



APPENDIX F



October 31, 2018

EXE-SC-2018-13-03564

City of Verona
Theran Jacobson
410 Investment Court
Verona, WI 53593

RE: Artificial Wetland Exemption Determination for an area described as Wetlands 1-12, located in the NE1/4 of the NE1/4 of Section 27, Township 06 North, Range 08 East, Town of Verona, Dane County

Dear Mr. Jacobson:

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 Verona USGS topographic Quad map from 1962, and soil mapping.
- Aerial photographs, including the 1937/8 era photograph, a pre-construction photograph, and a post-construction photograph.
- Site photographs that show different angles and views of the wetland

Below is a summary of our findings:

Request Narrative

According to the request narrative. In 2018 twelve wetlands were delineated on the project parcel totaling 82,626 sq. ft. (1.90 acres). There is historical evidence of a non-navigable intermittent stream crossing the middle of the parcel prior to the development of the parcel. With the exception of Wetland 1 and portions of Wetland 5 within this intermittent stream, all wetlands on the parcel

are believed to be artificial and therefore exempt under Administrative Code NR 103.06. Exempt wetlands total 56,692 sq. ft. (1.30 acres). Figure 3 shows the exempt wetlands. A lack of historic evidence of wetlands or streams within the 2018 delineated wetlands coupled with significant changes to the site topography and related hydrology through earthwork, impervious surface creation and material stockpiling (as documented in the 2018 Wetland Delineation Report) supports this claim.

Historic Map Review

Original Land Survey Plat. The original land survey indicates Intermittent stream shown passing through middle of site south to north coinciding with Wetland 1 and portions of Wetland 5. Not cropped area at north boundary where stream leaves site coincides with Wetland 1. Saturated soils visible in NE portion, but does not coincide with any 2018

Bordner Survey: Shows an intermittent stream passing through middle of site south to north.

Verona Topographic Map (1962): Shows an intermittent stream passing through middle of site south to north.

Soils Map: Shows hydric inclusions in a small area no coinciding with delineated wetlands.

Aerial Photograph Review

1937/38 era aerial photograph. The 1937/38 aerial photograph shows intermittent stream passing through middle of site south to north.

Conclusion:

- Based upon the information provided above, the wetland identified as Wetlands 2-4 and 6-12 lacked a wetland history prior to August 1, 1991 and fulfills all artificial wetland exemption standards. Therefore, wetlands 2-4, 5a,b,c,d and 6-12 are exempt from state wetland regulations.
- Wetlands 1 and 5 had a wetland history prior to August 1, 1991 and is associated with stream history; therefore, are not exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of Wetlands 1-12 and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetlands 1-12, you will need to contact the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers contact for Dane County is Kerrie Hauser. Kerrie Hauser can be reached at (651) 290-5903.

If you have any questions about this determination, please contact me at (608) 275-3228 or email Jeff.Schure@wisconsin.gov.

Sincerely,

Jeff J. Schure

Jeff Schure

Wetland Exemption Specialist

cc: Kerrie Hauser, U.S. Army Corps of Engineers
 Wendy Peich, WMS, DNR
 Mark Gonzalez, MSA Professional Services, Consultant

