



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-19-0056-C

DOCUMENT TITLE

INTAKE OR OUTFALL STRUCTURE 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.

A handwritten signature in black ink, appearing to read 'Michael C. [unclear]'.

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.

Your proposed intake or outfall structure is eligible for an exemption if your project will meet all the following conditions:

- The intake or outfall structure may not be located in an area of special natural resource interest (ASNRI) or in a public rights feature (PRF) – see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI or has another special designation.
- 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 ripped 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.
- To protect fish habitat during spawning seasons, the intake or outfall structure may not be placed during the following time periods:
 - (a) For trout streams and perennial tributaries to trout streams, September 15 through May 15.
 - (b) For all waters not identified in (a) and south of State Highway 29, March 15 through May 15.
 - (c) For all waters not identified in (a) and north of State Highway 29, April 1 through June 1.
- The intake or outfall structure may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian land owner.
- The intake or outfall structure shall be placed entirely within the riparian’s zone of interest.
- The intake or outfall structure, including any wingwalls and rock riprap, shall be less than 6 feet from the water side of the ordinary high water mark and less than 25% of the width of the channel in which it is placed.
- The intake or outfall structure may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.
- The intake or outfall structure may not result in the permanent or temporary deposition of fill in any floodway or wetland.
- The intake or outfall structure may not result in the waterward extension of the upland.
- 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.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- A deposit of sand, gravel or stone may be associated with the placement of an intake or outfall structure provided the deposit is limited to the area underneath or within 4 feet of the structure and is less than 2 cubic yards.
- Dredging may be associated with the placement of an intake or outfall structure provided the dredging does not exceed 2 cubic yards.

- Outfall structures may not exceed 24 inches in diameter, and in streams may not result in a discharge of more than 50% of the streams base flow (80% exceedance flow) at any given time.
- Intake structures may not exceed 12 inches in diameter and the invert of the culvert shall be located above the public rights stage elevation as determined by the department pursuant to s. 31.02, Stats.
- 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.”