

Nonfederal Wetland Exemption Determination Request Instructions

The DNR defines a nonfederal wetland as 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 USACE jurisdictional determination, visit <http://www.mvp.usace.army.mil/Missions/Regulatory/Delineation/>.

To apply:

- Apply online using our online ePermitting System at <http://dnr.wisconsin.gov/permits/water>.
- Include all required attachments. Each document must be less than 15 megabytes and our online system offers a help guide to reduce file sizes. The overall application must be less than 200 MB or it cannot be processed.
- Exemption request processing review times begin when all of the required application materials are received by the DNR. The DNR may require additional information to evaluate the project.
- If you have questions regarding your application, use the “Ask for Help” support tool in ePermitting.

Prior to starting any work at the project site, you are responsible for all necessary:

- Local or county permits, such as shoreland zoning, floodplain zoning, etc.
- U.S. Army Corps of Engineers (USACE) permits or approvals.
- Tribal permits or approvals.
- Any other applicable state of Wisconsin permits or approvals.

Required attachments - Forms or documents you upload in the online ePermitting System:

1. **USACE Jurisdictional Determination** - An approved federal jurisdictional determination specifying the wetland is a nonfederal wetland.
2. **Wetland Map** – A wetland delineation map that clearly depicts an accurate wetland boundary and labels the wetlands requested for review.
3. **Purpose and Proposed Impacts** - A narrative describing the purpose of the project and the total amount of wetland to be impacted.

Note:

- 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 and the development must be related to the construction of a structure with an agricultural purpose such as a building, driveway, or road.
4. **Urban or Rural Area Statement** - Documentation showing whether 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 area.

5. **Exemption Statement** - A statement or narrative from a qualified professional explaining how the wetland meets the nonfederal wetland exemption criteria. This statement must include the following:
 - a. 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. Stats., or WPDES storm water permits.
 - b. Documentation that rural wetland projects relate to a structure, such as a building, driveway, or road, with an agricultural purpose.
6. **Botanical Survey** – A survey demonstrating the quality of the wetland complex to be impacted. A rare and high quality wetland cannot be impacted under this exemption. A rare and high quality wetland is defined as either of the following:
 - a. Wetlands directly adjacent or contiguous to a class 1 or class II trout stream.
 - b. Wetlands with 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 (https://dnr.wisconsin.gov/sites/default/files/topic/Wetlands/Key_To_Wetland_Communities_2022.pdf).
7. **Photographs** that clearly show the on-the-ground conditions of the existing project areas. Remember that too much snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference. Color images are preferred.
8. **Mitigation Summary Worksheet** – Submit a Mitigation Summary Worksheet (<https://dnr.wisconsin.gov/sites/default/files/topic/Wetlands/mitigation/MitigationSummaryForm.pdf>) if applicable. Wetland mitigation is required for nonfederal exemptions for urban projects that affect more than 10,000 square feet of wetland and for rural projects that affect more than 1.5 acres of wetland.

Additional documentation that is not required but may be useful include:

- Previous construction plans
- Previous wetland delineations
- Previous wetland approvals