Certain activities in navigable waters are exempt from needing a permit under chapter 30, Wisconsin Statutes. Using this checklist, you can determine if your project qualifies for an exemption.

Note: If the project includes any wetland fill, approval from DNR and the U.S. Army Corps of Engineers (ACOE) is required. If the project includes land-disturbance activity in excess of one acre, a Construction Site Stormwater Permit may be needed.

Your **culvert replacement** is eligible for an exemption if your project will meet **all the following conditions**:

The replacement culvert must be placed in substantially the same location as the culvert being replaced.

The replacement culvert must be constructed or placed using the following best management practices:

- ❑ **Construction Timing**: Once waterway work begins (below the ordinary high water mark (OHWM)), all construction activities in those waterways must be continuous to the greatest extent practicable until the work is completed and the site is stabilized. If periods of inactivity are unavoidable, the site must be temporarily stabilized until the work is resumed and completed.

- ❑ **Timing Restrictions:** To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, work below the OHWM may not occur during the following time periods:

  - ❑ September 15th to May 15th for all trout streams.
  - ❑ March 1st through June 15th for ALL other waters.

Note: The timing restrictions listed above may be waived or modified by the local WDNR Fisheries Biologist.

- ❑ **Wetlands:** Vegetation, material, soil stockpiles, or equipment cannot be stored in wetlands (even on a temporary basis). The project needs to be constructed in a manner that will maintain natural hydrology in the wetland complex. *If the project includes any wetland fill, approval from DNR and the U.S. Army Corps of Engineers (ACOE) is required.*

- ❑ **Erosion and Sediment Control Practices**: The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in NR 151, Wis. Adm. Code. All erosion control measures must meet or exceed the WDNR Technical Standards.

  - ❑ Both ends of the culvert should be installed below the bed of the waterway
  - ❑ Culverts should be designed to prevent washout. This can be done by taking into account the following BMPs:
    - ❑ Culverts should be long enough so road fill does not extend beyond the ends of the culvert.
    - ❑ The culvert should extend at least one foot beyond the fill.
    - ❑ Culvert ends can be protected with rock riprap to protect for scour and riprap placement should include an adequate filter layer like a filter fabric.
    - ❑ All grading, excavation and disturbance will be confined to the minimum area necessary for the placement of the structure.

- ❑ Construction equipment should not operate on the bed of the stream, below the OHWM, except for that which is necessary for the placement of the structure.

- ❑ Unless the waterway is dry for the duration of the construction activities, you must install a cofferdam upstream and down-stream of your project area. The coffer dam needs to be installed in conjunction with a method to maintain downstream flow.

- ❑ Cofferdams and temporary diversion channels must be constructed of non-erodible material and secured with rock/ rock-bags at the bottom of the channel and top of the banks. No earthen cofferdams are permitted.

- ❑ Pump intakes and discharges shall prevent impacts to fisheries, wildlife, and their habitat, and must be placed to prevent the disturbance, removal and/or scour of bed material.
- ❑ Temporary bypass structures used to maintain streamflow (i.e. diversion channel, pump bypass system, diverting to one culvert at a time, etc.) need to be adequately sized to prevent damage from upstream flooding and downstream siltation, wash-out, or scouring.
- ❑ Construction and dewatering activities shall be accomplished in such a manner as to prevent erosion and siltation into surface waters and wetlands.
- ❑ Remove all coffer dams in such a way that minimizes the release of sediment and other downstream impacts. Conventional practice is to remove the downstream coffer dam first then slowly remove the upstream coffer dam. When no longer needed, restore any bypass channel to original condition.
- ❑ Unless it is an emergency situation, avoid construction during periods of high water to avoid flooding the construction site.
- ❑ **Suitable Fill Material**: All fill must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by ss. 289.01(11) and (33), Wis. Stats.
- ❑ **Dredging:** Any dredging necessary to bury the culvert will be limited to the greatest extent possible and deposition of sand, gravel, or stone will only occur immediately underneath and within 2 feet of the culvert. The width and depth of the water-way must not be altered.
- ❑ **Site Maintenance:** The replacement stream culvert must be maintained in good condition. Remove accumulated brush, debris or other obstructions that are trapped in or underneath the structure regularly.
- ❑ **Invasive Species:** All equipment or portions of equipment used for the culvert replacement should be decontaminated for invasive species and viruses before and after use following the most recent Department approved BMPs to avoid the spread of invasive species. These protocols and practices can be found on the Department website at http://dnr.wi.gov/topic/Invasives/bmp.html and at http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf

Additional BMPs for culvert installations can be found in:

- ❑ *The Wisconsin Forestry Best management Practices for Water Quality Field Manual.* [http://dnr.wi.gov/files/pdf/pubs/fr/fr0093.pdf] which gives examples of accepted BMPs for physical standards for culvert installations.
- ❑ *Wetland And Waterway General Permit For Municipalities To Construct, Reconstruct Or Maintain Highways, Bridges, Arches And Culverts - WDNR-GP2-2012* [http://dnr.wi.gov/topic/sectors/documents/WDNR-GP2-2012.pdf] which gives examples of accepted BMPs for road culvert installations in Section 1 titled "Eligibility Standards'
- ❑ **Inspections**: The Department conducts routine inspections and may follow up to inspect your project to verify compliance with state statutes and codes. If you decide to modify your project, please contact your local Water Management Specialist to discuss any proposed modifications.
- ❑ **Federal & Local Permitting**: You are responsible for obtaining any local, state or federal permits that may be required before starting your project.
- ❑ **Endangered Resources Review:** The applicant is not required, but is encouraged to request an endangered resources (ER) review letter before applying for the permit. Information on how to obtain a review can be found by visiting the website at http://dnr.wi.gov/topic/ERReview/Review.html. The applicant can also visit the NHI Public Portal, http://dnr.wi.gov/topic/ERReview/PublicPortal.html, to determine if a full ER Review is required. Read the 'What is an ER Preliminary Assessment and what do the results mean?' section to determine follow-up steps.