

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd.
Plymouth, WI, 53073

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



December 21st, 2021

EXE-SC-2021-13-03398

Cherokee Park, Inc.
Dennis Tiziani
5000 N. Sherman Avenue
Madison, WI 53704

RE: Nonfederal Wetland Exemption Determination for an area described as Wetland W-28, located in the Eastern ½ of Section 24, Township 08 North, Range 09 East, in the Town of Westport, Dane County

Dear Mr. Tiziani:

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

According to 281.36 (4n), State Stat., a nonfederal 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 and must be done in compliance with applicable stormwater management zoning ordinances or stormwater Wisconsin Pollution Discharge Elimination System (WPDES) permits to qualify for this exemption (s. 281.36(4n)(b)3, Wis. Stat.). In addition, DNR must also consider whether the nonfederal wetland is a rare and high-quality wetland as defined in s 281.36(4n)(a)3, Wis. Stat.

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

- The request narrative
- Site location map and photographs that show different angles and views of the wetland
- Botanical survey results
- Wetland delineation information
- Stormwater compliance information
- U.S. Army Corps of Engineers AJD Document

Below is a summary of our findings:

Request Narrative

According to the request narrative, wetland W-28 (1,551 square feet) is the focus of this non-federal wetland exemption request. W-28 is a wet meadow wetland with over 70% reed canary grass. The total non-federal wetland impact area on the parcel is 1,551 square feet. The purpose of this project is to grade/fill these areas for the proposed golf course redevelopment. The wetland impact is less than 10,000 square feet in the Town of Westport, but within ½ mile of the City of Madison. Other wetlands were previously requested in the non-federal wetland exemption request (portions of W-5 and W-6) but these impacts were withdrawn by the applicant because the Army Corps made a decision that the AJD issued January 19th, 2021 could not be relied upon (for wetlands W-5 and W-6) for the other requested wetland areas but confirmed that the AJD is still valid for wetland W-28. A wetland individual permit application (# IP-SC-2021-13-01717) is currently under review by the department for other proposed wetland impacts.

Site Location and Photographs

The wetland W-28 is located at 5000 N. Sherman Ave, Madison, WI 53704, on a parcel (Parcel Number: 080924190007) within the Cherokee Park, Inc. property. The parcel is in the Town of Westport, but within ½ mile of the City of Madison. This information confirms that the wetland is located in an **urban area** as defined by s. 281.36(4n)(a)5 Wis. Stats. Wetland photographs also show the area is a wet meadow wetland depression with low quality and rudimentary plant species.

Wetland Delineation Information

The wetland delineation shows that wetland W-28 is a low quality-rudimentary wet meadow with 70% reed canary grass (invasive species dominated). This wetland is not a rare/high quality wetland types as defined by s. 281.36(4n)(a)3 Wis. Stats.

Stormwater Compliance Information

The applicant is responsible for obtaining all other state and/or local stormwater and erosion control approvals as deemed necessary by the applicable officials. The applicant provided general knowledge of these requirements and stated that they will comply with state and local requirements. 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.

U.S. Army Corps of Engineers AJD letter

The AJD letter dated January 19th, 2021 from the U.S. Army Corps of Engineers indicated that wetland W-28 located in the AJD review area is not a water of the United States. Therefore, the area described as wetland W-28 is not federally jurisdictional. On December 17th, 2021, The Army Corps indicated to the DNR that the AJD could not be relied upon for two previously requested wetland features (W-5 and W-6). In that determination, Army Corps decided that the AJD would still be valid for W-28, and the W-28 feature would remain non-WOTUS. The applicant withdrew wetland features (W-5, and W-6) from consideration in the DNR's non-federal wetland exemption request, and wanted to proceed with requesting impacts exclusively to wetland W-28 in this request. Impacts to these other features will be reviewed in a wetland permit application that is under review.

Conclusion:

Based upon the documentation provided above, the proposed project impacting wetland W-28 meets the eligibility criteria pursuant to s. 281.36 (4n), State Stats. **You are able to proceed with this project impacting W-28.** If you have any questions or would like to schedule a meeting to discuss this approval, please call me at (715) 492-0200 or email Ryan.Pappas@wisconsin.gov.

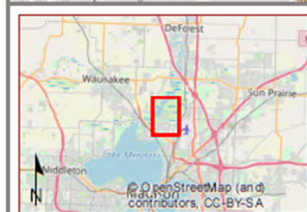
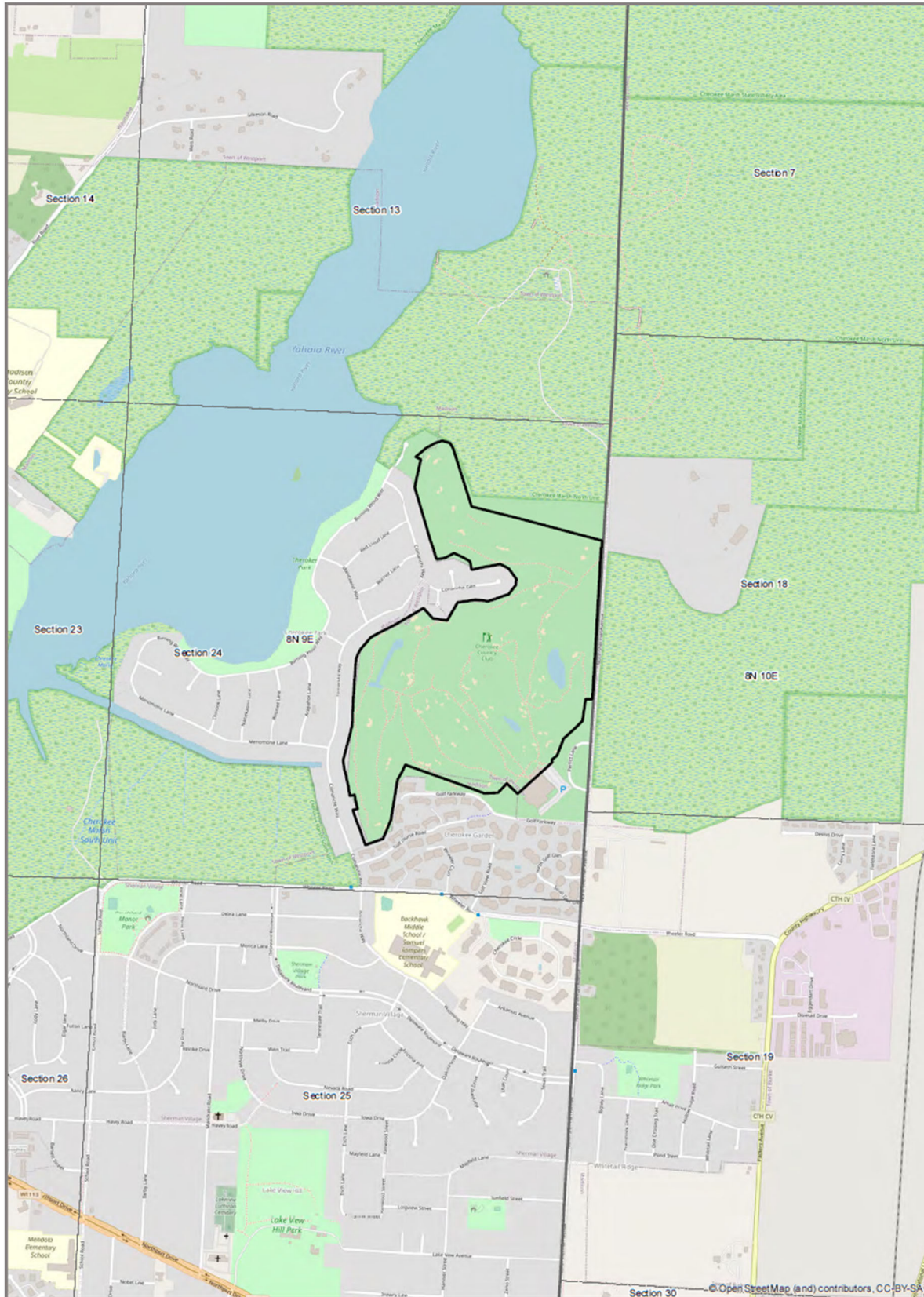
Sincerely,



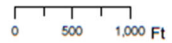
Ryan Pappas
Wetland Exemption Specialist

Enc. Determination Sketch

cc: U.S. Army Corps of Engineers
Dane County Zoning Department
Jeff Kraemer, Heartland Ecological – Consultant
James Brodzeller, WDNR

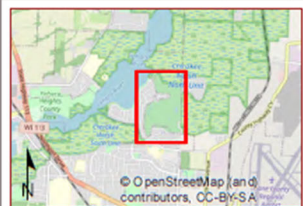


- Study Area (153.37 ac)
- Township
- Section



Heartland
 ECOLOGICAL GROUP INC
Figure 1. Project Location
 Cherokee Country Club
 #20200360
 T8N, R9E, S24
 T Westport, Dane Co, WI

OpenStreetMap
 Dnb: ESR 8/11/2020

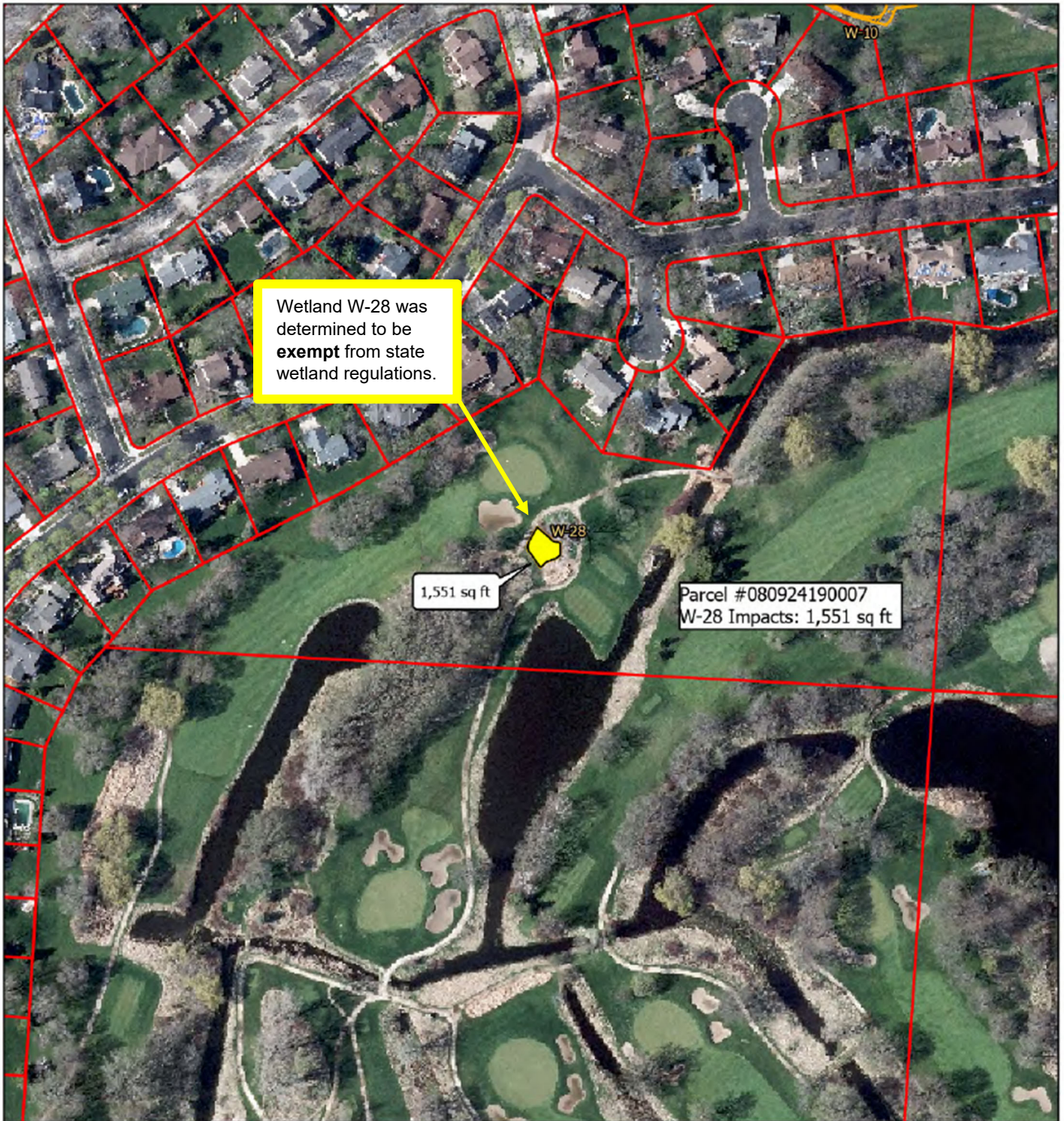


- Study Area (153.37 ac)
- Dane Co 1' Contours
- Culverts
- Waterways (12.08 ac)
- Ponds (3.90 ac)
- Field Delineated Wetlands (36.61 ac)
- Sample Points**
- Upland
- Wetland

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Heartland
 ECOLOGICAL GROUP INC
 Figure 6. Field
 Delineated Wetlands
 Cherokee Country Club
 #20200360
 T8N, R9E, S24
 T Westport, Dane Co, WI
 Dane Co 2017 Orthophoto
 Date: Dane County HEG 1/18/2020

© OpenStreetMap (and contributors), CC-BY-SA



- Dane County Parcel Boundaries
- Non Federal Wetlands
- Impacts to Non-Federal Wetlands



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**Non-Federal Wetland
Impacts Map B**

Cherokee Country Club
Project #20200360
T8N, R9E, S24
T Westport, Dane Co

2020 Orthophoto
Dane Co, HEG

