



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-19-0059-C

DOCUMENT TITLE

SHORELINE MAINTENANCE 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 shoreline maintenance activity is eligible for an exemption if your project will meet all the following conditions:

- The shoreline maintenance activity must occur in the shoreline area between the ordinary high-water mark and the water's edge within the riparian zone of interest and only in the following waterbody shorelines:
 - Lake Superior,
 - ✓ Lake Michigan,
 - ✓ Green Bay,
 - ✓ Sturgeon Bay,
 - ✓ Sawyer's Harbor, or
 - ✓ Fox River from its mouth up to the dam at De Pere.
- A riparian owner may only complete the following maintenance activities on their riparian land that abuts the shoreline under this exemption:
 - ✓ Level or groom sand or soil so long as the area is made up of unconsolidated material predominately composed of sand, rock, and pebble.
 - ✓ Remove debris or mow vegetation from the riparian land that abuts the shoreline area.
- No material may be brought in from offsite sources to do the maintenance work.
- The activity may not interfere with the rights of other riparian owners.
- The activity may not involve the filling of a coastal wetland or alteration of a coastal dune.
- No material removed from the riparian zone adjacent to the shoreline area may be used to conduct the activity.
- The activity may not be conducted in an area with floating bogs or wild rice.

Note: The Surface Water Data Viewer maps wild rice areas at the following website: [WDNR Surface Water Data Viewer](#).

- Invasive Species: All equipment or portions of equipment used for the maintenance activity 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>.
- Endangered Resources Review: No removal of material may be conducted in an area known to contain any species listed as endangered or threatened under s. 29.604(3), Wis. Stat. The applicant is not required, but is encouraged to request an endangered resources (ER) review letter before completing an activity under this exemption. 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."