
3 these" for "These".

4 **2.** Page 128, line 22: delete that line and substitute:

5 "(dm) *Types of mitigation; federal wetlands.* For <sup>a</sup>mitigation ~~mitigation~~ program  
6 for a federal wetland, mitigation may be".

7 **3.** Page 129, line 8: after that line insert:

8 "(dr) *Types of mitigation; other wetlands.* A mitigation program under par.

9 (am) for a wetland that is not a federal wetland is limited to the type of mitigation  
10 specified under par. (dm) 1. and may not include purchase of credits from a

*subprogram*

1 mitigation bank or any in lieu fee ~~program~~ that may be established under s. 281.36  
2 (3r) (e)."

3 **4.** Page 129, line 10: after "including mitigation" insert "for a federal wetland  
4 that is".

5 (END)





e P2  
2  
gjs

Now

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT ,  
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d-note

add in f

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9 for a wetland that is not a federal wetland is limited to the type of mitigation specified  
10 under par. (dm) 1. and may not include purchase of credits from a mitigation bank  
11 or any in lieu fee subprogram that may be established under s. 281.36 (3r) (e).".

e

1  
2  
3

4. Page 129, line 10: after "including mitigation" insert "for a federal wetland that is".

(END)



INSERT A

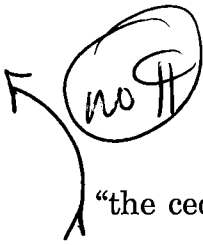
d-note

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa0132/P2ins  
MGG:.....

Insert A

- ✓ 1            1. Page 119, line 7: delete lines 7 to 10.
- 2            2. Page 127, line 7: delete the material beginning with "Any" and ending with
- 3            "(8)." on page 127, line 8.
- 4            3. Page 127, line 22: delete lines 22 and 23 and and substitute
- 5            *no ff* "functional values of wetlands shall contain proposed projects for mitigation,
- 6            including a schedule for implementing the projects, and all federal mitigation
- 7            measures, if applicable."
- 8            4. Page 128, line 2: after "schedule. " insert "In preparing the program, the
- 9            applicant shall identify and consider mitigation that could be conducted within the
- 10           same watershed in which the mining site is located."
- 11           5. Page 128, line 3: delete lines 3 to 7.
- 12           6. Page 128, line <sup>9</sup>10: delete the material beginning with "For" and ending with
- 13           "credit" on page 128, line 11.
- 14           7. Page 128, line 22: delete the material beginning with that line and ending
- 15           with page 129, line 8, and substitute:
- 16           "(dm) *Implementation of mitigation.* Mitigation under a program under par.
- 17           (am) for a wetland that is not a federal wetland shall be accomplished by
- 18           implementation of a project by the applicant or other person approved by the
- 19           department. Any additional conditions imposed by the department under sub. (7)
- 20           for a federal wetland may be satisfied by implementing such a project."
- 21           8. Page 129, line 10: delete lines 10 to 12 and substitute:



A handwritten mark consisting of a circle containing the text "no H". An arrow points from the bottom of the circle towards the left margin.

- 1 "the ceded territory, any mitigation that will be required to compensate for
- 2 adverse".

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0132/PJdn  
MGG:.....

fix

*- date -*

*2*

Attention: Jeff and Larry

*e Federal*

Throughout the substitute amendment, there are various provisions that have cross-references to the mitigation program under s. 295.60 (8). These references need to cover any ederal mitigation requirements. I, therefore, had to restructure pars. (am) and (dm) under s. 295.60 (8). Please review carefully and if you feel this does not work, please call me to discuss this.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.glass@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0132/P2dn  
MGG:cjs:jm

February 25, 2013

Attention: Jeff and Larry

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Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: [mary.glass@legis.wisconsin.gov](mailto:mary.glass@legis.wisconsin.gov)



RMK

LRBa0132/P2 1

MGG:cjs:jm

Today

1  
Stays

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4 ~~"(8)."~~ on line ~~8.~~ 11

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10 same watershed in which the mining site is located."

