



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-19-0065-C

DOCUMENT TITLE

DREDGING– INVASIVE/NON-NATIVE PLANT SPECIES MGMT GENERAL PERMIT APPLICATION 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

Dredging – Invasive/Non-Native Plant Species Management General Application Instructions

Determine eligibility for this general permit:

- Choose an activity decision module on web, <http://dnr.wi.gov/topic/waterways>, **or**
- Review the eligibility criteria below
 - If the project does not meet all of the eligibility standards, apply for an Individual Permit

Pre-application requirements:

- Must be submitted directly to the local reviewer, <http://dnr.wi.gov/topic/Waterways/contacts.html#county>, and **prior** to submitting the application packet.
- Must include the following information:
 - Name of waterbody and location of project
 - Volume of material to be dredged
 - Brief description of dredging method and equipment, including any containment BMPs to be used
 - Brief description of proposed disposal method and location
 - If a disposal facility is to be used, size of the disposal facility
 - Any previous sediment sampling (including field observations) and analysis data from the area to be dredged or from the proposed disposal site.
 - Copy of a map showing the area to be dredged, the depth of cut, the specific location of the proposed sediment /sampling sites and the bathymetry of the area to be dredged.
 - Anticipated starting and completion dates of the proposed project.

To apply:

- Apply online using our online ePermitting System at <http://dnr.wi.gov/permits/water>
- Include all required attachments. Each document must be less than 15 megabytes and our online system offers a help guide to reduce file sizes,
- Permit processing review times begin when all of the required application materials are received by the DNR. The department may require additional information to evaluate the project.
- If you have questions regarding your application, contact the local Water Management Specialist for your county <http://dnr.wi.gov/topic/Waterways/contacts.html#county>.

Please note, prior to starting any work at the project site, you are responsible for:

- Obtain all necessary local (e.g. city, town, village or county) permits.
- Obtain U.S. Army Corps of Engineer permits or approvals, <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>.
- Any other applicable state permits

Required attachments - Forms or documents you upload in our online ePermitting System

1. **Application form** - A complete, signed application form "Water Resources Application for Project Permits (WRAPP)" (Form 3500-053).
2. **Application fee** - Payment must be submitted through the ePermitting System as part of the application process. A list of fees can be found at <http://dnr.wi.gov/topic/waterways/documents/PermitDocs/feesheet.pdf>.
3. **Ownership documentation** - (i.e. copy of deed, land contract, current property tax statement/receipt)

4. **Photographs** that clearly show the on-the-ground conditions of the existing project areas. Remember that too much snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference. Color images are preferred.

5. **Site maps** that clearly illustrate the location and perimeter of the project site, and its relationship to nearby water resources (e.g. lakes, rivers, streams or wetlands), major landmarks and roads. Provide copies of relevant maps (e.g. wetland, aerial, topographical, soil, floodplain, or zoning maps), with the project location clearly identified. The department offers a web mapping tool to assist in creating these maps at <http://dnr.wi.gov/topic/surfacewater/swdv/>.

6. **Plans and specifications** that show what you intend to do. Plan drawings should be clear and to scale. Be sure to draw all plans as accurately and detailed as possible. The department reserves the right to require additional information to evaluate the project. Please refer to this sample drawing for assistance developing your plans and specifications, http://dnr.wi.gov/topic/Waterways/sample_drawings/Dredging_Invasive_Management_Sample_Drawing.pdf.

7. **Narrative description** of your proposal on a separate page. Please include:

- What the project is, purpose of project, and need for the project
- How you intend to carry out the project, including methods, materials, and equipment
- Your proposed construction schedule and sequence of work
- What temporary and permanent erosion control measures will be used
- The location of any disposal area for dredged or excavated materials
- For disturbances or fill, provide a description of type, composition, and quality of materials
- How you plan to avoid, minimize and mitigate impacts to waterways
- Area (e.g. linear feet) impacted

8. **Proof of pre-application requirement submittal** - This would either be documentation from the local reviewer saying that no sampling will be required, or sampling results from the project area.

9. **Endangered and threatened resources** - 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.

10. **Historical and cultural resources** - If you are aware there is a historical or cultural resource present, you are **required** to contact the Wisconsin State Historical Society to verify and receive documentation that the activity will not result in an adverse impact to these resources.

Eligibility criteria:

Projects that do not meet all criteria are not eligible for this general permit. If your project does not qualify for this general permit, you may apply for an individual permit.

The project shall be located on the exposed lakebed of outlying waters.

The project shall be conducted when the exposed lakebed is dry.

The project area to which this general permit applies shall be under the same ownership as the applicant.

<p>The use of the motor vehicle is for the purpose of controlling emergent invasive or nonnative aquatic plant species as designated by the department under s. 23.24, Stats., and s. NR 109.07.</p>	
<p>The use of the motor vehicle is for mowing or spreading herbicide in conformance with a written invasive or nonnative aquatic plant species control plan approved by the department.</p>	
<p>An invasive or nonnative aquatic plant species control plan, as required under s. NR 109.04 (3) and described in s. NR 109.09, must contain the following items: a description of the existing condition including the types of plants present and their abundance; a strategy for the control of the invasive or nonnative aquatic plant species; a plan for the re-establishment of the native plant community; and a monitoring plan to assess the success or failure of the control plan.</p>	
<p>For projects requiring a permit under ch. NR 107 or 109, before the department can consider the application complete or issue a general permit under this section, the applicant shall submit documentation to demonstrate that a permit under ch. NR 107 or 109 has been applied for.</p> <p>Note: The chemical treatment of aquatic plants may require a permit under ch. NR 107 and physical removal of aquatic plants may require a permit under ch. NR 109.</p>	
<p>The motor vehicle may only be operated in the specific area that is detailed in the approved invasive species control plan or permit. This permit does not authorize the operation of any motor vehicle in areas outside of those designated in the approved plan or permit.</p>	
<p>Equipment used shall be low ground pressure equipment, including wide-tire vehicles, and tracked equipment, to minimize rutting. Equipment operation shall cease when rutting occurs. Any rutting of the lakebed shall be immediately restored by the operator of the vehicle.</p> <p>Note: The depth of the rut is measured from the original lakebed surface to the bottom of the depression. If individual lug depressions are visible, the depth would be measured to the lesser of the 2 depths (e.g., the top of the lug). Measurements are not cumulative.</p>	
<p>The motor vehicle shall be used in a manner that minimizes the impacts to the native lakebed material and any surrounding native vegetation.</p>	
<p>To minimize impacts to small animals and native plants and to prevent soil disruption and rhizome spread, the mowing deck shall be set no lower than 4 inches above the ground when operating equipment.</p>	
<p>To protect wildlife habitat during nesting seasons, the use of a motor vehicle to control emergent invasive or nonnative aquatic plant species may only occur between August 1st and March 15th of the subsequent year.</p>	
<p>The applicant may request that the wildlife habitat nesting season date restrictions be waived by the department on a case-by-case basis, by submitting a written statement signed by the local department wildlife biologist, documenting consultation about the proposed control plan, and that the local department wildlife biologist has determined that the requirements are not necessary to protect wildlife habitat during the nesting season for the proposed project.</p>	
<p>Any dredged material removed from the waterbody may not be permanently placed in a wetland, or floodway or re-deposited below the ordinary high water mark of a navigable waterway.</p>	
<p>Any dredged material removed from the waterbody may be temporarily stockpiled in an upland area provided it is separated from the stream by an installed silt fence or a protective, vegetated buffer strip not less than 20 feet in width.</p>	

<p>Dredged material may be temporarily placed for not more than 8 hours within a wetland or below the ordinary high water mark of a navigable waterway if the material is placed on matting with appropriate erosion control to prevent runoff. Any areas used for temporary placement shall be completely restored within 24 hours.</p>	
<p>The project shall be conducted in a manner that prevents dispersal of sediment away from the project site. Temporary control measures such as silt curtains shall be used as needed, and shall be installed prior to dredging and removed from the waterbody no more than 24 hours after dredging is complete. Any temporary control measures shall follow all state lighting requirements and may not obstruct navigation.</p>	
<p>Dredging shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable in accordance with the following:</p> <ul style="list-style-type: none"> • For trout streams identified under s. NR 1.02 (7) and perennial tributaries to those trout streams, the total suspended solid concentrations may not exceed 40 mg/L. • For all other waters, the total suspended solid concentrations may not exceed 80 mg/L. 	
<p>The applicant shall provide information that the dredged material does not contain any hazardous substance as follows:</p> <ul style="list-style-type: none"> • Through the collection and laboratory analysis of the dredged material in compliance with ch. NR 347; or • Through the review of historical dredge material information from the vicinity of the proposed project that was collected and analyzed in accordance with ch. NR 347; or • By assessing the potential for hazardous substances to be present based upon the characteristic of the watershed, industrial and municipal discharges to the waterbody and dredge material data from similar waterways. 	
<p>If the project location is within the riparian zone, the applicant is the riparian owner or has permission of the riparian owner to dredge the bottom material.</p>	
<p>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 placement, repair or removal of a structure shall be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. These standards can be found at: http://dnr.wi.gov/topic/stormwater/standards/.</p>	
<p>Unless part of a permanent storm water management system, all temporary erosion and sediment control practices will be removed upon final site stabilization. All areas disturbed during removal of temporary erosion and sediment control practices will be restored.</p>	
<p>Any area within 75 feet of the ordinary high water mark, where topsoil is exposed during construction, shall be stabilized within 24 hours to prevent soil from being eroded and washed into the waterway.</p>	
<p>All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.</p>	

<p>The project plans minimize adverse impacts on fish movement, fish spawning, egg incubation periods and high stream flows, the project may not occur during the following time periods:</p> <ul style="list-style-type: none"> ✓ September 15 through May 15 for trout streams and navigable tributaries to trout streams. ✓ March 15 through May 15 for ALL waters located south of state highway 29. ✓ April 1 through June 1 for ALL waters located north of state highway 29. <p>Note: Per ch. NR 1.02(7), the department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the Designated Waters Theme on DNR's Surface Water Data Viewer: http://dnr.wi.gov/topic/surfacewater/swdv/</p>	
<p>All equipment used for the project including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.</p> <p>The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.</p> <ul style="list-style-type: none"> • Inspect and remove aquatic plants, animals, and mud from your equipment. • Drain all water from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, hoses, sheet pile and pumps. • Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another. <p>Wash your equipment with hot (>104° F) or high pressure water, steam clean or allow your equipment to dry thoroughly for 5 days.</p>	
<p>Follow the most recent department approved washing and disinfection protocols and department approved best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. These protocols and practices can be found on the department website at http://dnr.wi.gov/topic/Invasives/bmp.html Keyword: "equipment operator" and at http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf</p>	