

# Wisconsin Natural Areas Preservation Council

## GUIDELINES

### Alteration of Waterways in State Natural Areas

Many designated State Natural Areas (SNAs) contain, in whole or in part, navigable lakes and streams. Under Wisconsin law, these are public resources, protected under the State Constitution and acts of the Legislature. In many cases, they are also protected under federal law, primarily the Clean Water Act.

On occasion, proposals have been made to physically alter a water body within or outside of, but affecting, a State Natural Area. The former situation would most likely involve a Department of Natural Resources proposal to create or modify aquatic habitat. The latter could be a private party or public agency proposal to modify the waterway. In either case, the Bureau of Endangered Resources (BER), as the lead DNR program with responsibility for management of State Natural Areas, will need to play a role in determining the DNR's overall position on the proposed waterway alteration. BER, in turn, will need guidance from the Natural Areas Preservation Council on what specific action or position it should take.

The purpose of this policy is to provide overall policy guidance to BER, as well as a process for applying that guidance and for seeking more specific guidance from the Council.

#### Guidelines

##### 1. Waterway alterations within designated SNAs

The Natural Areas Preservation Council (NAPC) will not approve, and will actively oppose through the appropriate process, any such proposed alteration unless it is for the purpose of enhancing or restoring the natural processes or features of the waterway, consistent with the purpose for which the SNA was established.

##### 2. Waterway alterations outside designated SNAs

NAPC will actively oppose through the appropriate process any such proposed waterway alteration which may have an adverse impact on the natural processes or features of a designated SNA.

##### 3. Exclusions

This policy does not apply to activities (such as removal of beaver dams) necessary to prevent environmental degradation within designated SNAs or to emergency actions necessary to ensure public safety. However, such actions should be reported for information purposes to the Council at the earliest practicable date.

#### Process

Proposals affecting State Natural Areas will be considered on a case-by-case basis by BER and NAPC. To gain approval, a proposed action must be designed for minimal impact on the natural values for which the SNA was designated.

##### 1. DNR-initiated projects



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BER will work with the sponsoring Bureau and Region to modify the proposal to be consistent with this policy, or to withdraw the proposal. Internal disagreements will be resolved through normal channels.

### 2. Proposals initiated by others

BER will work with the lead regulatory Bureau and the project sponsor to modify the proposal to be consistent with this policy, or to have the sponsor withdraw the proposal. If DNR owns the land where the project is proposed to take place, BER will request that the Department deny access over its lands and not sign or support a request for regulatory approval. If the proposal is on lands owned by others, BER will request that the landowner deny access over its lands and not sign or support a request for regulatory approval. If the proposal is outside a designated SNA, BER will internally seek to have the Department oppose issuance of any regulatory approval. If there is a regulatory hearing, NAPC or BER will appear and testify against issuance of an approval.

### 3. Proposal contents

Proposals for the modification of streams, ponds, springs, lakes or rivers will include:

- A. Identification of the State Natural Area, types of natural communities involved, and quality of the communities;
- B. Statement of the need for the proposed alteration;
- C. A detailed plan which includes:
  1. The layout of proposed changes in relation to site features
  2. A detailed description of the proposed action(s), including relevant construction drawings and specifications
  3. A proposed timetable
  4. A description of maintenance requirements
- D. A description of the expected environmental impact on the SNA, as well as on adjacent properties that are part of the same system, and a procedure to correct adverse impacts, including removal of the waterway alteration and restoration of the site;
- E. A description of the expected visual/aesthetic impact; and
- F. An environmental impact monitoring procedure.

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