



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-19-0058-C

DOCUMENT TITLE

MANUAL DREDGING 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.

Your proposed manual dredging is eligible for an exemption if your project will meet all the following conditions:

- The dredging operation meets the definition of “manual dredging”, meaning the removal or disturbance of bottom material by hand or using a hand-held device without the aid of external or auxiliary power.
- The dredging may not be located in an area of special natural resource interest (ASNRI), where there are public rights features (PRF), or in perennial tributaries to trout streams - see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI, PRF or has another special designation.
- For each riparian property, the amount of bottom material dredged from a specific waterbody may not exceed 100 square feet in surface area and one foot in depth in a calendar year.
- The dredged material will not contain any hazardous substance as defined in NR 345.03(7), Wis. Adm. Code.
- 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](#).

- The dredged material may not be temporarily or permanently placed in a wetland, floodway or below the ordinary highwater mark of a navigable waterway.
- Mechanical equipment may not be operated below the ordinary high water mark or on the bed of a navigable waterway.
- The applicant is the riparian owner or has permission of the riparian owner to remove bottom material.
- 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.

Note: When the state is the riparian property owner, the requirements of ch. NR 345 shall be met.

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.”