

the state so I guess that would be fairly speculative.

SENATOR SCHMIT: In other words, we don't know.

SENATOR KRISTENSEN: Yeah, I think that's accurate.

SENATOR SCHMIT: All right. Is there any limitations, Senator, as to where the department can acquire the wetlands as replacement wetlands? Can they, for example, go five or ten miles away from the project and acquire property by condemnation if they so chose?

SENATOR KRISTENSEN: Under state law, yes. The federal law is going to have some control over that, that it's got to be similar type of wetland replacement. There is no mileage restrictions onto that, but that goes to the issuance of the federal permit.

SENATOR SCHMIT: In other words, if they wanted to buy wetlands from me that were ten miles from Highway 81 or 20 miles from the wetland that is actually being drained, they could do that and it would qualify as replacement lands. Is that right?

SENATOR KRISTENSEN: As long as it met the federal permit requirements, yes.

SENATOR SCHMIT: And are those federal permit requirements in writing as of this time?

SENATOR KRISTENSEN: Yes, Senator, to the best of my knowledge, they are.

SENATOR SCHMIT: Do we have copies of those?

SENATOR KRISTENSEN: I do not have a copy of that.

SENATOR SCHMIT: Are they available, Senator?

SENATOR KRISTENSEN: I don't have them in my file where I could go down and get them for you, no.

SENATOR SCHMIT: But would it be possible for us to get them through the department?

SENATOR KRISTENSEN: I think so, yes. I know of no reason not