



## 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-19-0109-C

### DOCUMENT TITLE

DREDGING– SMALL SCALE DREDGING OF LAKES AND STREAMS 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

## Dredging – Small Scale Dredging of Lakes and Streams 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

### 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.

### 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/>.

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.

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.

<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.	
Eligibility Criteria for all projects	
The removal of bottom material shall be for the purpose of improving navigation or recreation.	
Projects involving the lease or sale of any material removed from the bed of any navigable lake or of any outlying waters are not eligible for this general permit. The lease or sale of dredged material from a navigable lake or outlying water requires a dredging contract from the Department under Wis. Stats. s. 30.20(2)(a).	

<p>If the project location is within the riparian zone, the applicant is the riparian owner or has the permission of the riparian owner to dredge the bottom material.</p>	
<p>The dredging may not be associated with any metallic or nonmetallic mining project.</p>	
<p>The dredging may not be located in an area of special natural resource interest as defined in Wis. Stat. §30.01(1am).</p>	
<p>The dredging may not be located in navigable waters having self-sustaining populations of walleye located in the ceded territory of the state where resource allocation rights are shared by sovereign tribes as defined in Wis. Adm. Code NR 1.07(4)(d). These waterways can be found on the SWDV at <a href="http://dnr.wi.gov/topic/surfacewater/swdv/">http://dnr.wi.gov/topic/surfacewater/swdv/</a> and turn on the layer called “Walleye Waters” which is under the “Fisheries Management” layer.</p>	
<p>The dredging may not be located in a public rights feature as defined in Wis. Admin Code NR 1.06(5).</p>	
<p>The applicant shall provide information that the dredged material does not contain any hazardous substance if a) the proposed dredging site is listed or immediately adjacent to a site on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) website or other county, state, or federal web-based data system that tracks the presence of a hazardous substances. BRRTS database information can be found at <a href="http://dnr.wi.gov/topic/Brownfields/clean.html">http://dnr.wi.gov/topic/Brownfields/clean.html</a>, or b) The Department advises the applicant that it has specific information that indicates the potential that hazardous substance may be present in the material proposed to be dredged <i>and</i> there is a need to verify that the hazardous substance is actually present.</p> <p><b>Note:</b> There may be cases where the Department already has specific information about the presence of a hazardous substance in a waterbody and can waive the sampling requirement since no verification is needed</p> <p>Specific information could include but is not limited to:</p> <ol style="list-style-type: none"> <li>1. The collection and laboratory analysis of the dredged material in compliance with Ch. NR 347, Wis. Adm. Code; or</li> <li>2. 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, Wis. Adm. Code; or</li> <li>3. Assessment of 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> </ol>	
<p>Projects involving the removal of material where 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 are ineligible for this general permit. Examples of environmental remediation programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), Great Lakes Legacy Act, and a Spill Response under Wis. Stats. Ch. 292 or Wis. Admin. Code Ch. NR 700 or both. For sediment cap or cover information see SWIMS database at <a href="http://dnr.wi.gov/topic/surfacewater/swims/">http://dnr.wi.gov/topic/surfacewater/swims/</a></p>	
<p>Projects that involve the removal of material from waters that were ammunition fall areas for gun ranges or projects that involve the removal of hazardous substances are ineligible for this general permit.</p>	
<p>Projects that propose in-water disposal of dredged materials are ineligible for this general permit.</p>	

<p>Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, the removal of material may not occur during the following time periods. a) September 15th through May 15th for all trout streams; and upstream to the first dam or barrier on the Root River (Racine County), 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 at <a href="http://dnr.wi.gov/topic/fishing/trout/streammaps.html">http://dnr.wi.gov/topic/fishing/trout/streammaps.html</a></p> <p>b) March 1st through June 15th for ALL OTHER waters.</p> <p>c) November 1st through June 15th for Lake Michigan on the east side of Door County and within the Bay of Sturgeon Bay.</p> <p><b>The regional Department Fisheries Biologist may waive or modify these timing restrictions in writing.</b> To request in writing a waiver or modification of fish spawning timing restrictions for your project please use the checklist listed as Appendix 1 and 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>Dredging may not occur in an area of naturally occurring sand, rock, cobble or gravel bottom unless the purpose of the dredging is for improving navigation only.</p>	
<p>Removal of coarse woody debris, trees, or other fish and wildlife habitat structures placed below the OHWM as a result of Department authorization is prohibited.</p>	
<p>Native aquatic vegetation may be removed incidental to the dredging event <b>for the purpose of improving navigation only</b> under this general permit without needing an additional aquatic plant management permit as required by Wis. Admin Code NR 109 provided that:</p> <p>a) Removal of native aquatic vegetation is limited to a single area with a maximum width of 30 feet measured along the shoreline.</p> <p>b) Any aids to navigation (e.g., piers, boatlifts) are located within that 30-foot wide zone or immediately adjacent to the zone.</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 turbidity barriers or silt curtains shall be used and shall be installed prior to dredging and removed from the waterbody when water on both sides of the curtain are visually equal. Any temporary control measures shall follow all state lighting requirements and may not obstruct navigation. You may need a “waterway marker permit” or aids to navigation if dredging in a navigation channel or routinely used water route under Wis. Adm. Code NR 5.09.</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, including dewatering activities, shall be conducted to minimize objectionable deposits as described in NR 102.04(1)(a) and (c), Wis. Adm. Code, of sediment to the maximum extent practicable.</p>	
<p>The best management practices must be designed and installed according to the storm water construction site sediment control technical standards: <a href="http://dnr.wi.gov/topic/stormwater/standards/const_standards.html">http://dnr.wi.gov/topic/stormwater/standards/const_standards.html</a> to ensure that carriage and or interstitial water resulting from dredging operations is consistent with background TSS levels of the receiving water provided it is uncontaminated sediment.</p>	

<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 or unless the deposit is exempt under federal or state law. 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. Re-deposition of dredged material below the ordinary high water mark of a navigable waterway, 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>	
<p>Before each dredging event the general permit holder shall notify the department at least 5 business days prior to the work with the following information:</p> <ul style="list-style-type: none"> <li>a) Existing General Permit Docket or Identification number verifying existing coverage</li> <li>b) Proposed volume amount</li> <li>c) Proposed dimensional dredging area</li> <li>d) Location of Dredging</li> <li>e) Dredged material disposal location</li> </ul>	
<p>Once coverage is granted by the Department under this general permit, the landowner cannot seek repeat coverage under this general permit until the full duration of coverage has expired (5 years).</p>	
<p><b>Additional Eligibility Standards applicable to Dredging in STREAMS</b></p>	
<p>The dredging may not result in water depth greater than 5 feet as measured from the ordinary high water mark.</p>	
<p>For each riparian property, the amount of bottom material dredged from a waterbody may not exceed 25 cubic yards over the course of this general permit coverage (5 years).</p>	
<p>There is no limit to the number of times dredging can occur over the course of this general permit as long as the sum of each event over the course of 5 years does not exceed 25 cubic yards. Each dredging event must adhere to the terms and conditions, including eligibility standards, of this general permit.</p>	
<p>The dredging shall not be associated with the straightening or realignment of the stream or the removal of instream habitat such as riffles or pools.</p>	
<p><b>Additional Eligibility Standards applicable to Dredging in LAKES, PONDS, AND IMPOUNDMENTS</b></p>	
<p>For each riparian property, the amount of bottom material dredged from an inland waterbody may not exceed 25 cubic yards over the course of this general permit.</p>	
<p>For each riparian property, the amount of bottom material dredged from a Great Lakes waterbody may not exceed 100 cubic yards over the course of this general permit.</p>	
<p>There is no limit to the number of times dredging can occur over the course of this general permit as long as the sum of each event over the course of 5 years does not exceed 25 cubic yards for inland waters and 100 cubic yards Great Lakes. Each dredging event must adhere to the terms and conditions, including eligibility standards, of this general permit.</p>	
<p>Proposed dredging cannot be in conflict with any lake management plan. See <a href="http://dnr.wi.gov/lakes/grants/">http://dnr.wi.gov/lakes/grants/</a>. Go to the Lake Protection and Classification Grants awarded link and select the Lake Management Plan in the Activity section.</p>	