WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

2017 Assembly Bill 599	Assembly Amendment 1
Memo published: **January 11, 2018**	*Contact*: **Anna Henning, Senior Staff Attorney**

2017 ASSEMBLY BILL 599

Assembly Bill 599 generally prohibits the Department of Natural Resources (DNR) from changing its determination regarding the navigability of a stream (or portion of a stream) in limited circumstances. The bill also exempts certain impoundments located on such streams (or portions of streams) from certain permitting requirements and zoning ordinances.

Specifically, the bill applies if all of the following criteria are satisfied:

- The DNR makes a determination that a stream (or portion of a stream) is not navigable.

- A dam is constructed on that stream that modifies the natural flow of the stream (or portion of the stream).

- An artificial impoundment created by the dam is or has been subject to an agreement through the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Habitat Development program, or a similar environmental restoration project.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 makes two changes to the bill. First, with respect to the criterion above relating to environmental restoration projects, the amendment specifies that if the project is not part of the U.S. Fish and Wildlife Service's Partners for Fish and Wildlife Habitat Development program, then the project must be a similar, **publically administered** project, **as determined by DNR**.

Second, the amendment narrows the scope of the exemption from navigable waters permits to make the exemption inapplicable to impoundments that are hydrologically connected to a stream that has been classified as a Class I, II, or III trout stream by the DNR.

BILL HISTORY

Representative Mursau offered Assembly Amendment 1 on January 8, 2018. On January 9, 2018, the Assembly Committee on Environment and Forestry voted to recommend adoption of the amendment and the bill, as amended, on votes of Ayes, 7; Noes, 3.

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