

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
625 E County Rd Y Suite 700
Oshkosh, WI, 54901



June 3, 2024

EXE-NE-2024-71-01475

Dax Connely
PO Box 546
Delavan, WI 53115

RE: Artificial Wetland Exemption Determination for an area described as Wetland 1 located at Kunes Fox Valley RV in the Town of Clayton, Winnebago County

Dear Mr. Connely:

This letter is in response to your request for an artificial wetland exemption determination for the above mentioned wetlands.

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 (920) 718-0890 or email eric.stadig@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Stadig', with a large, sweeping flourish extending to the right.

Eric Stadig
Water Management Specialist

Copy to:

Allison Willman, WDNR WMS / Wetlands Expert
Joshua Voelker, WDNR Conservation Warden
Winnebago County Zoning Office
Shyann Banker, Evergreen Consultants
Chad Fradette, Evergreen Consultants
Wetland file

From Narrative Submitted to Department:

Kunes Fox Valley RV
 Wetland Exemption
 Narrative

Artificial Exemption is being requested for part of Wetland 1, 4,123 square feet. It is our opinion that Wetland 1 meets the definition of an artificial wetland as defined in WI Statute 281.36 (4n)(a)1. Wetland 1 is an excavated stormwater ditch that was constructed during business expansion. The remainder 86 square feet falls under the Non-Federal exemption that was submitted on 05/20/2024 to the DNR by Shyann Banker, Evergreen Consultants.



Table 1. Summary of Wetlands Identified within the Study Area

Wetland ID	Wetland Description	Cowardin Classification	*Surface Water Connections	*NR151 Protective Area	Acreage On-site
Wetland 1	Wet Meadow within an excavated stormwater ditch	PEM1Bx	No connection to surface water	Less susceptible, 10-30 feet	4,209 sf 0.097 acres