

WHAT IS A WETLAND?

Wetlands come in many different sizes and types, so it is difficult to explain in a simple manner what is and what is not a wetland. In general, wetlands have three primary characteristics (1) a dominance of water-loving plants; (2) wet or saturated soils; and (3) evidence of water. Many wetland types are only wet part of the year. In fact, some wetlands never have standing water in them at all. Wisconsin has more than a dozen different kinds of wetlands - everything from forests, to meadows, prairies, shrub thickets and even ephemeral or seasonal ponds. People sometimes call wetlands by other names, such as marshes, swamps, or bottom lands.

REGULATED ACTIVITIES:

Filling—Placing dredged or fill materials into a wetland (e.g. soil, wood chips, sand, gravel, etc.)

Excavating—Removing material from a wetland may require a permit

Grading—Conducting earth work to change the grade or contours of the land may require a permit

Mechanical Clearing—Clearing vegetation (shrubs and trees) from wetlands by bulldozing or grubbing, and removing the root structure may require a permit

Other Activities—Placing structures within a wetland and temporary wetland impacts (e.g. utilities, construction mats, sheds, soils stock piles, etc.) may require a permit

To verify if a proposed activity in wetlands requires a permit please contact the local DNR and ACOE permit review staff, see back of brochure for websites with contact information. These staff may also help inform you of any other activities, such as discharging to or withdrawing water from a wetland, which may require additional or different authorizations.

WHO TO CONTACT:

**Wisconsin Department of
Natural Resources
Waterways & Wetlands Permit Program**

P.O. Box 7921
Madison, WI 53707-7921

Contacts: [http://dnr.wi.gov/topic/
Waterways/about_us/2012Contacts.pdf](http://dnr.wi.gov/topic/Waterways/about_us/2012Contacts.pdf)

[http://dnr.wi.gov/topic/wetlands/
programs.html](http://dnr.wi.gov/topic/wetlands/programs.html)

**U.S. Army Corps of Engineers
St. Paul District Attn: OP-R**

190 Fifth St. E., Ste. 401
St. Paul MN 55101-1638

(800) 290-5847, Ext. 5525
mvp-reg-inquiry@usace.army.mil

Contacts: [http://www.mvp.usace.army.mil/
docs/regulatory/county_assignments/wi/
Corps_Permit_Staff_WI.pdf](http://www.mvp.usace.army.mil/docs/regulatory/county_assignments/wi/Corps_Permit_Staff_WI.pdf)

[http://www.mvp.usace.army.mil/
regulatory/](http://www.mvp.usace.army.mil/regulatory/)

Got Wetlands? Know Before You Buy or Build

READ THIS FIRST!

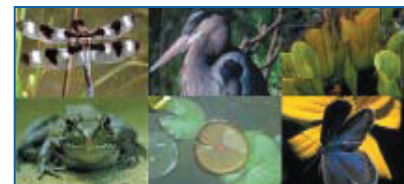
**A guide to state and federal
permits required to work
in or adjacent to Wisconsin's
wetlands.**



Wisconsin Department of Natural Resources

WHAT WETLANDS ARE REGULATED IN WISCONSIN?

The Wisconsin Department of Natural Resources (DNR) regulates all "Waters of the State". Waters of the State generally includes all wetlands, lakes, rivers, streams and ponds. Most Waters of the State are also considered "Waters of the United States" - these waters are regulated by the U.S. Army Corps of Engineers (ACOE). It is important to determine if wetlands are present before you buy or build on a piece of property because certain activities in wetlands are regulated by DNR and the ACOE and state and/or federal permit approvals are required.



WHY ALL THE FUSS ABOUT WETLANDS?

Wetlands benefit people and nature by:

- purifying the water we drink;
- reducing flooding;
- protecting shorelines from erosion;
- providing nurseries for fish and wildlife; and
- providing recreational opportunities to hunt, fish, hike, bird watch and explore.

WETLAND PROTECTION LAWS BENEFIT YOUR FAMILY AND SOCIETY

All humans have the basic need for clean water to drink, and people also want clean water for recreation, such as swimming, boating and fishing. State and federal regulations play a critical role in protecting the quality of Wisconsin waters for the benefit of all citizens.

DOES YOUR PROJECT REQUIRE A STATE WETLAND PERMIT?

Anyone planning a project that proposes wetland impacts will need a permit from DNR approving the proposed wetland impact before proceeding with the project. DNR has two types of wetland permits available, General Permits (GP) and Individual Permits (IP). General Permits are granted for projects that meet all the design, construction and location specifications set by the statewide GP. Projects that do not qualify for a GP require an Individual Permit with a more detailed permit application as these project types are not pre-approved project designs. IP's also require a pre-application meeting, a public notice and compensatory wetland mitigation.

DOES YOUR PROJECT REQUIRE A FEDERAL 404 PERMIT?

Section 404 of the federal Clean Water Act authorizes the ACOE to regulate the discharge of dredged or fill material into "waters of the United States", including most wetlands. A federal 404 permit may be required for discharges including, but not limited to: the placement of fill material; excavation, when excavated material is side cast into of water of the U.S.; levee and dike construction; land grading/leveling; road construction; and the placement of riprap. The ACOE has various permit types designed to apply the appropriate level of review for a wide range of projects. Your project may qualify for a General Permit (GP), Letter of Permission (LOP), Nationwide Permit (NWP) or Individual Permit (IP); depending on the type and amount of proposed impact. The Corps will apply the appropriate review process whenever an application is received.

HOW DO YOU APPLY FOR STATE AND FEDERAL WETLAND PERMITS?

DNR and the ACOE have a joint state and federal permit application available for download at <http://dnr.wi.gov/topic/Waterways/construction/wetlands.html>. Follow the basic steps outlined inside this brochure and submit your application package to the DNR and ACOE offices designated for the project location. For all State Individual Permits a pre-application meeting is required prior to submitting your application, this is optional for projects eligible for a General Permit. You may wish to hire an environmental consultant to help you determine your scope of alternatives, identify your proposed wetland impact, and prepare and submit your application along with the required enclosures as well as schedule and participate in a pre-application meeting.

WILL YOUR STATE PERMIT APPLICATION BE APPROVED?

DNR staff will review your proposed project to determine if it will have significant adverse impacts on the quality of Wisconsin's wetlands and other waters, and will verify that the project avoids and minimizes wetland impacts to maximum extent practicable. Your application will be reviewed by DNR staff within 30 days after receiving your application to determine if the application is complete and for GP's to also determine if the project meets the GP standards. DNR staff will notify you if additional information is needed and/or if an IP permit application is required in lieu of a GP. In addition to the evaluation discussed above, state IP's also require a 30-day public notice, and applicants must provide information describing how they will mitigate for the proposed wetland loss. The majority of state applications are approved, provided you work with DNR throughout the process as outlined inside this brochure. In cases where projects will result in a significant adverse impact to wetlands and other waters, DNR will deny the permit application.

HAVE MORE QUESTIONS? NEED MORE INFORMATION?

Our website includes more detailed information about the wetland permit process and how to determine if your land has wetlands on it. You will also find pre-application meeting information and contacts for DNR and ACOE, and other regulatory agencies that may have jurisdiction over your project.

Visit Our Website:
<http://dnr.wi.gov/topic/Waterways/construction/wetlands.html>



THE DNR WETLAND PERMIT PROCESS:

Half of Wisconsin's wetlands have been destroyed since the 1800's so state and federal laws protect remaining wetlands and permits are required for those projects that propose wetland impacts. This step-by-step guide briefly describes the Wisconsin DNR's wetland permit process, and gives tips for making the process run as smoothly as possible. You can learn more about each step of the permit process, obtain application forms and find contact information for DNR permit review staff by visiting our website at: <http://dnr.wi.gov/topic/Waterways/construction/wetlands.html>.

Please also check with the U.S. Army Corps of Engineers and your local government for detailed information regarding federal and local regulations and permit requirements.

1. Got Wetlands? Know Before You Buy or Build

Wetlands aren't always obvious so it's critical to know if you've got wetlands on property you own or want to buy since state and federal laws require permits to develop within wetland areas. Wetlands provide a poor foundation for structures, such as buildings or roads, as wetland soils can be unstable and flood. So know before you buy or build. Visit our website and learn how to determine if a property contains wetlands <http://dnr.wi.gov/topic/wetlands/locating.html>.

TIP: Our locating wetlands web pages contain videos to help you identify physical wetland clues and a checklist of things to look for when you visit the site.



4. Submit a Complete Application to DNR

Determine the appropriate permit application package and fee to submit for your project – a General Permit (GP) or an Individual Permit (IP). You can determine if your project qualifies for a statewide GP by verifying all eligibility standards and permit conditions are met for the designated project type. If your project does not qualify for a GP, an IP application package must be submitted that includes the required compensatory wetland mitigation. DNR wetland permit applications are available at <http://dnr.wi.gov/topic/Waterways/construction/wetlands.html>. To ensure a timely permit process it is important to submit a complete application package that includes your Practicable Alternatives Analysis (PAA) and other required enclosures.

TIP: Apply for permits early – it is recommended to apply several months in advance of when you would like to start construction.

2. Avoid and Minimize Wetland Impacts

Property owners must document if there are alternatives they can pursue to avoid their project impacting wetlands, including a different site or a different project design or configuration. State and Federal law requires you to minimize project impacts to wetlands to the maximum extent practicable.

TIP: It is important to document all of the avoidance and minimization alternatives you considered as this information is required as part of your permit application process referred to as the Practicable Alternatives Analysis.

3. Coordinate Early with DNR

Discuss your preliminary project proposal with DNR staff to determine what alternatives should be considered to avoid and minimize wetland impacts, what permit type is required, and to identify any compensatory wetland mitigation requirements or other issues. This will help the process go smoothly and increase your chances of obtaining a wetland permit. Prepare for your meeting by filling out our Pre-Application Meeting Checklist at http://dnr.wi.gov/topic/waterways/construction/wetland_ip/wetland_pre_application_checklist.pdf. The pre-application meeting is a requirement for all projects that require an IP and is optional for GP's.

TIP: If federal and/or local permits are also required it is recommended that a joint pre-application meeting be held.

5. DNR Reviews Application & Conducts Site Investigation

DNR permit staff will review your permit application to determine if the application is complete and to verify that you have avoided and minimized wetland impacts to the maximum extent practical. This review will take place within 30-days after DNR receives your application package. Staff may also inspect the proposed site to evaluate the potential impacts to wetlands and other aquatic resources.

TIP: Be sure to submit all the required information with your application, including the Practicable Alternatives Analysis and respond promptly to requests for more information to keep the permit review process moving forward.

6. Permit Decision

If DNR permit review staff determines the project will not result in significant adverse impacts to wetlands or other aquatic resources, and all other permit requirements have been met, a permit can be issued authorizing the project. For projects that qualify for a GP you will receive a letter confirming coverage under the statewide GP. Before a final permit decision can be issued for projects that require an IP you will be required to public notice the project that allows for a 30-day public comment period and the opportunity for the public to request an informational hearing. IPs will receive a permit decision with conditions specific to the project. In some cases you may not receive immediate approval to precede with your project, but DNR staff will explain what issues must be addressed in order for your project to receive approval.

TIP: Following all conditions attached to your approval will ensure your project avoids any delays and will protect wetlands for future generations to enjoy.

BEST TIP:

It is important to verify early in your project planning if wetlands are present and involve DNR and ACOE as soon as possible in the process. State and Federal staff are available to answer questions, give input and help you through the permit process so you can move forward with an approvable project.

