

Chapter NR 352

DELINEATION OF NONFEDERAL WETLANDS

NR 352.01 Applicability; purpose.
NR 352.02 Definitions.

NR 352.03 Incorporation by reference.

Note: As a result of 2011 Wis. Act 118, s. 69, this chapter now applies to all wetlands, federal and nonfederal.

NR 352.01 Applicability; purpose. (1) APPLICABILITY. This chapter applies to all nonfederal wetlands as defined in s. 281.36 (1) (c), Stats.

Note: Section 281.36 (1) (c) was repealed by 2011 Wis. Act 118.

(2) PURPOSE. This chapter is adopted under ss. 281.36 (1m) and (2m), Stats., to designate the wetland delineation manual procedures to be used to delineate nonfederal wetlands. The manual to be used is the 1987 edition of the U.S. army corps of engineers wetland delineation manual and any document that the U.S. army corps of engineers issues interpreting the manual.

Note: 2011 Wis. Act 118 repealed s. 281.36 (1m), Stats., and renumbered s. 281.36 (3) to be s. 281.36 (2m), Stats., and amended it to apply to all (federal and non federal) wetlands.

History: CR 02–015: cr. Register January 2003 No. 565, eff. 2–1–03; correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register May 2013 No. 689.

NR 352.02 Definitions. The definitions contained in s. 281.36 (1), Stats., apply to the terms used in this chapter.

History: CR 02–015: cr. Register January 2003 No. 565, eff. 2–1–03.

NR 352.03 Incorporation by reference. All of the following federal manual, memoranda, guidelines, regulatory guidance letters or other provision established by the U.S. army corps of engineers interpreting the 1987 wetlands delineation manual shall be used when delineating nonfederal wetland boundaries:

(1) “Corps of Engineers Wetlands Delineation Manual”, Technical Report Y–87–1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

Note: The manual is available at this website: <http://el.erdc.usace.army.mil/elpubs/pdf/wlman87.pdf>. Copies of the manual are available through the National Technical Information Service (phone 703–487–4650, NTIS document number ADA 176734/21NE).

(2) Guidelines for Submitting Wetland Delineations in Wisconsin to the St. Paul District Corps of Engineers (Public Notice, 96–01078–SDE, May 22, 1996).

Note: Copies of the guidelines are available for inspection in the offices of the department of natural resources, secretary of state and legislative reference bureau, Madison, Wisconsin.

(3) U.S. Army Corps of Engineers Regulatory Guidance Letters:

Table 1
References
Applicable Regulatory Guidance Letters

RGLs	Title
88–03	Wetland Jurisdictional Determinations
90–06	Expiration Dates for Wetlands Jurisdictional Delineations
94–01	Expiration of Geographic Jurisdictional Determinations

Note: The documents in Table 1 are available at the following website: U.S. Army Corps of Engineers, Regulatory Program, Statutory, Administrative & Judicial Materials (<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/GuidanceLetters.aspx>). Copies of these materials are available for inspection in the offices of the department of natural resources, secretary of state and legislative reference bureau, Madison, Wisconsin and in some public libraries or may be purchased for personal use from:

Superintendent of Documents
PO Box 371954
Pittsburgh PA 15250–7954

(4) Memoranda of Understanding and Agreement (MOA/ MOUs):

(a) Memorandum For See Distribution: Implementation of the 1987 Corps Wetland Delineation Manual, Aug. 27, 1991.

(b) Memorandum for See Distribution: Questions & Answers on the 1987 Manual, Oct. 7, 1991.

(c) Memorandum for See Distribution: Clarification and Interpretation of the 1987 Manual, Mar. 6, 1992.

(d) Memorandum of Agreement: Concerning the Delineation of Wetlands for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act, Jan. 6, 1994.

(e) Memorandum: Updated Questions and Answers Related to the Implementation of the January 6, 1994 Interagency Memorandum of Agreement Concerning the Delineation of Wetlands for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act, Dec. 12, 1994.

Note: The MOA listed in par. (d) may be obtained at this website: <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/MOUMOAs.aspx>. Copies of these materials are available for inspection in the offices of the department of natural resources, secretary of state and legislative reference bureau, Madison, Wisconsin and in some public libraries or may be purchased for personal use from:

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(5) Regulatory IV Training Lecture Notes: Wetland Identification and Delineation, Version 1/97, U.S. Army Corps of Engineers Waterways Experiment Station.

Note: Copies of the training lecture notes are available for inspection in the offices of the department of natural resources, secretary of state and legislative reference bureau, Madison, Wisconsin and in some public libraries or may be purchased for personal use from:

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