



## 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-19-0071-C**

### DOCUMENT TITLE

**DREDGING – MAINTENANCE OR PREVIOUSLY DREDGED AREA CHECKLIST**

### PROGRAM/BUREAU

**WATERWAYS PROGRAM**

### STATUTORY AUTHORITY OR LEGAL CITATION

**CH. 30, WIS. STATS.**

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

**12/2/2019**

### DATE FINALIZED

**12/30/19**

### 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.' followed by a stylized flourish.

12/23/19

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Signature

Date

## GENERAL PERMIT APPLICATION INSTRUCTIONS

To apply for this General Permit, submit all of the required information listed below. A complete submittal with detailed plans will allow us to make a decision about your permit application. Permit processing review times begin when the application is received by the Department and is determined to be complete. The Department encourages you to apply electronically for all waterway and wetland permits. The Water Permits portal page can be found at <http://dnr.wi.gov/Permits/Water/>. For electronic submittals, you may be prompted for some of these items separately during the electronic submittal process.

Please note that you are responsible for obtaining all necessary local (e.g. city, town, village or county) and U.S. Army Corps of Engineer permits or approvals in addition to any applicable state permits prior to commencing any work at the project site.

### Informational Requirements:

1. **Pre-Application Requirements.** Prior to submission of a complete, signed application form, anyone seeking to remove material from the beds of waterways is required to provide the following preliminary information including:
  - a. Name of waterbody and location of project,
  - b. Volume of material to be dredged,
  - c. Brief description of dredging method and equipment, including any containment BMPs to be used.
  - d. Brief description of proposed disposal method and location,
  - e. If a disposal facility is to be used, size of the disposal facility,
  - f. Any previous sediment sampling (including field observations) and analysis data from the area to be dredged or from the proposed disposal site,
  - g. 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,
  - h. Anticipated starting and completion dates of the proposed project.
2. **Application form.** A complete, signed application form "Water Resources Application for Project Permits (WRAPP)" (Form# 3500-53) <http://dnr.wi.gov/files/PDF/forms/3500/3500-053.pdf>.
3. **Application fee.** Checks should be made payable to "Wisconsin DNR" A list of fees can be found at <http://dnr.wi.gov/topic/waterways/Permits/PermitProcess.html>.
4. **Site maps** which clearly illustrate the location and perimeter of the project site, and its relationship to nearby water resources (e.g. lakes, rivers, streams, wetlands), major landmarks and roads.
5. **Photographs** that clearly show the existing project area. 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.
6. **Project plans and specifications** reflecting the General Permit Eligibility Standards as listed in the project-specific checklist below. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Permit.
7. **Electronic documents.** If you are applying on paper, all documents listed above must also be submitted in an electronic format, either by enclosing a disk with your application materials, providing a link to an ftp site, or by other electronic methods. If possible, please create a separate file for each component of the application (i.e., forms, photos, maps, plans, etc.). Each file must be less than 15 megabytes in size, and the total size of the files combined must be less than 30 megabytes.

<b>Eligibility Criteria:</b>	
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.	
Unless the Department previously authorized the project under Wis. Stats. s. 30.20, the dredging may not be located where there are public rights features as described in Wis. Admin. Code s. NR 1.06.	
Unless the Department previously authorized the project under Wis. Stats. s. 30.20, the dredging may not be located in an area of special natural resource (ASNRI) interested as described in Wis. Admin. Code s. NR 1.05. If the project is located in an area that is identified as an ASNRI only because the water or portions of the water contain endangered or threatened species or aquatic elements as defined and identified in the Wisconsin Natural Heritage Inventory or because the water flows through a wetland area identified in a Special Area Management Plan (SAMP) or a Special Wetland Inventory Study (SWIS), then the project is eligible for this general permit, even if the previous dredging was not authorized by the Department, if the applicant obtains written documentation from the Department that the project will not impact the habitat or continued existence of the endangered or threatened species or that the dredging project will not adversely impact the wetlands identified in the SAMP or SWIS.	
The total amount of material removed from the area shall be less than 3000 cubic yards, unless the dredging project is for the removal of material associated with the maintenance of a municipal harbor, a municipal or commercial marina, or an access channel that is located on an Outlying Water or the Mississippi River. The total amount of material removed from a municipal harbor, a municipal or commercial marina or an access channel shall be less than 50,000 cubic yards.	
The dredging may not exceed the volume or extend beyond the dimensions of the previous dredge project.	
If the project is located within the riparian zone, the applicant or co-applicant is the owner of the adjacent riparian land or has obtained permission of the riparian owner to dredge the bottom material.	
The applicant has provided information that the area meets the requirements of “previously dredged area” as follows: <ul style="list-style-type: none"> <li>• The applicant can demonstrate that previous removal of material was authorized by the department; or</li> <li>• The applicant can demonstrate the submittal of historical information, the previous removal of material, including the approximate date or timeframe of removal, the estimated or approximate volume of material removed and location of the material disposal.</li> </ul> The applicant may also submit any additional information documenting prior removal of material for consideration by the Department.	
The project shall not involve the lease or sale of material that is dredged from a navigable lake or outlying water.	
The project shall not involve the removal of material where: <ul style="list-style-type: none"> <li>• A sediment cap, cover, installed barrier or where other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment.</li> <li>• There is a gun range and the dredged area is within the ammunition fall area</li> <li>• The project involves the removal of a hazardous substance.</li> </ul>	
The applicant shall provide information that the dredged material does not contain any hazardous substance as follows: <ul style="list-style-type: none"> <li>• Through the collection and laboratory analysis of the dredged material in compliance with Wis. Admin. Code ch. NR 347; or</li> <li>• Through the review of historical dredge material information from the vicinity of the proposed project that was collected and analyzed in accordance with Wis. Admin. Code ch. NR 347; or</li> </ul>	

<ul style="list-style-type: none"> <li>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.</li> </ul>	
<p>Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement or removal of a temporary waterway crossing <b>below the ordinary high watermark (OHWM)</b> may not occur during the following time periods. <b>Note:</b> this standard does not apply to temporary waterway crossings placed wholly on top of frozen waters.</p> <ul style="list-style-type: none"> <li>September 15th through May 15th for all trout streams; and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <a href="http://dnr.wi.gov/topic/fishing/trout/streammaps.html">http://dnr.wi.gov/topic/fishing/trout/streammaps.html</a></li> <li>November 1<sup>st</sup> through June 15<sup>th</sup> for Lake Michigan in Door County</li> <li>March 1st through June 15th for ALL OTHER waters</li> </ul> <p>The regional Department Fisheries Biologist may waive or modify these timing restrictions in writing. To request in writing a waiver or modification of fish spawning timing restrictions for your project please use the WDNR website at: <a href="http://dnr.wi.gov/topic/Waterways/contacts.html">http://dnr.wi.gov/topic/Waterways/contacts.html</a> to find the county contact for your project to send the requested information</p>	
<p>The project shall be conducted in a manner that prevents the dispersal of sediment away from the project site. Temporary control measures such as silt curtains shall be used as needed, and shall be installed before 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>Erosion control measures must meet or exceed the technical standards for erosion control approved by the Department under Wis. Admin. Code subch. V of ch. NR 151. Any area where topsoil is exposed during construction must be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. <b>Note:</b> These standards can be found at the following website: <a href="http://dnr.wi.gov/topic/stormwater/standards/">http://dnr.wi.gov/topic/stormwater/standards/</a>.</p>	
<p>Dredging shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable in accordance with the following:</p> <ol style="list-style-type: none"> <li>For trout streams identified under Wis. Admin. Code s. NR 1.02(7) and perennial tributaries to those trout streams, the total suspended solid concentrations may not exceed 40 mg/L immediately downstream of the project site.</li> <li>For all waters not identified in subd. 12.a), the total suspended solid concentrations may not exceed 80 mg/L immediately downstream of the project site.</li> </ol>	
<p>Dredged material may not be permanently or temporarily placed within a wetland, floodway, or re-deposited below the ordinary high water mark of a navigable waterway unless a plan is submitted and approved by the Department. The plan shall identify the duration of placement, potential impacts to flood flows, and erosion control measures utilized to protect the wetland or navigable waterway. Permanent or temporary placement of dredged material into a wetland will require a wetland permit from the Department and potentially from the U.S. Army Corps of Engineers. If the plan identifies that the material shall be re-deposited below the ordinary high water mark of a navigable waterway, the material shall meet the standards in Wis. Admin. Code s. NR 347.07(4) and a separate permit shall be obtained from the Department under Wis. Stats. s. 30.12.</p>	

**To Apply:**

Once your application is complete, submit using the online system, or mail it to the permit intake address based on the county where your project is located. If you have questions or problems filling out or completing the application requirements, contact the Water Management Specialist for your county. Permit intake addresses and Water Management Specialist contact information can be found at :

[http://dnr.wi.gov/topic/Waterways/about\\_us/county\\_contacts.html](http://dnr.wi.gov/topic/Waterways/about_us/county_contacts.html)