
















State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 08/11/2017 (Per: CMH/MPG)

Appendix H

- Appendix A  The drafting file for LRB 17a0891 (used to create 17a0928)
- Appendix B  The drafting file for LRB 17a0900 (used to create 17a0928)
- Appendix C  The drafting file for LRB 17a0905 (used to create 17a0928)
- Appendix D  The drafting file for LRB 17a0906 (used to create 17a0928)
- Appendix E  The drafting file for LRB 17a0922 (used to create 17a0928)
- Appendix F  The drafting file for LRB 17a0901 (used to create 17a0928)
- Appendix G  The drafting file for LRB 17a0903 (used to create 17a0928)
- Appendix H  The drafting file for LRB 17a0902 (used to create 17a0928)
- Appendix I  The drafting file for LRB 17a0897 (used to create 17a0928)
- Appendix J  The drafting file for LRB 17a0871 (used to create 17a0928)
- Appendix K  The drafting file for LRB 17a0894 (used to create 17a0928)
- Appendix L  The drafting file for LRB 17a0898 (used to create 17a0928)
- Appendix M  The drafting file for LRB 17a0928 (used to create 17s0103)

has been transferred to the drafting file for

2017 LRBs0103 ASA__-AB1 (Au7)

Barman, Mike

From: Hanaman, Cathlene
Sent: Friday, August 11, 2017 11:24 AM
To: Hsia, Richard; Parisi, Lori; Barman, Mike; Milford, Renae; Rose, Stefanie; Walker, Dan
Subject: FW: a0928

This list is the one to use.

We compiled the following amendments to create a0928, which will be engrossed into ~~SSA~~ ^{ASA} to Aug 2017 Special Session AB-1 (s0103)

1. LRB 0891 – “Technical” changes
2. LRB 0900—economic development position in DOA
3. LRB 0905 – DWD Worker Training (Krista is working on a change for me...so should be P4)
4. LRB 0906 – WEDC position for local econ development
5. LRB 0922 – Incentivize Wisconsin Workers
6. LRB 0901 – Transpo Bonding – JFC Oversight
7. LRB 0903 – DNR Oversight
8. LRB 0902 – Wetlands language
9. LRB 0897 – TID \$ for fire/police
10. LRB 0871 – Town Incorporation
11. LRB 0894 – Sales Tax Revenue Bond
12. LRB 0898 – Extend TID Date

2017 Au7 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

For: Robin Vos (608) 266-9171 Drafter: zwyatt
 By: steve Secondary Drafters:
 Date: 8/8/2017 May Contact:

Same as LRB:

Submit via email: YES
 Requester's email: Rep.Vos@legis.wisconsin.gov
 Carbon copy (CC) to: zachary.wyatt@legis.wisconsin.gov
 Anna.henning@legis.wisconsin.gov
 elisabeth.shea@legis.wisconsin.gov
 mary.pfotenhauer@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Wetlands mitigation requirements

Instructions:

See attached,

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	zwyatt 8/9/2017	eweiss 8/9/2017			
/P1			mbarman 8/9/2017		

FE Sent For: <END>

Wyatt, Zachary

From: Bemis, Zach
Sent: Wednesday, August 09, 2017 9:28 AM
To: Henning, Anna; Wyatt, Zachary; Fawcett, Steve
Cc: Konopacki, Larry
Subject: RE: DNR oversight & wetland language

I think that looks good as well.

From: Henning, Anna
Sent: Wednesday, August 09, 2017 9:28 AM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>; Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Konopacki, Larry <Larry.Konopacki@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

Zach, let's go with that for now.

Thanks!

From: Wyatt, Zachary
Sent: Wednesday, August 09, 2017 8:55 AM
To: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Henning, Anna <Anna.Henning@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Konopacki, Larry <Larry.Konopacki@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

How about a blend of the original and Anna's language:

...shall identify and consider mitigation that could be conducted within the same watershed and may locate mitigation outside the watershed only upon agreement of the person exempt from permitting under this subsection and the department.

?

From: Fawcett, Steve
Sent: Wednesday, August 09, 2017 8:50 AM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>; Henning, Anna <Anna.Henning@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Konopacki, Larry <Larry.Konopacki@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

It isn't meant to be a clear requirement. "Strive" isn't the best word, but it is the concept we are going for. Anna's language is fine with me if it works for everyone else. Or substantially similar language would work, too.

-Steve

From: Wyatt, Zachary
Sent: Wednesday, August 09, 2017 8:46 AM
To: Henning, Anna <Anna.Henning@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Konopacki, Larry <Larry.Konopacki@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

What I have drafted currently is:

1. Page 33, line 13: delete “(3r)” and substitute “(3r), under which the department shall place mitigation projects in the service area where the wetlands impacted by the discharge are located, unless otherwise agreed to by a person exempt from permitting under this subsection and the U.S. army corps of engineers.”.

...which is quite a bit different from the proposed language, because I was trying to make it a clear requirement (no “striving”).

I’ll wait to hear if there are any preferences on language.

From: Henning, Anna
Sent: Wednesday, August 09, 2017 8:39 AM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Konopacki, Larry <Larry.Konopacki@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

Zach,

I think your change works for the “permittee” issue (although if you aren’t comfortable with I wonder if some of the ch. 30 provisions that refer to a person seeking an exemption might provide useful language?).

I have a few other thoughts on the proposed wetlands language, assuming you’re still wrestling with the text (if not, feel free to disregard):

- 1) “Strive” seems an odd word. I was expecting the department to propose language similar to the language in s. 295.60 (“shall identify and consider mitigation that could be conducted within the same watershed”).
- 2) Will the meaning of “service area” be clear in this context?
- 3) It seems somewhat cumbersome to require the company and U.S. ACE to negotiate over what is essentially a state requirement – particularly as applied to state wetland impacts. Why not an agreement between the company (“person seeking an exemption” or whatever) and the DNR?

Let me know if it would be helpful for me to try reach Kurt or Quinn quickly this morning on this.

Anna

Anna Henning
Senior Staff Attorney
Wisconsin Legislative Council
(608) 266-0292
anna.henning@legis.wisconsin.gov

From: Wyatt, Zachary
Sent: Tuesday, August 08, 2017 9:51 PM
To: Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>
Cc: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Subject: RE: DNR oversight & wetland language

“person exempt from permitting under this subsection” would probably do it. Although, there could be several people exempt under the subsection, since the exemption applies to any discharge meeting the requirements. Is the intent that the person who made the original discharge needs to approve mitigation outside the service area? We could always say “person who made the discharge” I guess.

From: Bemis, Zach
Sent: Tuesday, August 08, 2017 9:44 PM
To: Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Cc: Fawcett, Steve <Steve.Fawcett@legis.wisconsin.gov>; Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Subject: Re: DNR oversight & wetland language

Very good question. What other term would be appropriate? "Entity"? "permit exempt entity" ? "entity that has received a permit exemption under this section"?"

Sent from my iPhone

On Aug 8, 2017, at 9:33 PM, Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov> wrote:

Regarding the watershed mitigation preference, does it make sense to refer to “the permittee” given that this subsection is creating an exemption from a permit? Can one be a permittee if no permit is required or issued?

Thanks,
Zachary D. Wyatt
Legislative Attorney
Wisconsin Legislative Reference Bureau
zachary.wyatt@legis.wisconsin.gov
608.267.3362

The information contained in this communication may be confidential and protected by the attorney-client privilege.

From: Fawcett, Steve
Sent: Tuesday, August 08, 2017 5:45 PM
To: Henning, Anna <Anna.Henning@legis.wisconsin.gov>; Bemis, Zach <Zach.Bemis@legis.wisconsin.gov>; Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>; Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>; Kreye, Joseph <Joseph.Kreye@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>
Subject: DNR oversight & wetland language

Please see below for the clarified language on the two provisions we named “DNR oversight” and “Wetland mitigation.”

Wyatt, Zachary

From: Fawcett, Steve
Sent: Tuesday, August 08, 2017 5:45 PM
To: Henning, Anna; Bemis, Zach; Shovers, Marc; Gallagher, Michael; Kreye, Joseph; Wyatt, Zachary
Subject: DNR oversight & wetland language

Please see below for the clarified language on the two provisions we named "DNR oversight" and "Wetland mitigation."

Proposed draft language

Amend section 59 as follows:

281.36 (4m) EXEMPTION AND WAIVER; ELECTRONICS AND INFORMATION TECHNOLOGY MANUFACTURING ZONE.

(a) The permitting requirement under sub. (3b) does not apply to any discharge into a wetland located in an electronics and information technology manufacturing zone designated under s. 238.396 (1m) if the discharge is related to the construction, access, or operation of a new manufacturing facility in the zone and all adverse impacts to functional values of wetlands are compensated at a ratio of 2 acres per each acre impacted through any of the following methods, consistent with the rules promulgated under this section:

1. Purchasing credits from a mitigation bank located in this state.
2. Participating in the in lieu fee subprogram under sub. (3r), where the Department will strive to place mitigation projects in the service area where the impacted acres are located and only locate any such mitigation project outside of the service area where the impacted acres are located upon agreement of the permittee and the U.S. army corps.
3. Completing mitigation within this state.
4. Participating in the escrow subprogram under sub. (3s).



State of Wisconsin
2017 - 2018 LEGISLATURE
August 2017 Special Session

12/8/2017
OUT TODAY
AM

LRBa090209 / P1
ZDW:
emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 1**

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

2 1. Page 33, line 13: delete "(3r)" and substitute "(3r), under which the
3 department shall identify and consider mitigation that could be conducted within the
4 same watershed and may locate mitigation outside the watershed only upon
5 agreement of the department and the person exempt from permitting under this
6 subsection." ☺

7

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE
August 2017 Special Session

LRBa0902/P1
ZDW:emw

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 1**

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

2 **1.** Page 33, line 13: delete “(3r)” and substitute “(3r), under which the
3 department shall identify and consider mitigation that could be conducted within the
4 same watershed and may locate mitigation outside the watershed only upon
5 agreement of the department and the person exempt from permitting under this
6 subsection.”.

7 (END)