

The attached guidance, “Requests for Temporary Placement of Erosion Control Structures on the Great Lakes,” was developed to provide direction to Department staff when responding to requests from Great Lakes riparians who seek to place temporary erosion control structures on their shorelines.

The guidance follows procedures the Department has successfully used in the past when Great Lakes riparians have needed to place temporary erosion control structures on their shorelines.

The Department is now soliciting comments from the public on this guidance. Once the 21-day comment period is complete, the comments will be reviewed, revisions will be made to the guidance document as needed, and the final guidance will be made available to internal and external stakeholders. Comments relating to this draft guidance document should be sent to Josie Lathrop at [DNRWYWRZGuidance@wisconsin.gov](mailto:DNRWYWRZGuidance@wisconsin.gov) or by mail at DNR-WT/3, P.O. Box 7921, Madison, WI 53707-7921.

DRAFT



**BUREAU OF WATERSHED MANAGEMENT  
PROGRAM GUIDANCE  
Waterway and Wetland Protection**

**Requests for Temporary Placement of Erosion Control  
Structures on the Great Lakes**

Effective Date:  
EGAD Number: 3500-2017-02

*Notice: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*

---

APPROVED:

---

Pam Biersach, Director

---

Date

Bureau of Watershed Management

The Great Lakes coast is a dynamic environment. The Department understands landowner concerns about structures that may be at risk from bluff erosion and collapse on the shoreline. The Department created this guidance to allow landowners to respond to bluff erosion in a timely manner while working toward a permanent solution to erosion on their property.

As of September 2017, landowners may place up to 300 linear feet of rip rap on the Great Lakes shoreline without a permit, providing they meet certain standards outlined in law. For more information, see Wis. Stats., Ch. 30.12(1g)(jm). However, most landowners will find their shoreline protection needs go above and beyond what is permissible to do without a permit. This document addresses how landowners should approach placing temporary emergency material while they design a permanent, permitted solution.

To request the temporary placement of emergency material, the landowner must provide the following information to the Department: where temporary material will be placed, the type and amount of temporary material to be used, and how the temporary material will be placed. Landowners may submit their requests to the [Water Management Specialist](#) for their county.

Once the Department receives the request, the Department may issue a letter allowing placement of the temporary emergency material without a permit. In making its decision, the Department will consider the right of the landowner to protect the landowner's shoreline as well as the cumulative impacts of filling lakebed along the shoreline.

If the Department approves placement of temporary emergency structures, the letter issued by the Department will state that the landowner must actively work toward planning, designing and implementing a permanent shoreline protection solution and ultimately seek a Chapter 30 permit for their shoreland protection solution. Once the landowner receives the authorization letter, they may place the temporary material. If the landowner fails to later apply for a permit or fails to adhere to the guidelines allowing for emergency erosion control, the Department may consider enforcement-based remedies to the situation. The Department will give a landowner 18 months from the issuance of the letter to apply for a Ch. 30 permit.

The following guidelines apply to the temporary placement of emergency material, and should be stated in the Department's letter to the landowner.

- Erosion control must be done in a manner so that the minimal amount of lakebed fill is used. Impacts to the near shore area and adjacent shoreline properties should be avoided.
- No temporary material will be allowed on the bluff face since placing material on the bluff face may further destabilize the bluff. All requests to place temporary material should be limited to the base of the slope.
- The temporary material should not exceed five feet in height measured from the base of the slope. This will ensure that if the slope is unstable placing additional weight will not worsen the situation.

- The temporary material should not extend more than ten feet waterward of the base of the slope, in order to minimize the amount of lakebed fill and reduce potential fish and wildlife habitat loss.
- The slope of the temporary material will not exceed 2:1.
- The landowner may use rock, stone, heavy concrete or sandbags. Any rock, stone or heavy concrete used should consist of clean, large, angular, interlocking pieces that should not contain metal or re-bar. Any sandbags used should consist of clean fill, and the bag material should be appropriately tensile in order to prevent bursting.
- The landowner may not use concrete rubble or construction site debris since these materials have a tendency to crack and break apart.
- If the landowner is concerned about potential bluff failure, the landowner should manage the water at the top of the bluffs in addition to protecting the “toe” of the bluff. Protection from wave erosion alone will not suffice to prevent bluff failure.

CREATED:

Statewide Policy Team

Josie Lathrop

July 21, 2017.

\_\_\_\_\_  
Creator, Title Date

APPROVED:

Martye Griffin

July 21, 2017.

\_\_\_\_\_  
Section Chief Date

Policy Management Team approved on August 2, 2017.