



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0400/3
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2017 ASSEMBLY BILL 63

February 8, 2017 - Introduced by Representatives WEATHERSTON, BERNIER, E. BROOKS, KREMER, QUINN, MURPHY and MURSAU, cosponsored by Senator TIFFANY. Referred to Committee on Energy and Utilities.

- 1 **AN ACT to create** 281.36 (4m) of the statutes; **relating to:** exempting utility
2 activities in a highway right-of-way from wetland permitting requirements.

Analysis by the Legislative Reference Bureau

This bill exempts from wetland permitting requirements a discharge of material into a wetland that is incidental to installation or maintenance of utility infrastructure in a highway right-of-way if the affected portion of the wetland will be restored to the condition that existed immediately before the discharge was commenced.

Under current law, no person may discharge dredged material or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit, or the discharge is exempt from permitting requirements.

Current law requires the Department of Natural Resources to issue wetland general permits for discharges of dredged or fill material into certain wetlands. Current law also authorizes DNR to require a person to apply for and obtain a wetland individual permit if DNR determines that conditions specific to the site require additional restrictions on the discharge in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur. Also under current law, before DNR may issue a wetland individual permit, it must require the restoration, enhancement, creation, or preservation of other wetlands to compensate for adverse impacts to a wetland resulting from the discharge.

