

## CAN I BUILD A POND?

Wisconsin State Statutes require a person to obtain a permit if they plan to construct, dredge, or enlarge a pond or artificial water body, or any part of either that is:

- **Connected to a navigable waterway**
- **Located within 500 feet of a navigable waterway**
- **Constructed within a wetland**

Two general categories of permit types that exist: General Permits and Individual Permits. You will need to determine what type of permit may be necessary for your project. The following should help you with this process:

The first thing to consider is what the intended use of the pond will be. To create a pond that will be functional for your intended use, design must be carefully considered.

### Feature of ponds for different purposes

- **Fishery** – Adequate depth or flow for oxygen supply and cool temperature; moderate plant cover; completely drainable; irregular edge; clean water supply; protected from farm chemicals and waste
- **Wildlife** – Shallow, irregular shoreline, good plant cover for nesting and food base; access to uplands yet away from buildings or disruptive development
- **Runoff retention** – Sized to accommodate flows; designed for easy sediment removal; variable water quality and quantity
- **Swimming** – Adequate depth; safe entry and exit; good water quality

The next consideration is determining an appropriate location for your pond. Wetlands must be avoided unless the pond part of a restoration of a degraded wetland. Topography in the area you plan to place your pond is important. Slopes and elevation can determine just how much and how fast water will flow into your pond. Soils also need to be evaluated at your pond site to determine if they are stable enough to support a solid bank or if they are so permeable that your pond won't hold water.

During this initial evaluation you should be determining if your pond will need a permit. Once again, if it will be connected to a navigable waterway, within 500 feet of a navigable waterway, or constructed in a wetland, you need a permit.

When you have completed the above steps and are ready to submit an application to construct a pond you'll need to figure out which application to fill out. A General Permit is available for Landscape Ponds, Stormwater Ponds, and Wildlife Ponds. You will need to meet the design criteria and conditions of the permit you are applying for. These can be found with each permit application packet. There are separate general permit

application packets for each type of pond. You will also need to find out if the waterway you plan to connect to or are with in 500 feet of has a special designation. The state has a list of designated water bodies on our website. It is important to find out the designation associated with your nearest water body because it may affect what permit you need to apply for.

If your ponds design can not meet all of the criteria for a General Permit than you have the option to apply for an Individual Permit. Individual permits have higher application fees and review time may take longer than a General Permit. Again, you will want to determine if your intent is for a Landscape Pond, Stormwater Pond, or a Wildlife Pond in a wetland to figure out which permit application to fill out.

Make sure to read the instructions with each application packet carefully and include all of the required information. Processing time for your permit application can be slowed if you do not submit all information. Once you understand the information that is needed to complete your application, consider if design help from a professional will be needed. A poorly planned project can be harmful to surrounding habitat and the environment, and you may not get the results you had intended.

**WDNR website where application materials and further information can be obtained: <http://dnr.state.wi.us/waterways/construction/ponds.html>**

Be aware that this is to serve as a guide to assist you in the process of applying for a pond permit. You are responsible for obtaining any information necessary pertaining to permitting by local units of government and/or other federal regulations.

For further assistance please contact the Water Management Specialist in your county. Contact information is available on the WDNR website.