



## 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-19-0106-C**

### DOCUMENT TITLE

**INSTALLING DRAIN TILE: KNOWING THE REGULATIONS**

### PROGRAM/BUREAU

**WATERWAYS PROGRAM**

### STATUTORY AUTHORITY OR LEGAL CITATION

**CH. 281.36, 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

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Signature

Date

# Installing Drain Tile: *Regulations and Permits*

## Knowing your wetland boundary

In order to make strategic planning decisions for your tiling project, it is important to get a good idea of where the wetlands are on your property. NRCS delineations may be available for your area to help with your planning process.

DNR's surface water data viewer is another resources to consider. The surface water data viewer is a mapping service that illustrates presence/absence of wetland indicators on landscapes. If you are outside of a mapped wetland or area with wetland indicators, and do not see wetland indicators on site, you can assume that the area is upland. Visit

<https://dnr.wi.gov/topic/surfacewater/swdv/> For more information.

If a more precise boundary is needed, private wetland delineators may be able to provide you a general wetland boundary using a simplified screening method or can provide an exact wetland boundary through an official wetland delineation. DNR's wetland identification service is another lower cost option to approximate a wetland boundary for smaller tiling projects.

Visit <https://dnr.wi.gov/topic/Wetlands/identification.html> for more information.

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Knowing the rules helps plan projects to save cost, time, and headache

## State Wetland Regulations:

Like the Army Corp of Engineers, state law regulates the discharge of fill in a wetland (s. 281.36, Wis. Stat.). This means that activities, like tile installation, that occur in upland areas do not require state permitting. DNR permitting may be needed if:

- Excavation, backfilling, grading, scraping or other earth moving techniques occurs in a wetland;
- Cross connections and other supporting structures that require backfilling or excavation is placed in a wetland;
- Soil, dredged material or fill is sidecast or temporarily stockpiled in a wetland area; or
- Stumps are uprooted in a wetland.

## What is NOT regulated:

Several agricultural activities are exempt from state permitting requirements. These include:

1. Replacement of existing tile that is the same grade, depth, diameter, and type (solid, perforated tile);
2. Vegetation cutting that does not result in stockpiling woody vegetation in a wetland or uprooting trees; AND
3. Normal farming activities including plowing, tilling and harvesting.

## Planning Your Drainage System:

With this information in mind, here are ways to design your tiling projects to comply with state laws and avoid the permitting process:

1. Install new tile using a vibratory plow or knifing in tile lines only;
2. Do not place connections, vents, inlets, lifts, or pumps in wetland areas; and
3. Make sure that the installation is done to minimally disturb the soil and does not require stump removal.

If these best management practices do not work for you, permitting may be required or an artificial or nonfederal wetland exemption request may be appropriate. To determine if a permit or permitting exemption is appropriate visit [dnr.wi.gov](http://dnr.wi.gov), keyword "wetland disturbance". Please be aware that advanced notification is required to confirm eligibility for an artificial or nonfederal wetland exemption prior to initiating your project. Your project may also be regulated by other county, state or federal regulations so it is important to contact your local county conservation, NRCS, and Army Corp of Engineers to discuss your project. DNR staff are also happy to discuss your project. Visit [dnr.wi.gov](http://dnr.wi.gov), keywords "waterway contacts" for your local water management specialist contact information.

*Notice: This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.*