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Governor Walker Passes Wisconsin Wetland Act 183

By Abby Maslanka, E.I.T.

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On March 28th, 2018, Governor Scott Walker signed Wisconsin Act 183, formerly known as Assembly Bill 547. Find out how the publication of Act 183 affects your project's wetlands, including important enactment dates, inspection procedures, and permitting for discharge and dredging.

Assembly Bill 547 was first introduced in October of 2017. After months of discussion and three amendments, this widely discussed "wetland bill" was signed into law as Wisconsin Act 183. This act lengthens the time a wetland delineation is valid for non-federal wetlands and modifies the wetland permitting procedures required during the civil planning period of most private and public development projects.

In general, the bill can be broken down into two sections: delineations and permitting. Firstly, non-federal wetland delineations are now valid for 15 years. A **non-federal wetland** is generally a wetland disconnected from navigable waterways that the U.S. Army Corps of Engineers (USACE) has determined to be non-jurisdictional. The USACE generally takes 90 days to produce a jurisdictional determination (JD) to qualify a wetland as federal or non-federal. Secondly, the permitting process for filling or dredging a wetland has been modified according to the wetland size and type, including different paths for **artificial, federal, and non-federal wetlands**. See the attached Figure 1 to determine the path best fit for your project.

The 15-year concurrence extension is active immediately, applicable retroactively to January 1, 2003. If you have a project site that has had an approved wetland delineation in the past 15 years that you intend to develop further, we recommend getting a JD from the USACE as soon as possible.

The new permitting system highlighted in the flowchart below will be adopted July 1st, 2018. At the time of writing, the Wisconsin Department of Natural Resources (DNR) has not made a statement regarding how this new permitting process will be adopted, but Martenson & Eisele will be ready to assist you when the new process has been officially defined.

Still have questions about your site's wetlands? Give us a call at **920-731-0381** for more information on the wetland permitting process or for our environmental scientist, Stacy Jepson, to get you a quote on a DNR assured wetland delineation.



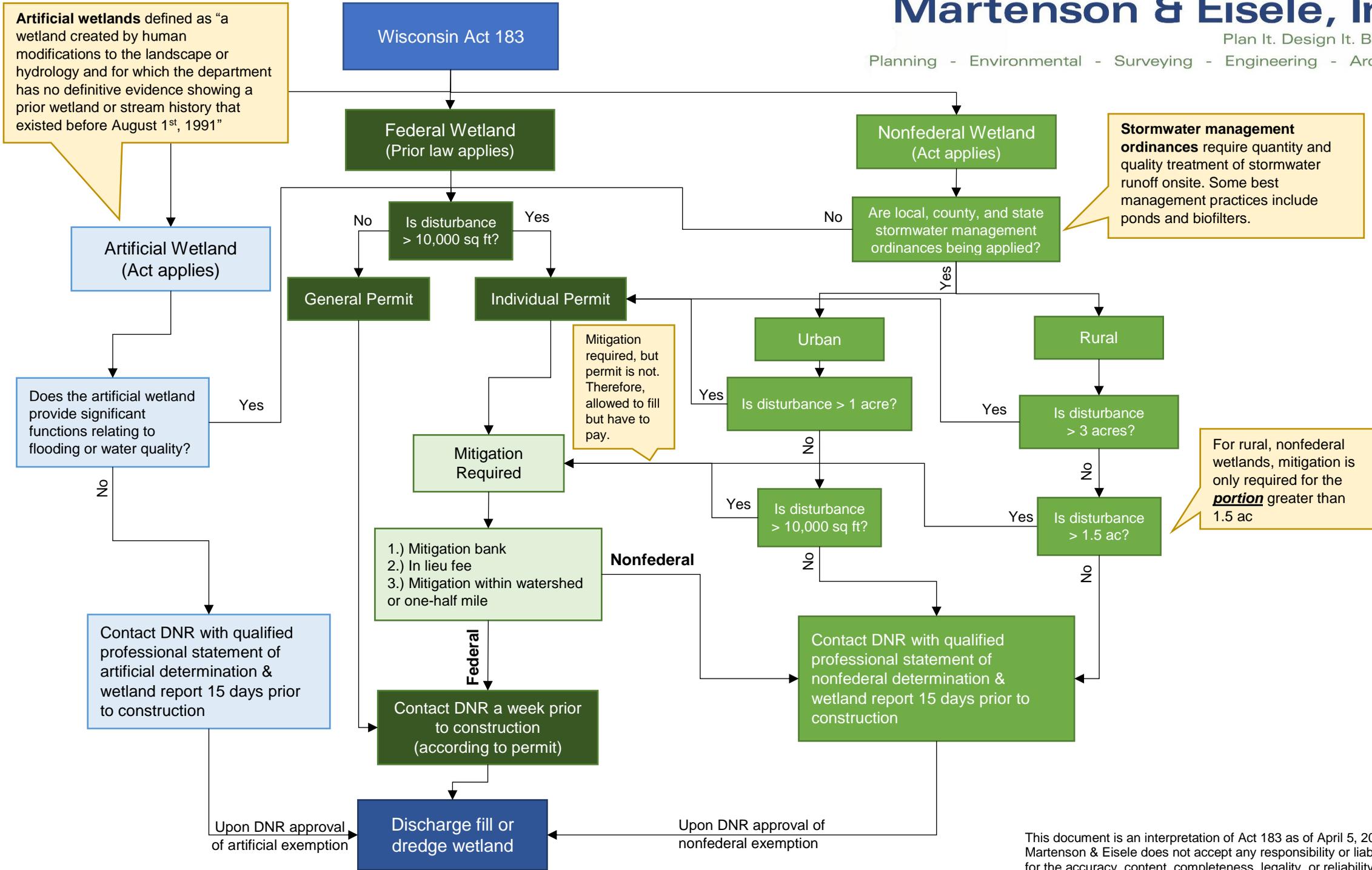


Figure 1. Wisconsin Act 183 wetland flowchart. Note that **urban areas** are defined as “an incorporated area, an area within one-half mile of an incorporated area, or an area that is served by a sewerage system” (Wis. Stat. 281.36(4n)(a)5).