

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

**Tony Evers, Governor**  
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**April 25, 2024**

**EXE-NE-2024-71-01040**

Derek Liebhauser  
2065 American Drive Suite A  
Neenah, WI 54956  
[sent electronically]

RE: Nonfederal Wetland Exemption Determination for an area described as Wetland 2 located in the Town of Clayton, Winnebago County

Dear Mr. Liebhauser:

This letter is in response to your request for a nonfederal wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), Wis. Stats., a nonfederal urban wetland is a wetland that is not federally jurisdictional. Projects impacting nonfederal wetlands in urban areas must be less than 1 acre of total impact per parcel. Mitigation will be required for impacts greater than 10,000 sq ft up to 1 acre. The applicant must have a nonfederal jurisdictional determination from the Army Corps of Engineers along with a map of the wetland(s) involved. In addition, DNR must also consider whether the nonfederal wetland is a rare and high quality wetland as defined in s 281.36(4n), Wis. Stat.

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

- The request narrative including project scope and purpose
- Site location map and photographs that show different angles and views of the wetland
- Botanical survey results
- Wetland delineation information
- Previous WDNR Permit information
- Army Corps of Engineers Determination

Below is a summary of our findings:

### **Request Narrative**

According to the request narrative the total wetland impacts will be 8987 SF. The purpose of this project is the site is proposed to be developed into a residential lot. The lot is located within one-half mile of an urban area qualifying for the urban exemption.

### **Site Location and Photographs**

The site location confirms that the wetland is located in an urban area.

### **Botanical Survey**

The botanical survey demonstrations that the wetland is not a rare and high-quality wetland.

### **Wetland Delineation Information**

The wetland delineation shows this area is classified as ruderal wet meadow, not classified as high quality, and the dominant vegetation observed in the wetland area as an *Amaranthus spp.*

### **Stormwater Compliance Information**

The documentation demonstrated that the project will be completed in compliance with applicable WPDES stormwater permits and stormwater ordinances adopted under s. 59.693, 60.627, 61.354, or 62.234, Wis. Stats.

### **Conclusion:**

Based upon the documentation provided above, the project meets the eligibility criteria pursuant to s. 281.36 (4n), State Stat. You are able to proceed with this project. If you have any questions or would like to schedule a meeting to discuss this approval, please call me at (920) 718-0890 or email [eric.stadig@wisconsin.gov](mailto:eric.stadig@wisconsin.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Stadig', with a stylized flourish at the end.

Eric Stadig  
Water Management Specialist

Email CC:

*Ryan Huber, USACOE Project Manager  
Winnebago County Zoning Administrator  
Joshua Voelker, WDNR Conservation Warden  
Kyle Ziolek, McMahon Associates (contractor)  
Waterway/Wetland File*

# Wetland Delineation Overview Map

## Farrel Land

Part of Sec. 24, T20N, R16E, Town of Clayton, Winnebago County, WI

For: Grounded Property Group, LLC

Spring 2020



0 112.5 225 450 675 900 Feet  
1 inch = 450 feet

### Legend

- Project Scope
- Wetland Boundary
- Approximate Offsite Wetland Boundary
- Approximate Tile Location
- Approx Tile Vent



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