



October 17, 2024

John Donovan
1830 Meadow Lane, Suite A
Pewaukee, WI
53072
[sent electronically]

EXE-SC-2024-28-03295

RE: Artificial Wetland Exemption Determination for an area described as **Wetland 1** located on parcel 291-0815-0642-006 in the City of Watertown, Jefferson County

Dear Mr. Donovan,

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
- Historic Maps, including the Original Land Survey Plat, Bordner Survey, the USGS topographic Quad maps from 1959-present, and soil mapping
- Aerial photographs, including the 1937/8 era photograph, pre-construction aerials, and a post-construction photograph
- Site photographs that show different angles and views of the wetland
- The wetland delineation report

Below is a summary of our findings:

Request Narrative

According to the request narrative, **Wetland 1** “developed on the Property due to anthropogenic activities that have changed the landscape and hydrology. The basis for a determination of artificial wetlands is that wetland characteristics formed within documented upland areas due to road construction to the west and berm construction to the south and west which has caused water to impound and concentrate in the area.”

Historic Map Review

- Original Land Survey Plat. The original land survey indicates no wetland history in the location of **Wetland 1**. **Wetland 1** does have stream history as indicated in the original sketch map.
- Bordner Survey. The Bordner survey maps the area of **Wetland 1** cleared crop land.
- 1959-present USGS Topographic Quad map: The 1959 through present USGS Quad maps indicate no wetland history in the location of **Wetland 1**.
- Soil Maps. The soil maps indicate that **Wetland 1** has Lamartine silt loam and Juneau silt loam, both are classified as nonhydric soils. The delineation report found silty clay loam within 0-13 inches and silty clay within 13-24 with a thick dark surface and redox.

Aerial Photograph Review

- The 1937/38 aerial shows that **Wetland 1** is situated in what appears to be an agricultural field with a soil wetness signature.
- The 1955 aerial shows a soil wetness signature in the area of **Wetland 1**.
- The 1956 and 1957 aerials show no apparent wetland signatures in in the area of **Wetland 1**.
- The 1971 aerial shows a slight soil wetness signature in the area of **Wetland 1**.
- The 1979, 1980, and 1981 aerials show no apparent wetland signatures in in the area of **Wetland 1**.
- The 1982 aerial shows a soil wetness signature in the area of **Wetland 1**.
- The 1983 aerial shows no apparent wetland signatures in in the area of **Wetland 1**.
- The 1984 and 1985 aerials show the same signature as the 1982 aerial where there is a distinct signature shape with crop stress around it in the area of **Wetland 1**.
- The provided 1986 FSA slide shows no apparent wetland signatures in in the area of **Wetland 1**, but a historic aerial from that same year shows a stark soil wetness signature in the area of **Wetland 1**.
- The 1987 aerial shows a soil wetness signature in the area of **Wetland 1**.
- The 1988, 1989, and 1990 aerials show no apparent wetland signatures in in the area of **Wetland 1**.
- Post-1991:
 - The 1992-2005 aerials show soil wetness signatures.
 - The 2006 aerial shows that a pond has been created to the south of **Wetland 1** and there are vegetation pattern changes that area. From 2006 on, the same features and wetland signatures appear in the aerials.

Soil wetness and crop stress are types of wetland signature.

Site Photographs

The site photographs show that **Wetland 1** is a heavily vegetated area situated in a field.

Conclusion

Based upon the information provided above, the wetland identified as **Wetland 1** had a wetland history prior to August 1, 1991 and is not 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 (414) 531-0305 or email francesca.sanchez@wisconsin.gov.

Sincerely,



Francesca Sanchez
Water Management Specialist

Copy to:

Jennifer Hubert, USACE Project Manager
Matthew Stangel, Heartland Ecological Group