



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Assembly Bill 818

Assembly Amendment 1

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Assembly Bill 818 provides that any person who owns or leases land may ask the Department of Natural Resources (DNR) to provide a wetland map review, a wetland identification, or a wetland confirmation, within specified timeframes, subject to weather and ground conditions, and for the fees specified in the bill. If DNR provides a wetland identification or a wetland confirmation, that identification or confirmation is effective for five years.

Memorandum of Agreement

Assembly Bill 818 requires DNR to negotiate with the U.S. Army Corps of Engineers to enter into a memorandum of agreement (MOA) that provides that the Corps will concur with any wetland identification provided by the DNR under the bill. The bill also specifies that DNR may not provide a wetland identification before the date on which it enters into a MOA with the Corps.

Assembly Amendment 1 removes these provisions and provides instead that the DNR may not provide a wetland *confirmation* under the bill before the earlier of the following:

- The date on which DNR enters into an MOA with the Corps; or
- The first day of the 13th month beginning after the effective date of the bill.

Assembly Amendment 1 also directs DNR to enter into an MOA that provides that the Corps will concur with any wetland *confirmation* provided by the DNR under the bill.

Wetland Notification Requirement

Assembly Bill 818 requires counties, towns, villages, and cities that issue building permits or other approvals for a construction activity to give the applicant a written notice that contains information about construction near or on wetlands. The Department of Commerce is also required to include this

notice on every standard building permit form that it issues. A municipality is not required to give this notice if the building permit is issued on a standard building permit form issued by the Department of Commerce or if the building or approval is for construction that does not involve any land disturbing activity. A municipality that issues a notice must require that the applicant sign a statement acknowledging that the person has received the notice.

Assembly Amendment 1 corrects drafting errors in the sections of the bill which specify that each type of local unit of government is required to give an applicant a written notice that contains information about construction near or on wetlands.

Legislative History

Assembly Amendment 1 was offered by Representative Bies on March 30, 2010. On March 31, 2010, the Assembly Committee on Natural Resources recommended adoption of Assembly Amendment 1 on a vote of Ayes, 14; Noes, 0, and recommended passage of the bill, as amended, by the same vote.

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