



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-19-0103-C

DOCUMENT TITLE

WETLAND DISCHARGE FOR DAM REPAIR/RECONSTRUCTION/MAINTENANCE 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 Discharge for Dam Repair/Reconstruction/Maintenance General Permit Instructions

The General Permit (WDNR-GP10-2014) is available under section 281.36 (3b) (b), Wis. Stats. for a permanent or temporary discharge to or fill of wetlands of no more than 10,000 square feet that is part of repair, reconstruction or maintenance of an existing, authorized dam. To qualify for this general permit, your project must meet all eligibility standards listed below and all other terms and conditions outlined in WDNR-GP10-2014.

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 for this general permit:

- Apply online at <http://dnr.wi.gov/permits/water>
- Include all required attachments. Failure to include all of the required information will result in an incomplete permit application and delay the processing of your permit.
- 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 the project does not meet all of the eligibility standards, then apply for an Individual Permit
 - The department also has authority under s. 281.39(3g)(i), Wis. Stats. To require an individual permit in lieu of a general permit, if the Department has determined that conditions specific to the site require additional restrictions on the discharge or fill to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

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, 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/>. Be sure to include:

- Clear directions to the project site with project and property boundaries clearly labeled
- Wisconsin wetland inventory map
- Soil survey map
- Topographic map
- Floodplain map
- Recent aerial map of site area with the locations of all proposed wetland fill/crossings clearly labeled.

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.

- Plans showing the proposed disturbance or fill (both temporary and permanent), including the location, dimensions and area of wetland impact.
- Cross-section view(s) for each wetland impact area
- Location of any waterways and wetlands, including dimensions and area of impact, and description of wetland type.

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, equipment, and long-term site management
- Your proposed construction schedule and sequence of work
- What temporary and permanent erosion control measures will be used
- The temporary and permanent location of any disposal area for excavated materials, if applicable
- 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
- Description of the type, composition and quantity of material proposed to be used for the discharge or fill
- If temporary wetland impacts, provide a detailed restoration plan

8. **Wetland delineation report** is required. 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. The department's local reviewer and the applicant(s) may agree in advance that a delineation is not necessary for the given site or area of impact. If this is true, please submit documentation from the local reviewer at the time of application.

9. **Alternatives analysis** - Provide clear, detailed documentation on how the wetland impact was avoided and minimized. Include the following information:

- Background or description of the project

- Describe the purpose and need for the project, and explain why the project must impact wetlands
- Explain if the project an expansion of existing work or is it new construction
- Alternatives
 - Describe any alternative locations to avoid wetland impacts.
 - Describe any alternative designs to minimize wetland impacts such as a narrower structure with less vegetation removal.
 - For each of the alternatives you identified:
 - Explain and provide documentation on why you eliminated the alternative from consideration (e.g. cost comparisons, safety issues, logistical, technological, design choice – such as wetland or soil type, hydrology, or topography, weight bearing needs, etc.)
 - Explain what you plan to do to minimize adverse effects on the wetlands during your project (e.g. erosion control, minimize vegetation clearing for construction, avoid more sensitive wetland types, timing of construction, other best management practices, etc.)

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 and are therefore excluded from coverage under WDNR-GP10-2014. For projects that do not qualify for WDNR-GP10-2014, you may apply for a wetland individual permit as outlined in section 281.36(3m), Wis. Stats.	
The owner of the dam is the permit applicant and the dam repair, reconstruction or maintenance authorized by this permit is associated with a single and complete project.	
The original construction of the dam was authorized by law.	
The project proposes to fill wetland for the sole purpose of improving the safety of the dam.	
The dam owner also either owns the land where the dam is located, holds an easement that allows the dam at its existing site, or otherwise has a legal authorization to proceed.	
The project discharge does not affect (as defined in Section 7) more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete dam repair, reconstruction or maintenance project.	
No hydro-generation facilities or recreational structures may be placed on fill authorized by this permit.	
Dredged or fill material will not be discharged into any of the following wetland resources: Great Lakes ridge and swale complexes, inter-dunal wetlands, coastal plain marshes, emergent marshes containing wild rice, southern sphagnum bogs, boreal rich fens, or calcareous fens.	

The proposed project cannot avoid wetland impacts.	
The proposed project minimizes wetland impacts to the greatest extent practicable.	
The discharge will cause only minimal adverse environmental effects.	
The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.	
Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department –approved technical standards of sections NR 151.11 and 151.12, Wisconsin Administrative Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/	
No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.	
The activity shall not result in significant adverse impacts to fishery spawning habitat including obstruction of fish passage, to bird breeding areas, or to the movement of species that normally migrate from open water to upland or vice versa (i.e. amphibians, reptiles and mammals) as determined by the department.	
The activity will not result in adverse impacts to historical or cultural resources and will comply with s. 44.40, Wisconsin Statutes as determined by the department.	