

Artificial Wetland Exemption Process



SEWRPC Photo

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Wetland Identification Coordinator



Importance of Documentation

Artificial Wetland:

a landscape feature where hydrophytic vegetation may be present as a result of human modifications to the landscape or hydrology and for which there is no prior wetland or stream history



Importance of Documentation

Sets limits and extent of state jurisdiction

NR 103.06(4) – Artificial Wetland Exemptions

A person who proposes a project that may affect an artificial wetland shall notify the department at least 15 working days prior to initiating the project...

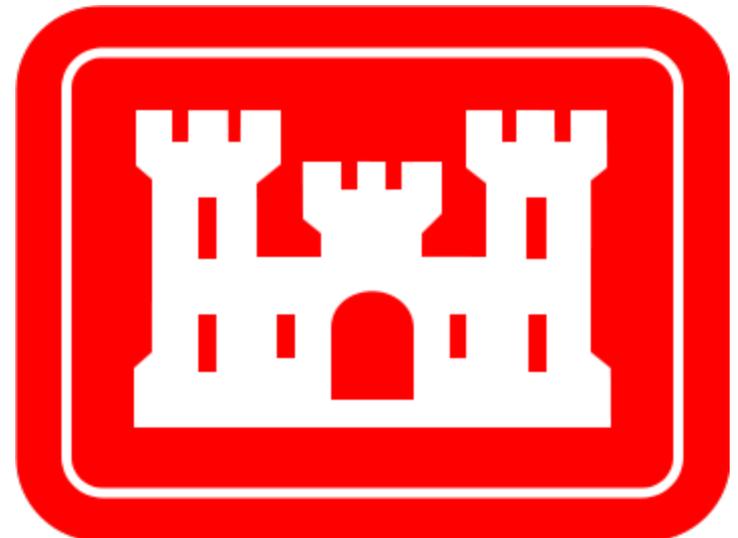
...the following artificial wetlands are exempt from the provisions of this chapter unless the department notifies the applicant... that the artificial wetland has significant functional values...



NR 103 Exemptions

Only applicable for state of Wisconsin decisions.

USACE has separate decision making process.





NR 103 Exemptions

NR 103.06(4a)

Sedimentation and stormwater detention basins and associated conveyance features operated and maintained only for sediment detention and flood storage purposes



U.S. EPA Photo



NR 103 Exemptions

NR 103.06(4b)

Active sewage lagoons, cooling ponds, waste disposal pits, fish rearing ponds, and landscape ponds





NR 103 Exemptions

NR 103.06(4c)

Actively maintained farm drainage and roadside ditches





NR 103 Exemptions

NR 103.06(4d)

Artificial wetlands within active nonmetallic mining operations





DNR Exemption Process

DNR process for determining exemptions

1. Is the feature “artificial”
2. Does it meet one of the listed exemptions
3. Does it provide significant functional values related to
 - a) Aquatic organism habitat
 - b) Other wildlife habitat
 - c) Recreational, cultural, educational, scientific, or natural scenic beauty



Information to Submit - artificial

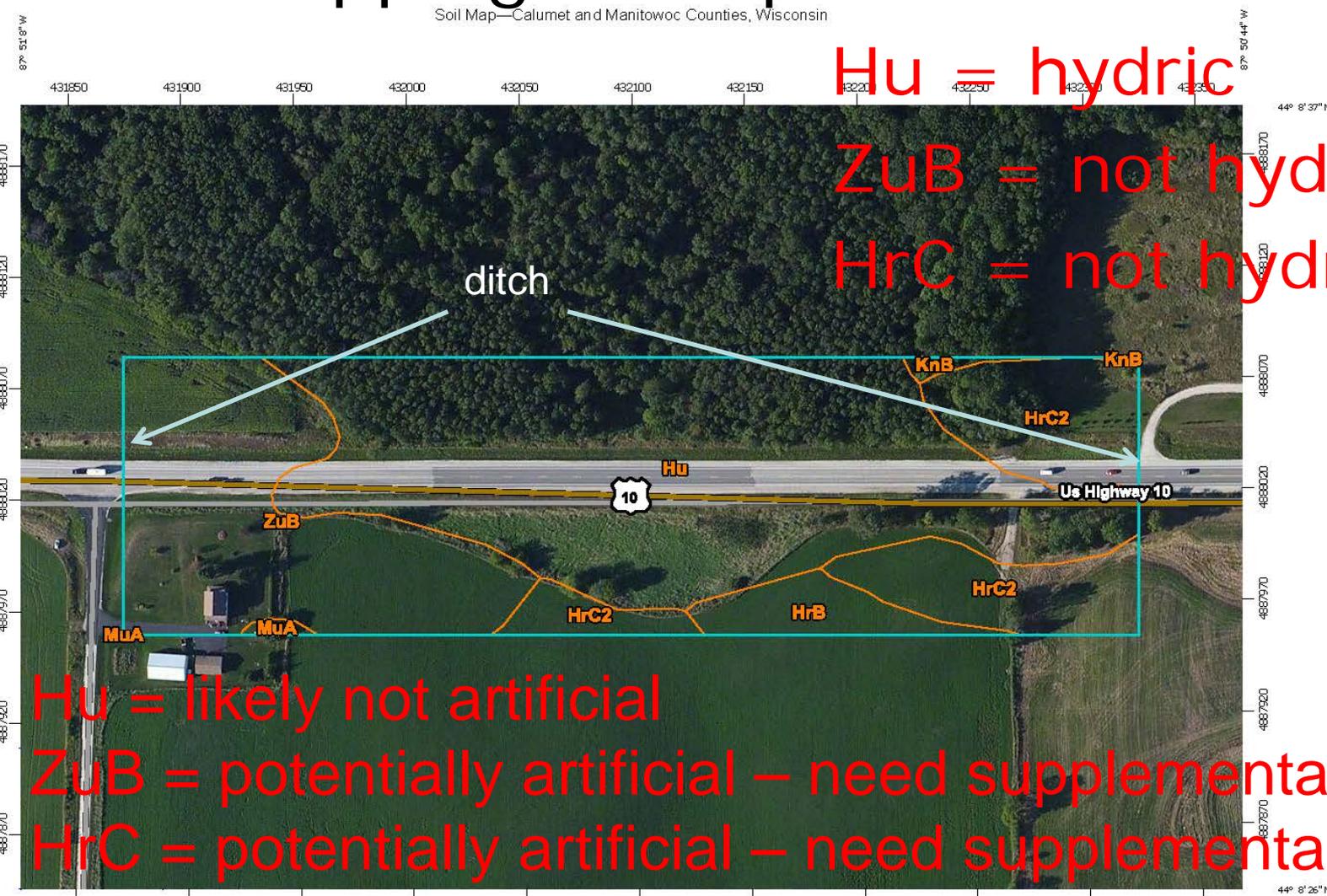
Information regarding artificial nature:

1. Soil Mapping and WWI Mapping
2. Previous Agency Approvals
3. Supplemental Data (soil data, topography, historic aerial photographs, historic mapping)
4. Previous Agency Correspondence

DNR Review Process- artificial

Soil Mapping Example

Soil Map—Calumet and Manitowoc Counties, Wisconsin



Hu = hydryic

ZuB = not hydryic

HrC = not hydryic

Hu = likely not artificial

ZuB = potentially artificial – need supplemental info

HrC = potentially artificial – need supplemental info

DNR Review Process- artificial

Supplemental Information – Original Survey

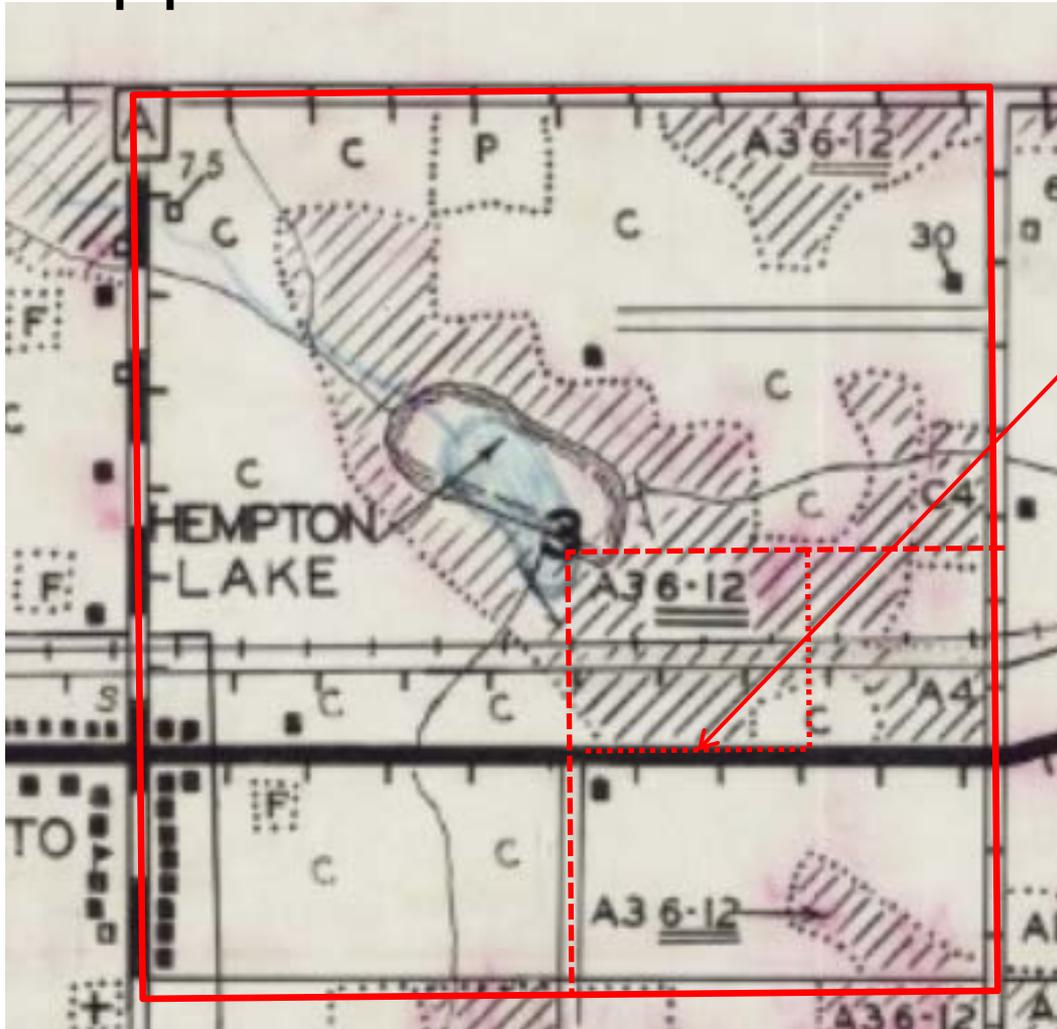


Not mapped as swamp or marsh on original land survey.

Does that mean area lacks wetland history?

DNR Review Process- artificial

Supplemental Information – Bordner Survey



Mapped as A3 6-12.

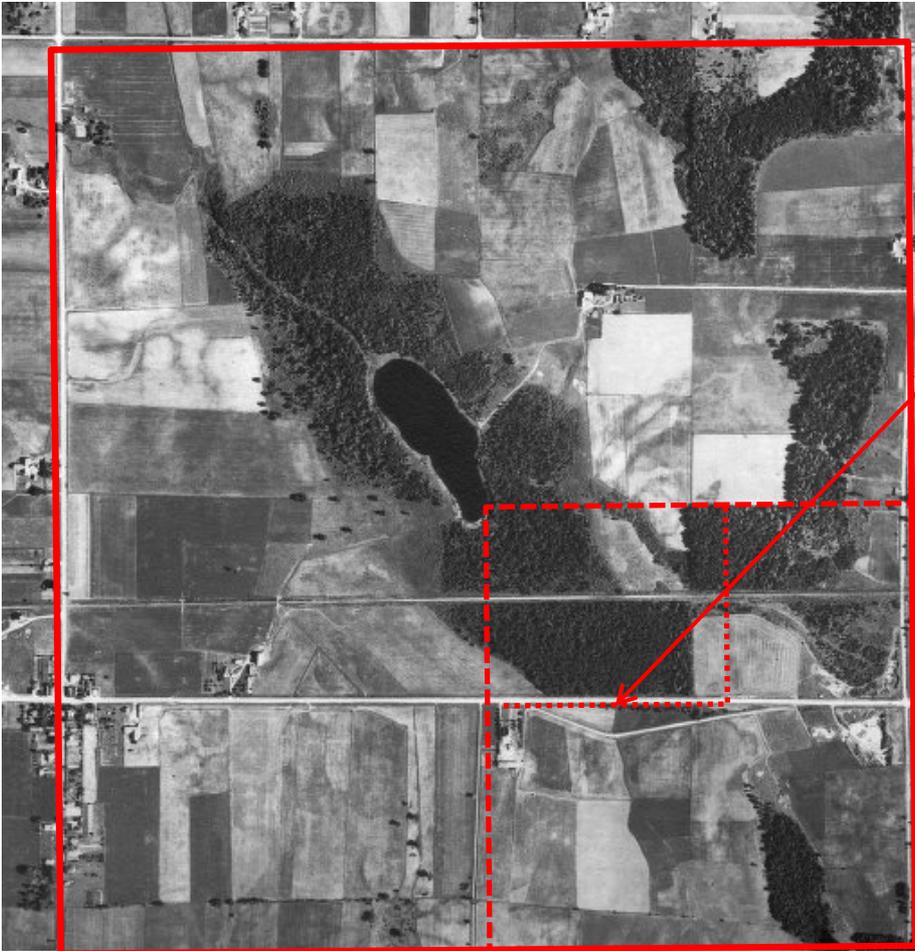
- Swamp Hardwoods
- 6-12 inch DBH
- Hatch = Lowland Forest

Represents landuse from 1938



DNR Review Process - artificial

Supplemental Information – Historic Aerials



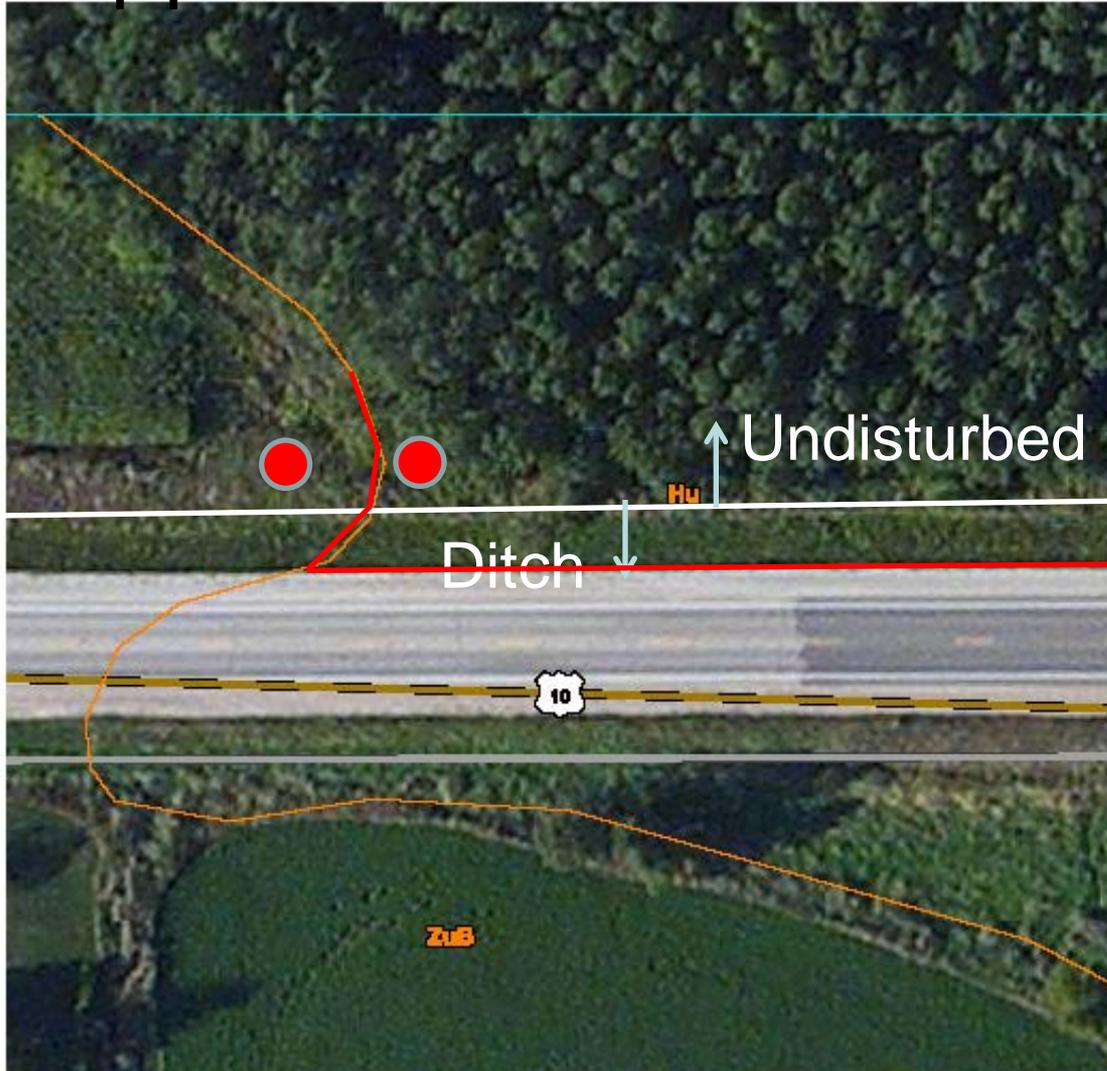
Represents conditions
from 1938

Verifies Bordner
Survey

Information to Submit - artificial

Soil Map—Calumet and Manitowoc Counties, Wisconsin
Map sheet 2 of 5

Supplemental Information – Field Data



Soil Profiles
helpful for
determining
wetland history

Example:
Assume muck in
wetland
Assume non-
hydic in upland



DNR Review Process - artificial

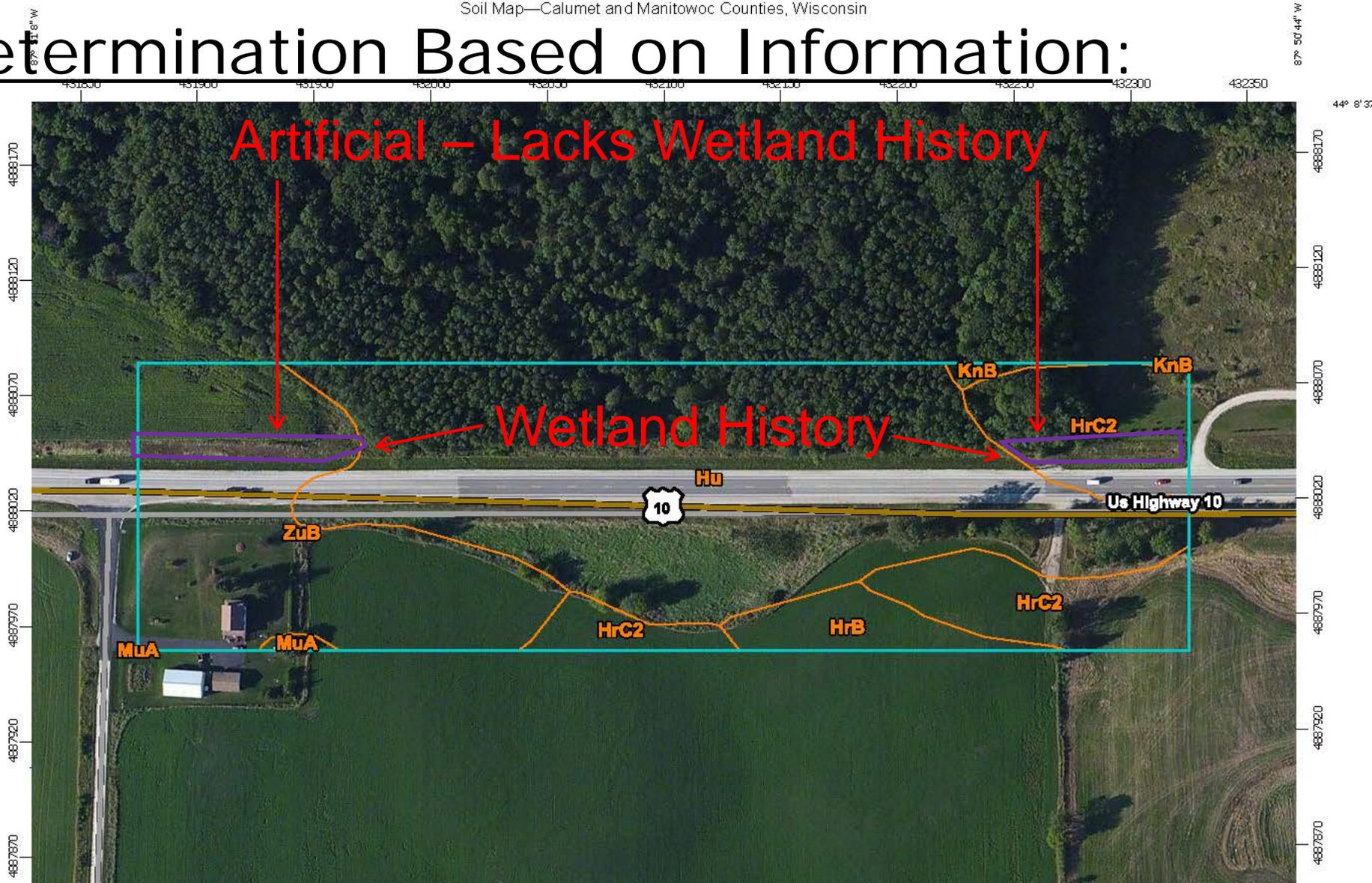
What is the preponderance of information:

1. Soil Mapping: shows a wetland history for part of area
2. Original Land Survey: Shows no indication of wetland history
3. Bordner Suvey: Shows a wetland history for part of area
4. Historic Aerial: Shows a wetland history for part of area
5. Field Data: Soil profiles show a wetland history for part of area

DNR Review Process- artificial

Soil Map—Calumet and Manitowoc Counties, Wisconsin

Determination Based on Information:





Exemption Process

1. Proof of artificial nature - documented **X**
2. Proof exemption is fulfilled – still need to document
3. Does area provide significant functional values – still need to document



DNR Review Process- exempt

Information regarding exempt status:

1. Construction Plans
2. Maintenance Plans
3. Permit Approvals (WPDES, stormwater, Chapter 30, etc.)
4. Previous Agency Correspondence
5. Aerial Photographs



DNR Review Process- exempt

Soil Map—Calumet and Manitowoc Counties, Wisconsin

Some Projects – air photo is all you need:

Project Area is clearly a roadside ditch





Exemption Process

1. Proof of artificial nature - documented **X**
2. Proof exemption is fulfilled – documented **X**
3. Does area provide significant functional values – still need to document



DNR Review Process – Significant Functional Values

- Significant habitat for aquatic organisms
- Significant habitat for nonaquatic organisms
- Significant aesthetic/education/cultural value

What does all of this mean???

Site dependent.

DNR Review Process – Significant Functional Values Examples



Pike Spawning Habitat



Cricket Frog – State Endangered

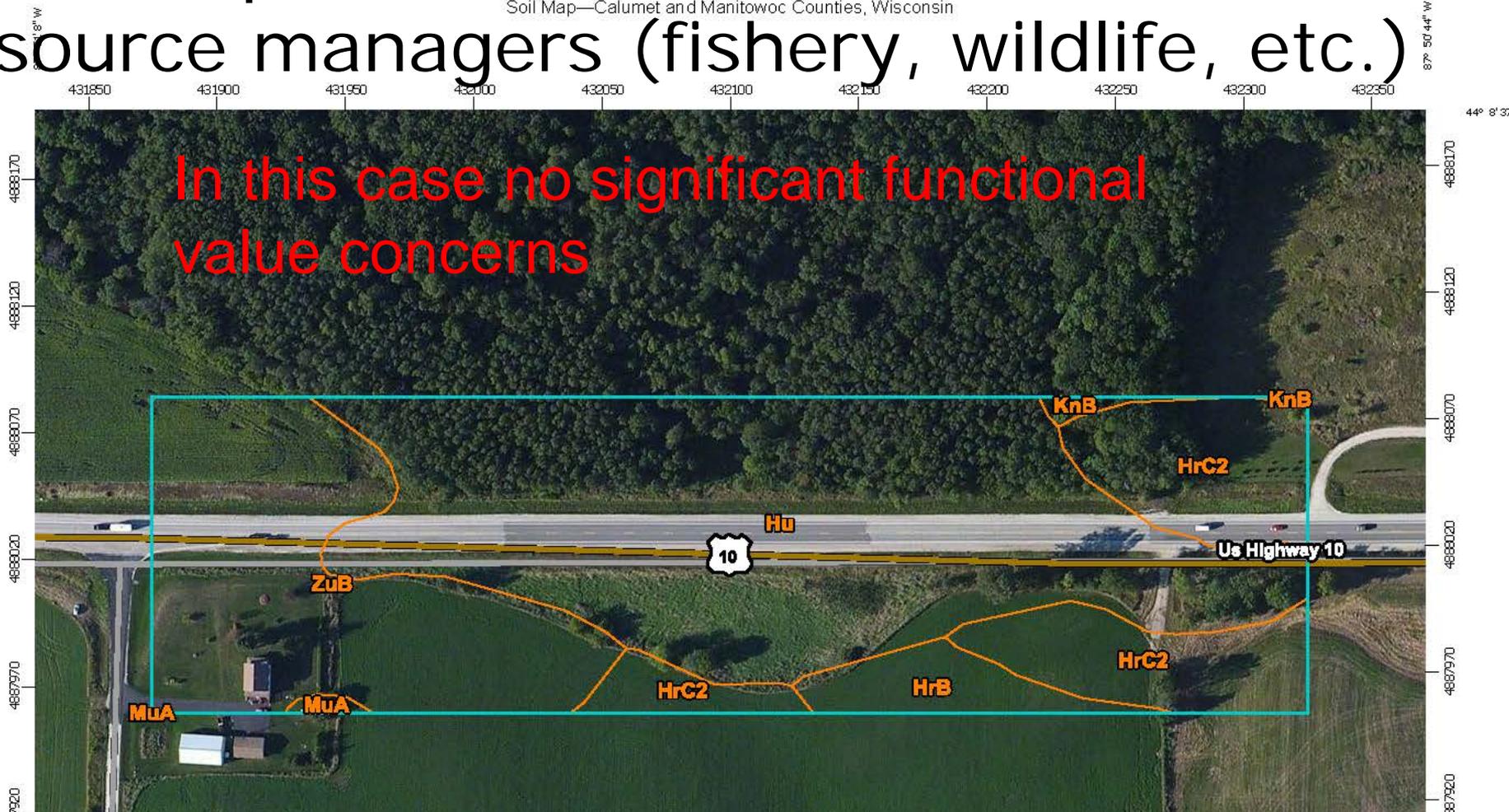
Hunting or Fishing Opportunity



DNR Review Process- Functional Values

Often requires consultation with DNR
resource managers (fishery, wildlife, etc.)

Soil Map—Calumet and Manitowoc Counties, Wisconsin





Exemption Process

1. Proof of artificial nature - documented **X**
2. Proof exemption is fulfilled – documented **X**
3. Does area provide significant functional values – documented **X**



Exemption Process

Putting the Puzzle Together

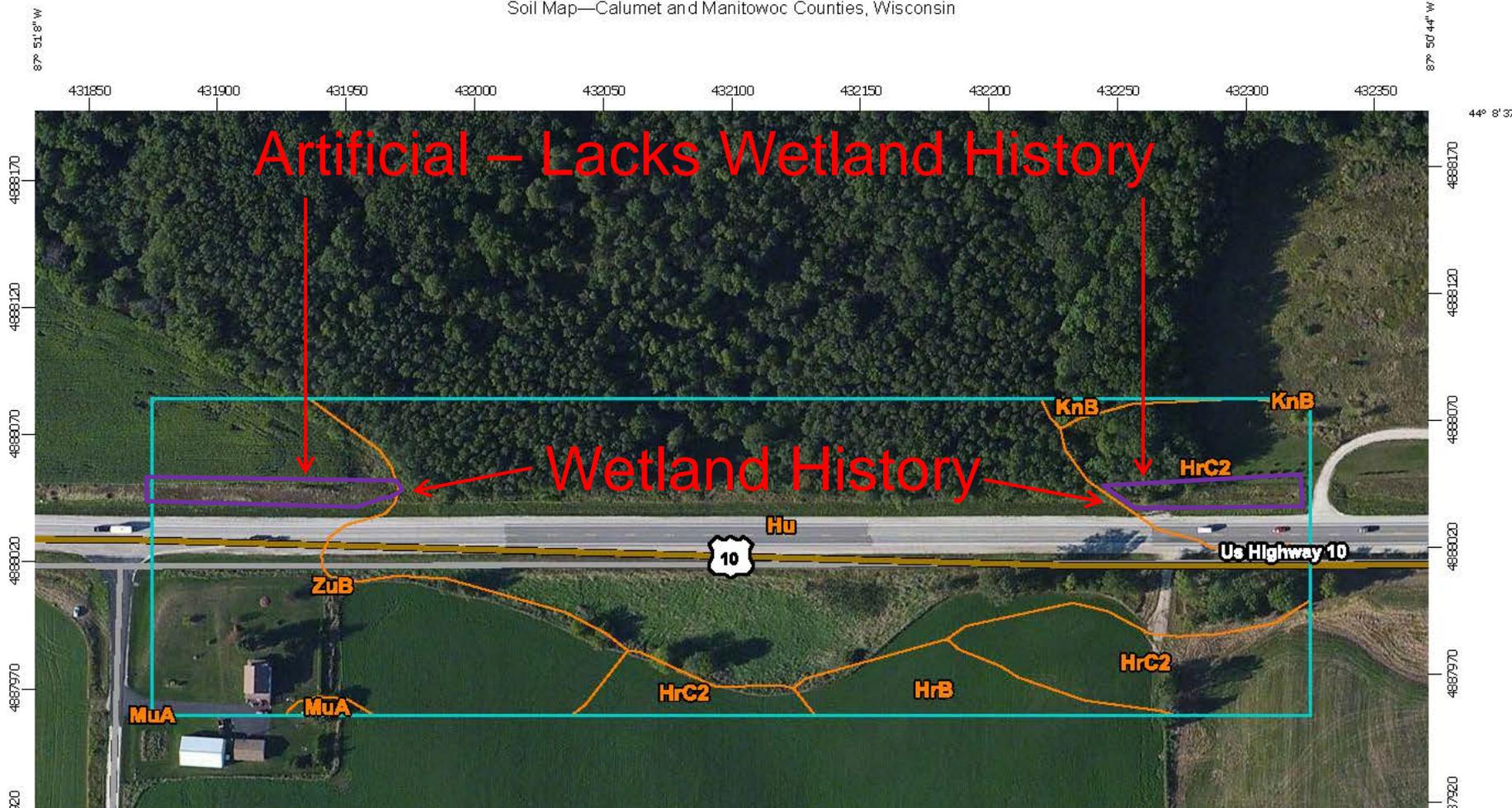
Does Area Have Wetland
History?



Exemption Process

Putting the Puzzle Together

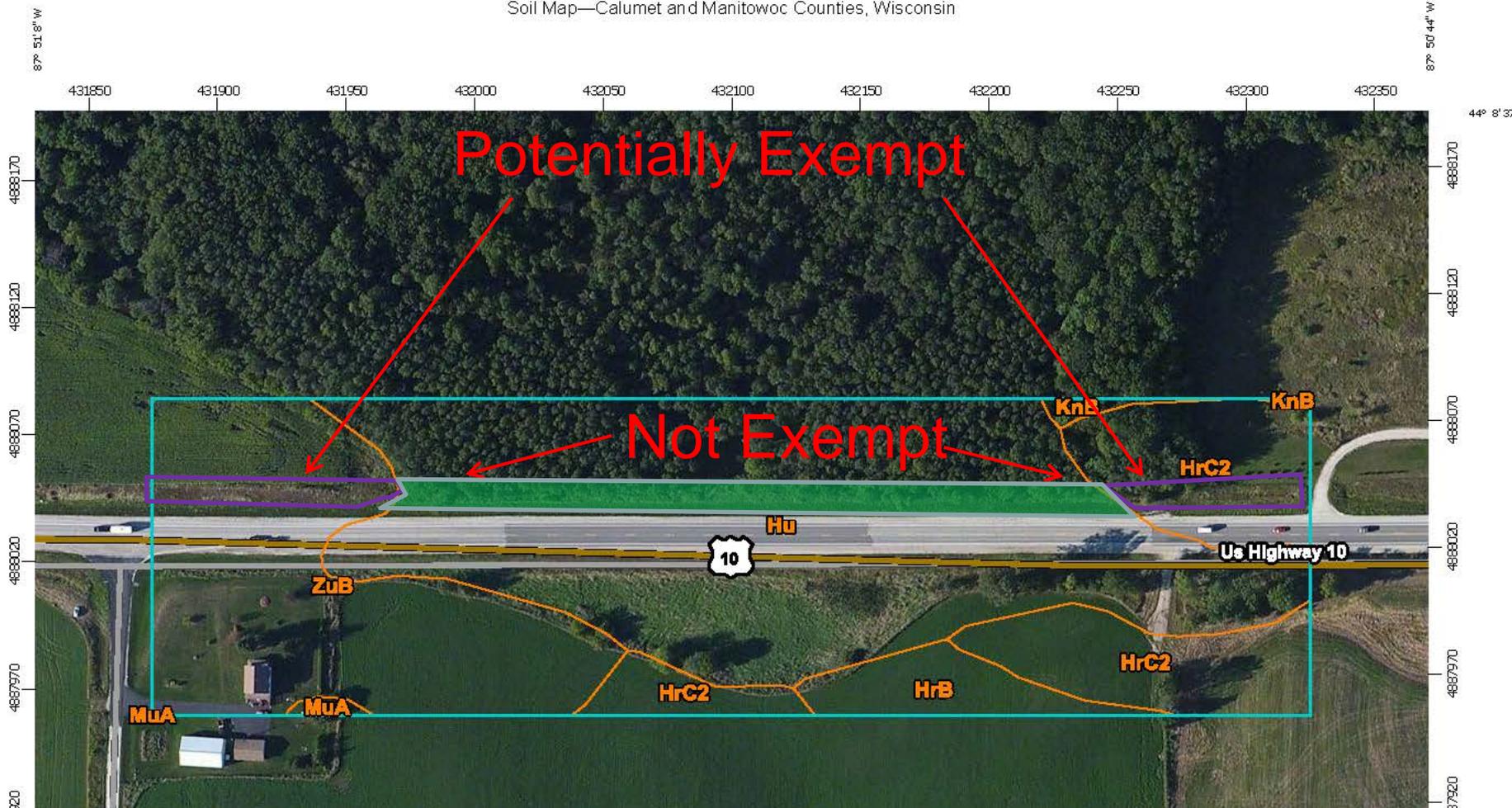
Soil Map—Calumet and Manitowoc Counties, Wisconsin



Exemption Process

Putting the Puzzle Together

Soil Map—Calumet and Manitowoc Counties, Wisconsin





Exemption Process

Putting the Puzzle Together

Does Area Have Wetland History?



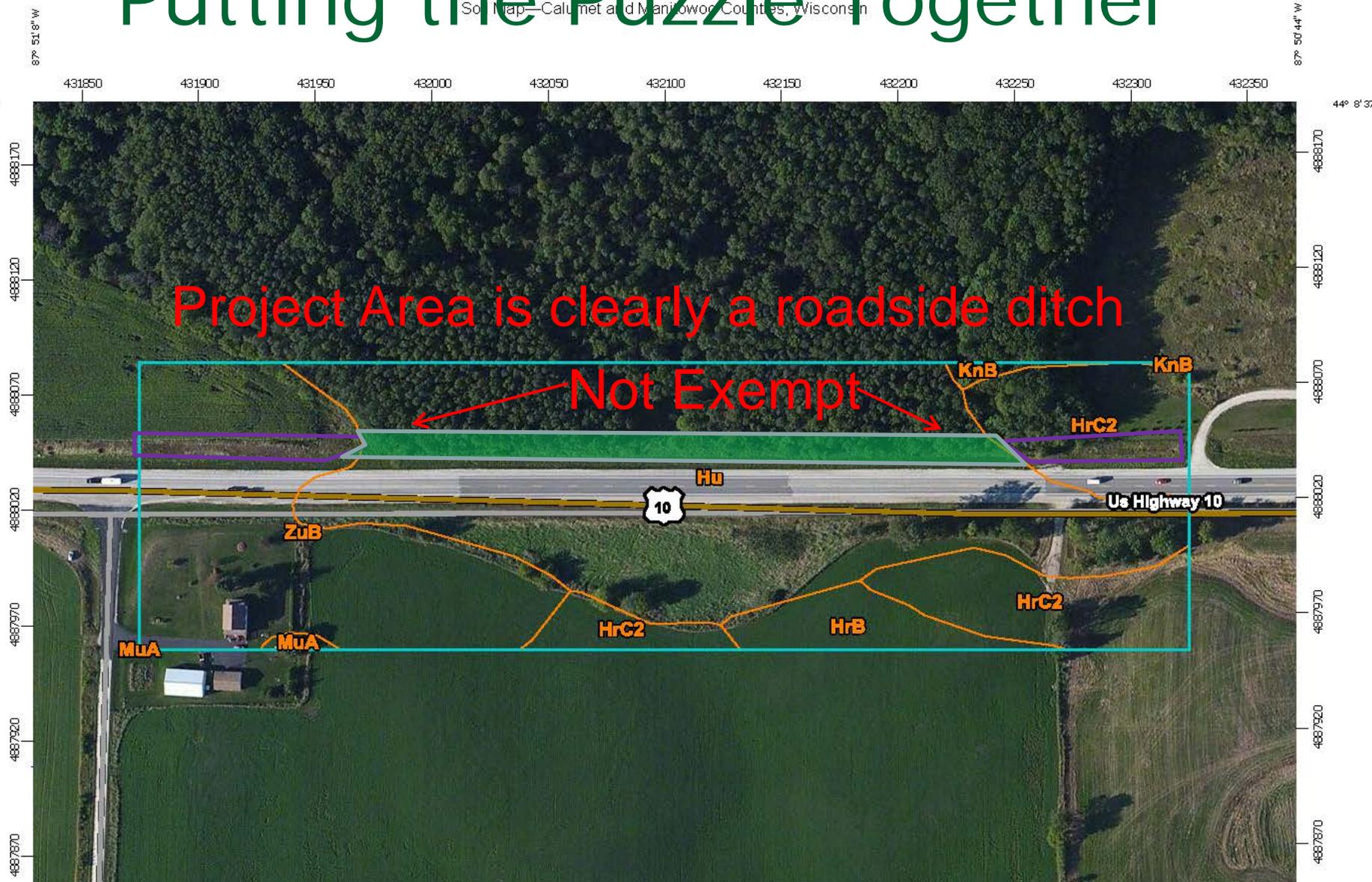
Does Area Meet Exemptions Listed in NR103.06?



Exemption Process

Putting the Puzzle Together

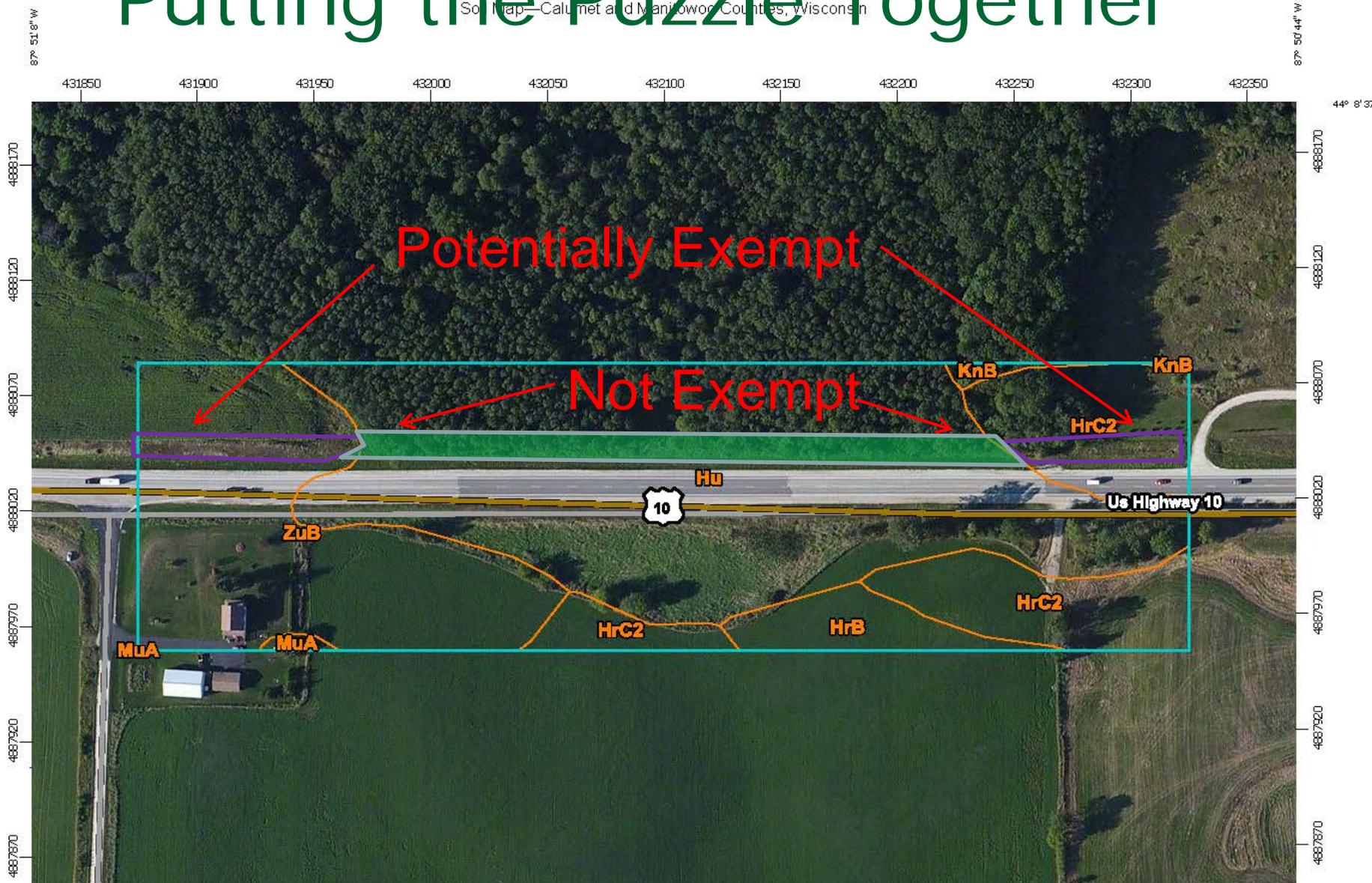
Soil Map—Calumet and Manitowish Counties, Wisconsin



Exemption Process

Putting the Puzzle Together

Soil Map—Calumet and Manitowish Counties, Wisconsin





Exemption Process

Putting the Puzzle Together

Does Area Have Wetland History?



Does Area Meet Exemptions Listed in NR103.06?

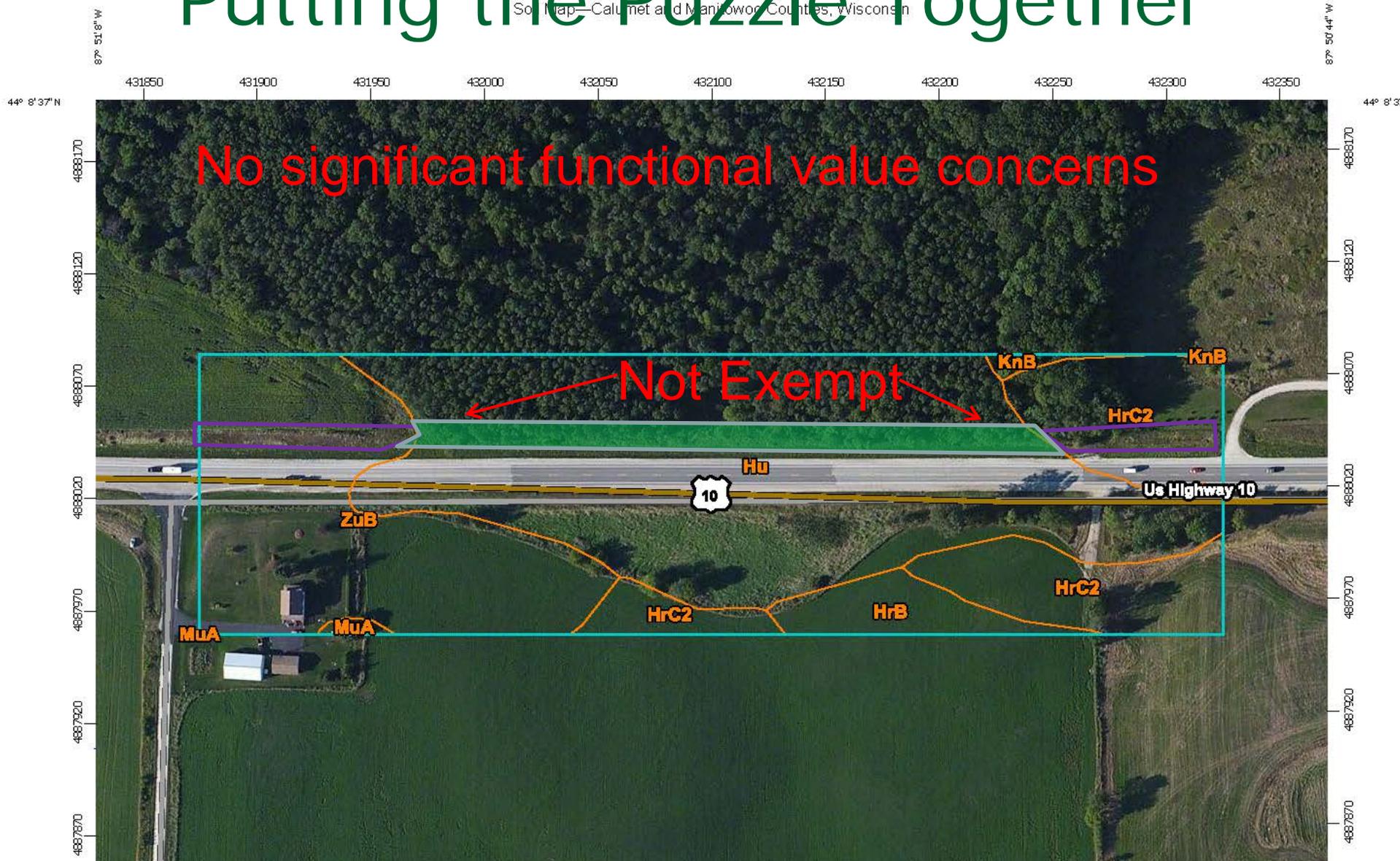


Are There Significant Functional Value Concerns?

Exemption Process

Putting the Puzzle Together

Soil Map—Calumet and Manitowish Counties, Wisconsin



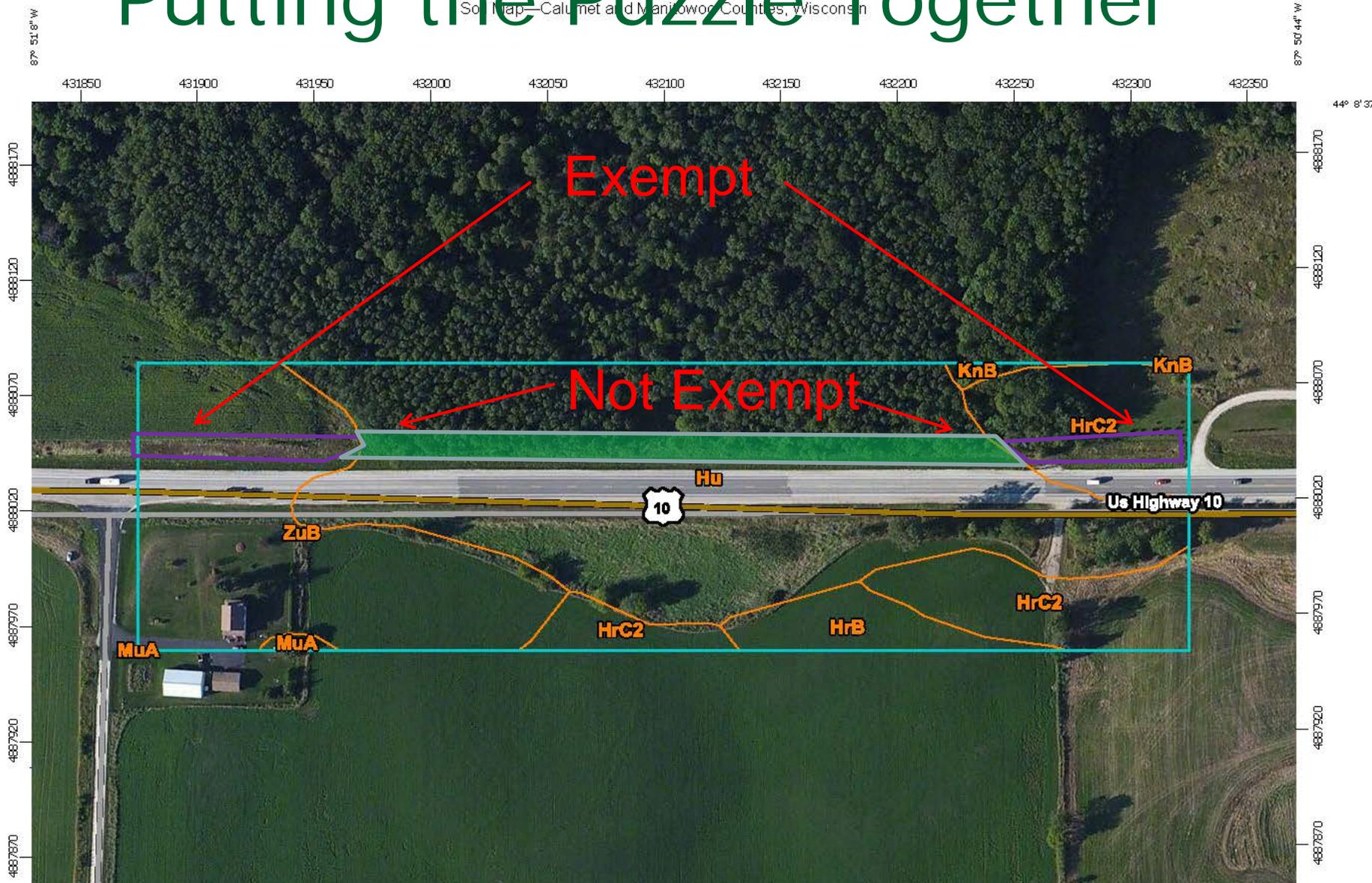
No significant functional value concerns

Not Exempt

Exemption Process

Putting the Puzzle Together

Soil Map—Calumet and Manitowish Counties, Wisconsin





Artificial Exemption Submittals

Helpful Hints:

1. Only required if impacts are expected to feature
2. Provide as much documentation as possible (see checklist)
 1. Consider including historic mapping
3. Field data from a representative area is best, most powerful information.
 1. Must be representative of historic conditions
 2. Soils are usually best piece of information



Sources of Historic Information

1. Aerial Photographs:

- <http://maps.sco.wisc.edu/WHAIFinder/>

2. Original Land Survey Records

- <http://digicoll.library.wisc.edu/SurveyNotes/SurveyNotesHome.html>

3. Bordner Survey Records

- <http://digicoll.library.wisc.edu/WebZ/initialize?sessionid=0&active=1&next=html/search.html&bad=html/search.html&javascript=true&dbname=EcoNatRes&dbchoice=1&entityCurrentPage=Search1&style=EcoNatRes>

