WISCONSIN REALTORS® ASSOCIATION
4801 Forest Run Road
Madison, Wisconsin 53704

ADDENDUM W - WETLANDS

USE FOR SALE OR LEASE OF PROPERTY THAT CONTAINS OR MAY CONTAIN WETLANDS.
This Addendum is attached to and made part of the Offer to Purchase/Lease dated _____
made by the Buyer, _____ with respect to the property at
_____ , Wisconsin (Property).

■ **WETLANDS NOTICE:** It is in the Buyer's best interest to determine if the Property contains wetlands **prior** to the purchase or lease of the Property because:

- **Wetlands are not suitable for development.**
  Building in wetlands is not recommended because it increases the likelihood of flooding and structural failures.
- **State and federal laws require permits before wetlands can be built upon or impacted.**
  State wetland permit information from the Wisconsin Department of Natural Resources can be found at http://dnr.wi.gov/wetlands/programs.html. Federal wetland permit information from the U.S. Army Corps of Engineers can be found at http://www.mvp.usace.army.mil/regulatory/. Also, check for local permits. Note, not all projects will be eligible for permits. Construction in wetlands without permits will result in enforcement action - requiring removal of structures, wetland restoration, and potential fines.

To determine if a property contains wetlands. Wetlands are identified based on the presence of three characteristics: hydric soils (soils indicative of wet conditions), wetland plants, and seasonal water; however, many wetlands do not have standing water for much of the year. Buyer can review maps and other resources for *Locating Wetlands* at http://dnr.wi.gov/wetlands/locating.html. Professional assistance is often needed to verify the presence or absence of wetlands (see http://dnr.wi.gov/wetlands/delineation.html for information).

Wisconsin Wetlands. Wetlands may be perceived as an amenity or a liability depending upon the desired use of the property, however all wetlands provide important ecological functions. Wisconsin has 12 types of wetlands including: marshes, meadows, wooded swamps, bogs, fens and others. Descriptions and photographs can be found at http://www.wisconsinwetlands.org/wetlofwisc.htm.

■ **SELLER INFORMATION**

Buyer has inquired of Seller who has indicated that Seller (check one):

1. ☐ Does ☐ Does not have notice or knowledge that the Property contains wetlands.
2. ☐ Does ☐ Does not have notice or knowledge that the Property contains lakes, ponds, streams, or drainage ditches.
3. ☐ Does ☐ Does not have notice or knowledge that the Property contains standing water or areas where water collects at or near the soil surface between March-November in most years.

Note: *Seller's lack of knowledge does not confirm the absence of wetlands.*

THE WETLAND EVALUATION CONTINGENCY IS PART OF THIS ADDENDUM IF THE BOX PRECEDING THE CONTINGENCY IS MARKED, SUCH AS WITH AN "X". IT IS NOT PART OF THIS ADDENDUM IF THE BOX IS MARKED N/A OR LEFT BLANK.

☐ **WETLAND EVALUATION CONTINGENCY:** This Offer is contingent upon Buyer obtaining a written report which determines if there are wetlands at the Property within _____ days of acceptance of this Offer. Buyer shall arrange for a wetland delineation professional to conduct an on-site evaluation of the Property and prepare a written report, at buyer's cost, unless otherwise agreed in writing. This contingency shall be deemed satisfied unless Buyer delivers a copy of a wetland delineation report to Seller, and the listing broker if Property is listed, which shows the presence of wetlands on the property, within five days of the earlier of: 1) Buyer's receipt of the report or 2) the deadline for Buyer obtaining said report. If the report shows wetlands on the Property (Seller shall provide Buyer with a credit of $_____ /wetland acre at closing) (Buyer may rescind this Offer) (_____
_____
_____) STRIKE AND COMPLETE AS APPLICABLE.

By initialing and dating below, the Parties acknowledge that they have received and read a copy of this Addendum.

_____	_____	_____	_____
Buyer(s) Initials	Date	Seller(s) Initials	Date

This Addendum W was developed in cooperation with the Department of Natural Resources.
Drafted by: Attorney Debra Peterson Conrad, Wisconsin REALTORS® Association (2008)
No representation is made as to the legal validity of any provision or the adequacy of any provision in any specific transaction.