



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-19-0097-C

DOCUMENT TITLE

WETLAND CONSERVATION ACTIVITIES 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.

12/23/19

Signature

Date

Wetland Conservation Activities General Permit 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

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>.
 - Application fee is **not required** if the project:
 - Has state or federal funding **AND** the project installation work, if the permit application was approved, will be conducted by the same state or federal agency.
 - Documentation of the fee exemption and statement describing who will be doing the actual project installation work, if approved, should be included.
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, 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/swdvl/>.

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/PondsInWetlands.pdf.

- Number and location of:
 - Scrapes
 - Micro-topography
 - Water control structures, includes in-stream structures which are considered dams, such as weirs, tin whistles, ditch plugs with outlet pipes, etc.
 - Embankments/dikes, which are considered dams if across a watercourse
 - Ditch fill/ditch plugs, which must have no outlet pipes
 - Breach dike or dike removal
- Total acres of wetland filled (berm/embankment/dike, not ditch fill)
- Approximate wetland acres enhanced
- Approximate wetland acres restored
- Approximate wetland areas created

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

- Goal and object for project
- How you intend to carry out the project, including methods, materials, equipment, and including long-term site management
- 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 excavated materials
- Types of vegetation found in existing wetland and adjacent wetlands
- Number and location of:
 - Scrapes
 - Micro-topography
 - Water control structures, includes in-stream structures which are considered dams, such as weirs, tin whistles, ditch plugs with outlet pipes, etc.
 - Embankments/dikes, which are considered dams if across a watercourse
 - Ditch fill/ditch plugs, which must have no outlet pipes
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- Total acres of wetland filled (berm/embankment/dike, not ditch fill)
- Approximate wetland acres enhanced
- Approximate wetland acres restored
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8. **Wetland Delineation Report** may be required. Use the Surface Water Data Viewer, <http://dnr.wi.gov/topic/surfacewater/swdvw/>, to determine if there are mapped wetlands or wetland indicator soils in the area (using the Wisconsin Wetland Indicator and the Wetland Indicator layers). If wetlands are present near the project area, it is suggested to have a wetland delineation done for the property. Wetland delineation reports either need to be conducted by an Assured Delineator (<http://dnr.wi.gov/topic/Wetlands/assurance.html>) or to have received concurrence from either WI DNR Wetland ID program (<http://dnr.wi.gov/topic/Wetlands/identification.html>) or by the US Army Corps of Engineers (ACOE) prior to submittal of the application, unless otherwise determined by the local Water Management Specialist.

9. **Completed dam design calculations, if a dam is proposed**, which includes any hydrologic or hydraulic calculations and project benchmark description used for design elevations – attach benchmark location information to the plan and specification submittal. **NOTE:** The supplemental dam checklist included in this packet was created to help verify and ensure you include all dam information necessary for staff to begin the permit review process. Failure to include all of the required information will result in an incomplete permit application and delay the processing of your permit.

10. **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.

11. **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 purpose is wetland conservation (restoration, enhancement, preservation or management of wetlands). For example, this general permit does not authorize the construction of a detention basin in wetlands for stormwater management, even if the detention basin or the project of which the basin is a part will also result in some habitat creation or enhancement. Similarly, this chapter does not authorize a flood control project that may also result in creation or enhancement of some wildlife habitat.	
Site conditions exhibit impacts to topography, soils, native vegetation or hydrology that have degraded a wetland and are potentially reversible	
The project involves only the activities listed below (see s. NR 353.05) and designed and constructed according to Natural Resources Conservation Service (NRCS) field office technical practice standards 378, 410, 638, and 657, which can be found at http://efotg.nrcs.usda.gov/treemenuFS.aspx . <ol style="list-style-type: none"> 1. removing or disabling a section of drain tile 2. disabling surface drains by filling of the ditch downstream of the drainage system to be altered 3. constructing dikes, embankments and low berms 4. removing vegetation or post-European settlement deposition, including shallow scrapes, submerged islands and interconnected open water areas 5. altering the hydrology of an area by removing pumps, breaching structures or manipulating water control structures 6. introducing plants, installing and maintaining devices such as staff gauges, water level recording devices, and similar monitoring equipment 	
Project proposals that include the activities listed in s. NR353(3) to (5) and have existing wetlands on or adjacent to the project area are eligible for this general permit only if <u>both</u> of the following conditions are met: <ol style="list-style-type: none"> 1. agricultural crops, invasive wetland species or early successional hydrophyte species dominate the project area 2. the proposed activities will not cause significant adverse impact to undisturbed wetland plant communities on-site or adjacent to the project area 	

<p>The project is confined to non-navigable waters or waters that are navigable without stream history, or is otherwise determined to not cause significant adverse impacts to those waters.</p>	
<p>The project does not cause significant adverse impacts to cold water resources or blocks fish passage to existing spawning areas.</p>	
<p>The project does not involve the planned introduction of non-native or invasive wetland plants.</p>	
<p>The project does not involve the control of native wetland plant species unless the applicant has demonstrated that the activity is to maintain a wetland community or to diversify a monotypic stand of invasive wetland plants.</p>	
<p>Any dike, berm or embankment 2 feet or less in height as measured from natural ground surface and impounds less than 50 acre feet of water or is less than 6 feet high as measured from natural ground level and has been designed by a professional engineer registered in the state of Wisconsin or submitted by a county, state or federal agency.</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>The project includes a re-vegetation plan that adequately stabilizes the site.</p>	
<p>The project does not cause significant adverse impacts to state threatened or endangered resources. If the department determines that a proposal submitted under this section has the potential to cause significant adverse impacts to endangered or threatened species in accordance with s. 29.604, Stats., the application is incomplete. The department may not issue a general permit until the applicant submits information to demonstrate one of the following:</p> <ol style="list-style-type: none"> 1. that the project either avoids impacts to the threatened or endangered species or 2. that the project has received an incidental take authorization under 29.602, Stats. 3. if the project is modified, the applicant must submit the revised plan before the application can consider the application complete or issue a general permit 	