



## 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-19-0111-C

### DOCUMENT TITLE

RIPARIAN NAVIGATIONAL DREDGING OF MAN-MADE IMPOUNDMENTS 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

**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

**This general permit requires you to submit preliminary dredging project information:**

1. To comply with the requirements in NR 347.05, Wis. Adm. Code and prior to submission of an application, applicants shall provide the department with preliminary dredging project 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 how the dewatering discharge from the dredged material will be managed;
  - e. Brief description of the proposed dredged material disposal method and location and, if a disposal facility is to be used, size of the disposal facility, including a Waste Material Management Self-certification Exemption for Dredge Material Flowchart  
<http://dnr.wi.gov/topic/Waterways/documents/PermitDocs/WMMselfcertExemptionDredgedMaterial.pdf>
  - 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; and
  - h. Anticipated starting and completion dates of the proposed project.

NOTE: Considering the preliminary information provided by the applicant and the factors described in #25, the Department shall then make a determination within 30 business days if there is reason to believe that the material proposed to be dredged is contaminated. This initial evaluation by the Department may be used in specifying sediment sampling and analysis required under s. NR 347.06, Wis. Adm. Code.

2. The department will review your preliminary dredging project information and contact you about any required sediment sampling or general permit eligibility questions.
3. After you have carefully confirmed that your project meets the purpose and all the terms and conditions of this permit, submit a complete application package, outlined below, to the Department. The complete application package should be received a minimum of 30 calendar days before the desired project start date. To apply for a permit, visit Department's e-permitting system at: <https://dnr.wi.gov/Permits/Water/>

**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>.

**Please note, prior to starting any work at the project site, you are responsible for:**

- Obtaining all necessary local (e.g. city, town, village or county) permits.
- Obtaining U.S. Army Corps of Engineer permits or approvals  
<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> for more information about the U.S. Army Corps of Engineers.
- Obtaining any other applicable state permits. In order to determine whether any other state permits are required, use WDNR's decision module at <http://dnr.wi.gov/topic/waterways>.

**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). For group or association applicants, please provide ownership documentation for all applicants.
- 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. Please refer to this sample drawing for assistance developing your plans and specifications, [http://dnr.wi.gov/topic/Waterways/sample\\_drawings/FishSticks.pdf](http://dnr.wi.gov/topic/Waterways/sample_drawings/FishSticks.pdf).
- 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. 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.
- 9. 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>	
Your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood and agreed to follow all conditions of this permit.	
<b>General eligibility criteria</b>	
The dredging purpose is to allow the riparian owner, or owners, to navigate from the shoreline of their property to the line of navigation.	
The dredging is located exclusively within the riparian zone of the property owner or owners.	
For each riparian property, the area of dredging must be limited to a navigation channel not exceeding 30 feet wide and not exceeding the “line of navigation” as measured during summertime low water levels.	
For each riparian property, the amount of “dredged material” may not exceed 50 cubic yards annually and may not exceed 250 cubic yards during the 5-year approval of this general permit.	
The dredging is for the removal of “unconsolidated sediment” comprised of clay, silt, sand or muck and shall be to improve or maintain navigation.	
The applicant is the riparian owner or has the permission of the riparian owner to dredge the bottom material. If there are multiple applicants, all applicants must be riparian owners or have permission of the riparian owners to dredge the bottom material.	
If applicable, the applicant has permission from the flowage bed owner to dredge the bottom material. If there are multiple applicants, all applicants must have permission from all flowage bed owners to dredge the bottom material.	
The dredging may not be associated with any metallic or nonmetallic mining project.	
Projects that propose in-water disposal of dredged materials are ineligible for this general permit.	
Native aquatic vegetation may be removed incidental to the dredging event for the purpose of improving navigation only under this general permit without needing an additional aquatic plant management permit as required by Wis. Admin Code NR 109 provided that: a) Removal of native aquatic vegetation is limited to a single area with a maximum width of 30 feet measured along the shoreline. b) Any aids to navigation (e.g., piers, boatlifts) are located within that 30-foot wide zone or immediately adjacent to the zone.	
Projects involving the lease or sale of any dredged material 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).	
Proposed dredging cannot conflict with any Department approved 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.	
Dredged material may not be temporarily or permanently placed within a wetland, floodway identified in a local floodplain zoning ordinance, or re-deposited below the “ordinary high water mark” of a navigable waterway.	
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.	
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. Note: 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>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><b>Location and timing standards:</b></p>	
<p>The project is located on an “inland,” “man-made impoundment” or an “associated feature.”</p>	
<p>Dredging may only remove unconsolidated sediments defined as primarily clays, silt, muck, and sand. Dredging may not occur in an area of primarily bedrock, cobble, rock and gravel.</p>	
<p>The project is located in a man-made impoundment with a watershed comprised of more than 30% combined agricultural and urban land use development based upon the Department’s WiscLand dataset. To identify whether your project is located in a watershed that meets this standard, visit <a href="https://dnr.wi.gov/topic/Waterways/construction/dredging.html">https://dnr.wi.gov/topic/Waterways/construction/dredging.html</a></p>	
<p>Removal of coarse woody debris, trees, and other fish and wildlife habitat structures authorized by the Department is prohibited.</p>	
<p>The dredging may not be located in a man-made impoundment that is identified as an outstanding or exceptional resource water under s. 281.15, an “area of special natural resource” interest as defined in Wis. Stat. §30.01(1am), or a “public rights feature” as defined in Wis. Admin Code NR 1.06(5). These waterways can be found on the SWDV at <a href="https://dnrmaps.wi.gov/H5/?Viewer=SWDV&amp;view=designated">https://dnrmaps.wi.gov/H5/?Viewer=SWDV&amp;view=designated</a></p>	
<p>The dredging may not be located in man-made impoundment 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>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 waste” are ineligible for this general permit.</p>	
<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>Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, the removal of material may not occur from March 1 through June 15. <b>NOTE:</b> 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 checklist listed as Appendix 1 and the Department 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><b>Contaminated and hazardous sediment eligibility standards</b></p>	
<p>The applicant shall provide information about the potential for the proposed dredged material to contain “contaminated sediments” or “hazardous substances” 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 contaminated properties. BRRTS database information can be found at <a href="http://dnr.wi.gov/topic/Brownfields/WRRD.html">http://dnr.wi.gov/topic/Brownfields/WRRD.html</a>, or b) The Department advises the applicant that it has specific information that indicates the potential that “contaminated sediments” or “hazardous substances” may be present in proposed area to be dredged and there is a need to verify if contamination is present and at what concentrations. <b>Note:</b> There may be cases where the Department already has specific information about the presence of contaminated sediments or hazardous substances in a waterbody and may not require additional sampling. Specific information required by the Department 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 contaminated sediments or 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, where contaminated sediments or hazardous substances are detected, must include best management practices to mitigate the potential for surface and groundwater contamination. The best management practices must be included in the project design plans and reviewed and approved the Department.</p> <p><b>Note:</b> Dredging projects must also obtain approval, and put in place practices to comply with, the Wisconsin Pollutant Discharge Elimination System (WPDES) and Solid Waste programs. For projects where contaminated sediments or hazardous substances are found, the Department may require an individual permit application under Wis. Stats. s. 30.206(3r).</p>	