



2007 ASSEMBLY BILL 163

March 12, 2007 - Introduced by Representatives FRISKE, MURSAU, A. OTT, PETROWSKI, BALLWEG, MONTGOMERY, MUSSER, ALBERS and HAHN, cosponsored by Senator GROTHMAN. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 281.165 (1); and **to create** 281.165 (4) of the statutes; **relating**
2 **to:** creating an exemption for certain wetlands for the construction of a road
3 located in the city of Tomahawk, Lincoln County.

Analysis by the Legislative Reference Bureau

Under current law, a person may not discharge dredged or fill material into certain wetlands unless the discharge is authorized by a certification from the Department of Natural Resources (DNR) that the discharge will meet all applicable state water quality standards. Current law also provides that, with certain exceptions, a person may not deposit material or place a structure upon the bed of a navigable water without a permit from DNR.

This bill creates an exemption for certain wetlands from the DNR water quality certification process and from the requirement to obtain certain approvals from DNR. Under the bill, an activity is considered to comply with the water quality standards that are applicable to wetlands if the wetland area that will be affected by the activity does not exceed 2.3 acres in size, the activity is the construction of a road that is intended principally to be used as an emergency route to a hospital located in the north side of the city of Tomahawk in Lincoln County, the site of the activity is located on specifically described property in Lincoln County, and all required approvals for the activity, including building permits, have been issued by the city of Tomahawk in Lincoln County. Such an activity is also exempt, under the

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bill, from obtaining certain approvals from DNR that would otherwise be required for that activity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 281.165 (1) of the statutes is amended to read:

2 281.165 (1) COMPLIANCE; EXEMPTION. An activity shall be considered to comply
3 with the water quality standards that are applicable to wetlands and that are
4 promulgated as rules under s. 281.15 and is exempt from any prohibition, restriction,
5 requirement, permit, license, approval, authorization, fee, notice, hearing,
6 procedure or penalty specified under s. 29.601 (3) or chs. 30, 31, 281, 283, 289 to 292
7 or 299 or specified under any rule promulgated, order issued or ordinance adopted
8 under any of those sections or chapters, if the activity meets all of the requirements
9 under either sub. (2) or (3) or (4).

10 **SECTION 2.** 281.165 (4) of the statutes is created to read:

11 281.165 (4) LINCOLN COUNTY. Subsection (1) applies to an activity that meets
12 all of the following requirements:

13 (a) The city of Tomahawk, Lincoln County, has issued all approvals, including
14 building permits, that the city requires to be issued for the activity.

15 (b) The wetland area affected by the activity does not exceed 2.3 acres in size.

16 (c) The activity is the construction of a road that is intended principally to be
17 used as an emergency route to a hospital located on the north side of the city of
18 Tomahawk, Lincoln County, and that is to be constructed along a water main that
19 was installed before the effective date of this paragraph [revisor inserts date].

