Checklist for Nonfederal Wetland Exemption Determination

The DNR defines a nonfederal wetland to be a wetland that is not subject to federal jurisdiction under 33 USC 1344. Only the U.S. Army Corp of Engineers can make an approved jurisdictional determination to determine if a wetland is a federally jurisdictional wetland. To request a jurisdictional determination, visit http://www.mvp.usace.army.mil/Missions/Regulatory/Delineation/.

The following attachments must be included with nonfederal wetland exemption determination submittals:

- A map showing the wetland(s) you would like the exemption review completed on
- An approved federal jurisdictional determination specifying the wetland is a nonfederal wetland
- Wetland delineation information including a delineation report, delineation data form(s), and delineation map
- Documentation if the wetland is an urban wetland or a rural wetland. An urban wetland is located in an incorporated area, within one-half mile of an incorporated area, or in a town that is served by a sewerage system. All other wetlands are considered rural wetlands.
  - Documentation may include a sewerage bill, site map or other documentation that clearly indicates if the wetland is in an urban or rural setting
- A narrative describing the purpose of the project and the total amount of wetland to be impacted
  - Urban wetland projects may not affect more than 1 acre of wetlands per parcel
  - Rural wetland projects may not affect more than 3 acres of wetlands per parcel
- A statement/narrative from a qualified professional explaining how the wetland meets the nonfederal wetland exemption criteria. This statement must include the following:
  - Evidence/documentation that urban wetland projects will comply with all applicable storm water management zoning ordinance enacted under ss. 59.693, 60.627, 61.354, or 62.234, Wis. Stat., or WPDES storm water permits
  - Evidence/documentation that rural wetland projects relate to a structure, such as a building, driveway, or road, with an agricultural purpose
- A botanical survey demonstrating the quality of the wetland complex to be impacted
  - “Rare and high quality wetlands” cannot be impacted under this exemption, and are defined as wetlands directly adjacent or contiguous to a class 1 or class II trout stream or that consists of 75 percent or more of any of the following wetland types: Alder thicket, Calcareous fen, coniferous swamp, coniferous bog, floodplain forest, hardwood swamp, interdunal wetland, open bog, ridge and swale complex, deep marsh, or sedge meadow. Additional information is available at https://dnr.wi.gov/topic/Waterways/construction/wetlands.html.
- Site Photographs
  - Photographs must clearly show the wetland area(s) as well as the surrounding landscape
- Supporting technical information including soil survey maps, Wisconsin wetland inventory map, and topographical map
- Mitigation summary worksheet, if applicable
  - Mitigation is required for urban projects that impact between 10,000 square feet and 1 acre of wetland and rural projects that impact between 1.5 and 3 acres of wetland. Additional information is available at https://dnr.wi.gov/TOPIC/WETLANDS/mitigation/.

Additional documentation that may be useful and/or required as part of your artificial wetland exemption determination:

- Construction plans
- Previous wetland delineations
- Previous agency approvals