

ADDENDUM W - WETLANDS

1 USE FOR SALE OR LEASE OF PROPERTY THAT CONTAINS OR MAY CONTAIN WETLANDS.

2 This Addendum is attached to and made part of the Offer to Purchase/Lease dated _____
3 made by the Buyer, _____ with respect to the property at
4 _____, Wisconsin (Property).

5 ■ **WETLANDS NOTICE:** It is in the Buyer's best interest to determine if the Property contains wetlands **prior** to the
6 purchase or lease of the Property because:

7 • **Wetlands are not suitable for development.**

8 Building in wetlands is not recommended because it increases the likelihood of flooding and structural failures.

9 • **State and federal laws require permits before wetlands can be built upon or impacted.**

10 State wetland permit information from the Wisconsin Department of Natural Resources can be found at
11 <http://dnr.wi.gov/wetlands/programs.html>. Federal wetland permit information from the U.S. Army Corps of
12 Engineers can be found at <http://www.mvp.usace.army.mil/regulatory/>. Also, check for local permits. Note, not all
13 projects will be eligible for permits. Construction in wetlands without permits will result in enforcement action -
14 requiring removal of structures, wetland restoration, and potential fines.

15 **To determine if a property contains wetlands.** Wetlands are identified based on the presence of three
16 characteristics: hydric soils (soils indicative of wet conditions), wetland plants, and seasonal water; however, many
17 wetlands do not have standing water for much of the year. Buyer can review maps and other resources for *Locating*
18 *Wetlands* at <http://dnr.wi.gov/wetlands/locating.html>. Professional assistance is often needed to verify the presence or
19 absence of wetlands (see <http://dnr.wi.gov/wetlands/delineation.html> for information).

20 **Wisconsin Wetlands.** Wetlands may be perceived as an amenity or a liability depending upon the desired use of the
21 property, however all wetlands provide important ecological functions. Wisconsin has 12 types of wetlands including:
22 marshes, meadows, wooded swamps, bogs, fens and others. Descriptions and photographs can be found at
23 <http://www.wisconsinwetlands.org/wetlofwisc.htm>.

24 ■ **SELLER INFORMATION**

25 Buyer has inquired of Seller who has indicated that Seller (check one):

26 1. Does Does not have notice or knowledge that the Property contains wetlands.

27 2. Does Does not have notice or knowledge that the Property contains lakes, ponds, streams, or drainage
28 ditches.

29 3. Does Does not have notice or knowledge that the Property contains standing water or areas where water
30 collects at or near the soil surface between March-November in most years.

31 **Note:** Seller's lack of knowledge does not confirm the absence of wetlands.

32 **THE WETLAND EVALUATION CONTINGENCY IS PART OF THIS ADDENDUM IF THE BOX PRECEDING THE**
33 **CONTINGENCY IS MARKED, SUCH AS WITH AN "X". IT IS NOT PART OF THIS ADDENDUM IF THE BOX IS**
34 **MARKED N/A OR LEFT BLANK.**

35 **WETLAND EVALUATION CONTINGENCY:** This Offer is contingent upon Buyer obtaining a written report which
36 determines if there are wetlands at the Property within _____ days of acceptance of this Offer. Buyer shall arrange
37 for a wetland delineation professional to conduct an on-site evaluation of the Property and prepare a written report, at
38 buyer's cost, unless otherwise agreed in writing. This contingency shall be deemed satisfied unless Buyer delivers a
39 copy of a wetland delineation report to Seller, and the listing broker if Property is listed, which shows the presence of
40 wetlands on the property, within five days of the earlier of: 1) Buyer's receipt of the report or 2) the deadline for Buyer
41 obtaining said report. If the report shows wetlands on the Property (Seller shall provide Buyer with a credit of
42 \$ _____ /wetland acre at closing) (Buyer may rescind this Offer) (_____
43 _____
44 _____)

[STRIKE AND COMPLETE AS APPLICABLE.]

45 By initialing and dating below, the Parties acknowledge that they have received and read a copy of this Addendum.

46 _____
47 Buyer(s) Initials Date Seller(s) Initials Date