

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster St.
Madison, WI, 53707-7921

Tony Evers, Governor

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3/25/2024

Mandel Group
Daniel Romnek
330 E. Kilbourn Avenue, Suite 600 South
Milwaukee, WI 53202

EXE-SE-2024-68-00600

RE: Artificial Wetland Exemption Determination for an area described as Wetland 1 located in the City of Waukesha, Waukesha County

Dear Daniel Romnek:

This letter is in response to your request for an artificial wetland exemption determination for Wetland 1

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation: 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area and 2) a wetland created as a result of a wetland mitigation requirement. In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Site photographs that show different angles and views of the wetland
- Historic Maps such as the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and/or soil mapping

Conclusion:

Based upon the information provided above, the wetland identified as Wetland 1, lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards. Therefore, Wetland 1 is exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetland 1 and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetland 1, you will need to contact the U.S. Army Corps of Engineers.

If you have any questions, please call me at (608) 800-1643 or email Thomas.Pearce@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Pearce'.

Tom Pearce
Water Management Specialist

Copy to:

Jennifer Hubert, USACE Project Manager
Doug Koehler, City Zoning Administrator
Aaron Koch, Pinnacle Engineering Group

Figure 1: Map of wetland area reviewed (referred to above as Wetland 1)

