



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary

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January 25, 2010

Dear City, Village or County planning and/or zoning department,

I am writing to notify you of changes in how and when Department staff will be reviewing wetland delineations. Unfortunately, state budget shortfalls and staff vacancies are forcing us to reduce or eliminate some services we have provided in the past. We recognize that these changes will affect planning, zoning and permitting work in your community, so I am writing to explain how our services will change, and offer some options for your communities.

DNR Water Management Specialists will no longer be conducting reviews of wetland delineation reports, where the review is not part of an application for a state waterway or wetland permit. In addition, DNR staff will not be providing concurrence letters for individual wetland boundary determinations. We will provide an annual approval letter to consultants who are assured under DNR's Wetland Delineation Professional Assurance program (more information below), which will constitute concurrence with their delineations for that calendar year.

For property owners who are seeking assistance in identifying wetland boundaries, our staff will refer them to DNR's web pages where they can find a variety of helpful information:

- Wetland Toolkit - <http://dnr.wi.gov/wetlands/locating.html> - tips and maps to help owners assess whether their property is likely to contain wetlands (wetland boundary and extent should be verified with a professional wetland consultant).
- Tips for Hiring a Wetland Consultant - <http://dnr.wi.gov/wetlands/documents/HireConsultant.pdf>
- Consult a Professional - <http://dnr.wi.gov/wetlands/pro.html>
- Wetland Delineation Professional Assurance Program - <http://dnr.wi.gov/wetlands/assurance.html>

When DNR staff receive an application for a waterway or wetland permit, they will require a copy of the wetland delineation report for any project site that includes wetlands. Wetland delineations conducted by non-assured delineators will be reviewed to ensure that the report is complete and the wetland boundary is accurate. Wetland delineations from Assured Wetland Delineators will be presumed to be accurate, but will be reviewed to gain an understanding of the project site's wetland and upland ecological make-up as part of the permit review.

It is important to note that lack of a DNR review of a wetland delineation during project planning does not diminish the landowner's responsibility to comply with all wetland regulations during any land development. A landowner and their consultants are expected to accurately identify wetland and other environmental resources on the property, design land development projects to avoid harm to these resources, and obtain all necessary local, state and federal permits before a project commences. If inaccurate wetland delineations are identified later in the land development process, landowners will be responsible for making corrections to ensure compliance with the law. These corrections could require modification of project plans and/or removal of unauthorized wetland fill.

In an attempt to provide a level of confidence for wetland determinations during early project planning, the department is administering the Wetland Delineation Professional Assurance Program. Although the program is not a replacement for wetland regulatory requirements, the goal is to provide property owners with a high level of certainty about wetland boundaries for project planning, while enhancing protection for Wisconsin's wetlands

through more accurate wetland delineations. For more information about this program, refer to the web page referenced above.

We appreciate our ongoing partnership with you to protect wetlands through local and state regulations, and recognize that these changes will affect your work. You may wish to consider some of the following approaches to ensure continued maximum wetland protection in your planning and permit decisions:

1. Conduct wetland delineation reviews and concurrences with trained local staff.
2. Hire a consultant to review delineations for your municipality. An Assured Delineator has the highest level of training, experience and education to perform this work.
3. Continue to rely upon local Army Corps of Engineers staff who review wetland delineation reports
4. Require all applicants to use Assured Delineators.

Thank you for your understanding of the difficult workload decisions we have had to make. If you have any questions about these changes, please contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Liesa Lehmann". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Liesa Lehmann  
Waterway Protection Section Chief  
Bureau of Watershed Management  
(608) 264-8554