



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WW-19-0055-C

DOCUMENT TITLE

BIOLOGICAL SHORE EROSION CONTROL EXEMPTION CHECKLIST

PROGRAM/BUREAU

WATERWAYS PROGRAM

STATUTORY AUTHORITY OR LEGAL CITATION

CH. 30, WIS. STATS.

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

11/25/19

DATE FINALIZED

12/23/19

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

12/16/19

Signature

Date

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.

Biological Shore Erosion Control Structures, including but not limited to native vegetation, fiber rolls, fiber mats, live stakes, brush mattresses, branch box breakwaters, temporary breakwaters, are eligible for an exemption if the project will meet the following conditions:

- The structure may not be located in an area of special natural resource interest (ASNRI) – see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI or has another special designation.
- If wave barriers are used they shall be located within the 3-foot water depth contour or less, marked with reflectors, and may not create an obstruction to navigation. Any wave breaks or wave barriers shall be completely removed within 2 years of the installation date.
- Willow wattles, willow posts, brush mattresses, brush layering, fiber roll breakwaters, plant carpets, root wads, and other natural materials shall be installed by hand.
- Vegetation shall be plant species which are native to the area of Wisconsin where the project is located. Vegetative treatments shall be installed according to the [Natural Resources Conservation Service \(NRCS\) Conservation Practice Standard Code 580 \(Streambank and Shoreline Protection\)](#) or NRCS Engineering Field Handbook Chapter 16.
- Fiber rolls shall be secured using can and duckbill anchors or hardwood stakes. Spacing between the duckbill anchors shall be 6 feet or less. Spacing between the hardwood stakes shall be 4 feet or less.
- A deposit of sand, gravel or stone may be not associated with the biological shore erosion control structure.
- The structure may be placed and maintained only by a riparian (an authorized agent or contractor may do the work on behalf of the riparian).
- The project shall not result in removal of greater than 20% of the aerial coverage of natural bank vegetation, emergent vegetation or floating vegetation, not including the area covered by the footprint of the structure, or any access corridors necessary for the placement of the structure.
- Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.
- Erosion control measures shall meet or exceed the technical standards for erosion control approved by the department under subch. V of ch. [NR 151](#). Any area where topsoil is exposed during construction shall be immediately sodded, seeded and mulched, covered with an erosion mat or riprapped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

Note: These standards can be found at the following website: [WDNR Technical Standards](#).

- Unless part of a permanent stormwater management plan, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- No waterward extension of the property is permitted other than what is reasonably necessary to conduct the project and protect the existing bank. No soil or similar fill material may be placed in a wetland or below the ordinary high water mark of any navigable waterway.
- Dredging is not allowed for the placement or maintenance of any shore erosion control structure.
- 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.

If your proposed project meets all of these conditions, the project is exempt from permitting. Keep a copy of this checklist for future reference. If your proposed project does not meet all of these conditions, submit a permit application to the Department. To obtain permit information search for it on our website at www.dnr.wi.gov under the topic “Waterway and Wetland Permits.”