

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Oshkosh, WI, 54901

Tony Evers, Governor
Adam N. Payne, Secretary
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May 9, 2023

Christopher Berkers
1401 Arbor Way
Kaukauna, WI 54130

EXE-NE-2023-45-01230

RE: Artificial Wetland Exemption Determination for an area described as Wetland 3-E located in the SE ¼, SE ¼, Section 11, Township 21 North, Range 18 East, City of Kaukauna, Outagamie County

Dear Mr. Berkers:

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 3-E lacked a wetland history prior to August 1, 1991 and fulfills all artificial wetland exemption standards. Therefore, Wetland 3-E is exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetland 3-E and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of this wetland, you will need to contact the U.S. Army Corps of Engineers.

If you have any questions, please call me at (608) 235-2057 or email Allison.Willman@wisconsin.gov.

Sincerely,

Allison Willman
Water Management Specialist

Enclosures:

Wetland Delineation/Exemption Location Figures

Copy to:

US Army Corps of Engineers

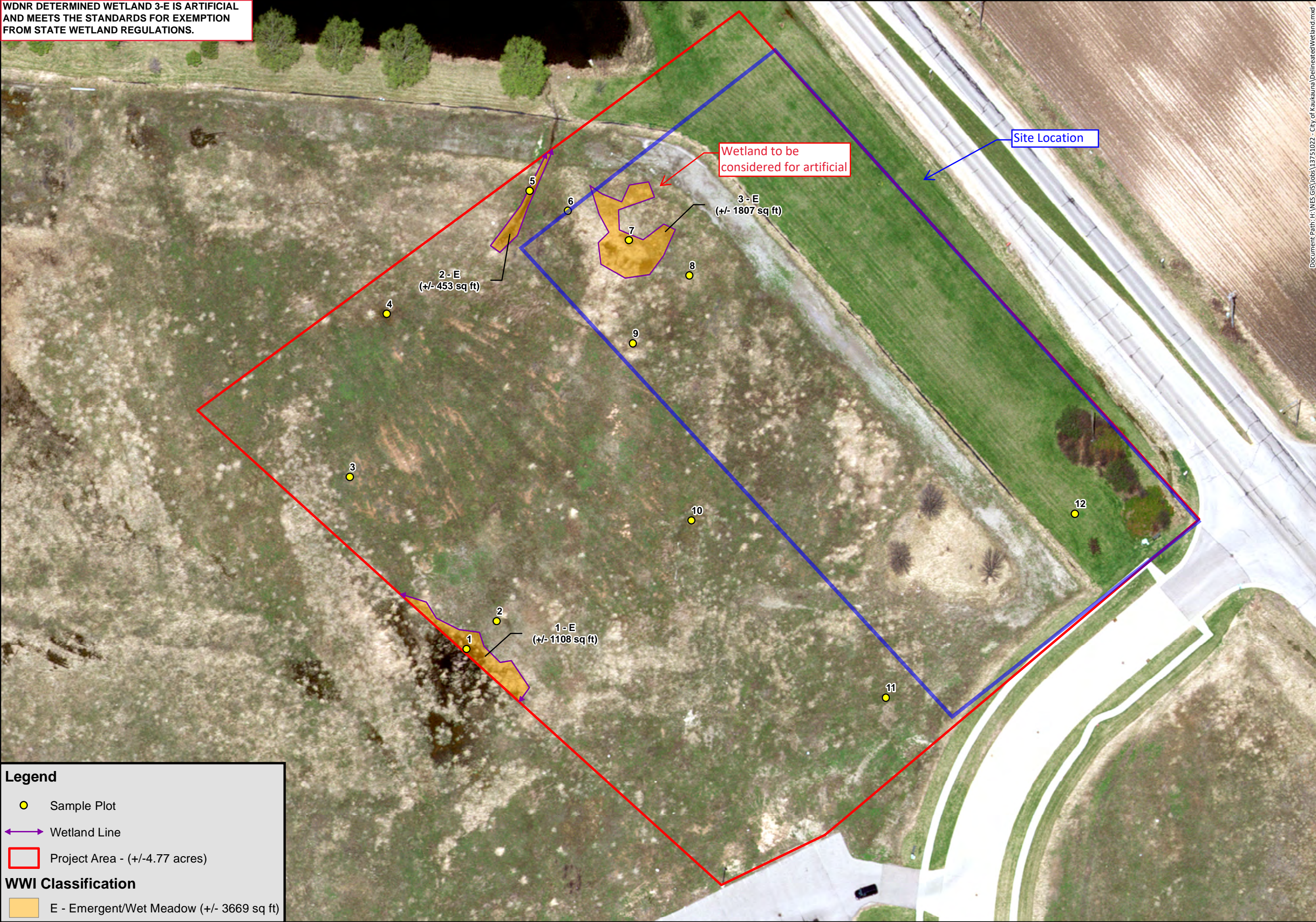
Stacy Jepson, Cedar Corporation

Kathi Kramasz, DNR Water Management Specialist

Steve Swanson, Outagamie County

Mary Bisch, DNR Conservation Warden

WDNR DETERMINED WETLAND 3-E IS ARTIFICIAL AND MEETS THE STANDARDS FOR EXEMPTION FROM STATE WETLAND REGULATIONS.



Legend

- Sample Plot
- Wetland Line
- Project Area - (+/-4.77 acres)

WWI Classification

- E - Emergent/Wet Meadow (+/- 3669 sq ft)

NES
ECOLOGICAL SERVICES
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Delineated Wetland

5/1/2018

City of Kaukauna
Wetland Delineation
NES Project No. 13751022
City of Kaukauna
Outagamie County, Wisconsin

Sources: Robert E. Lee & Associates, Inc., Outagamie County

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