

## 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 delineating 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