

Environmental Standards: Protecting the Public's Interest

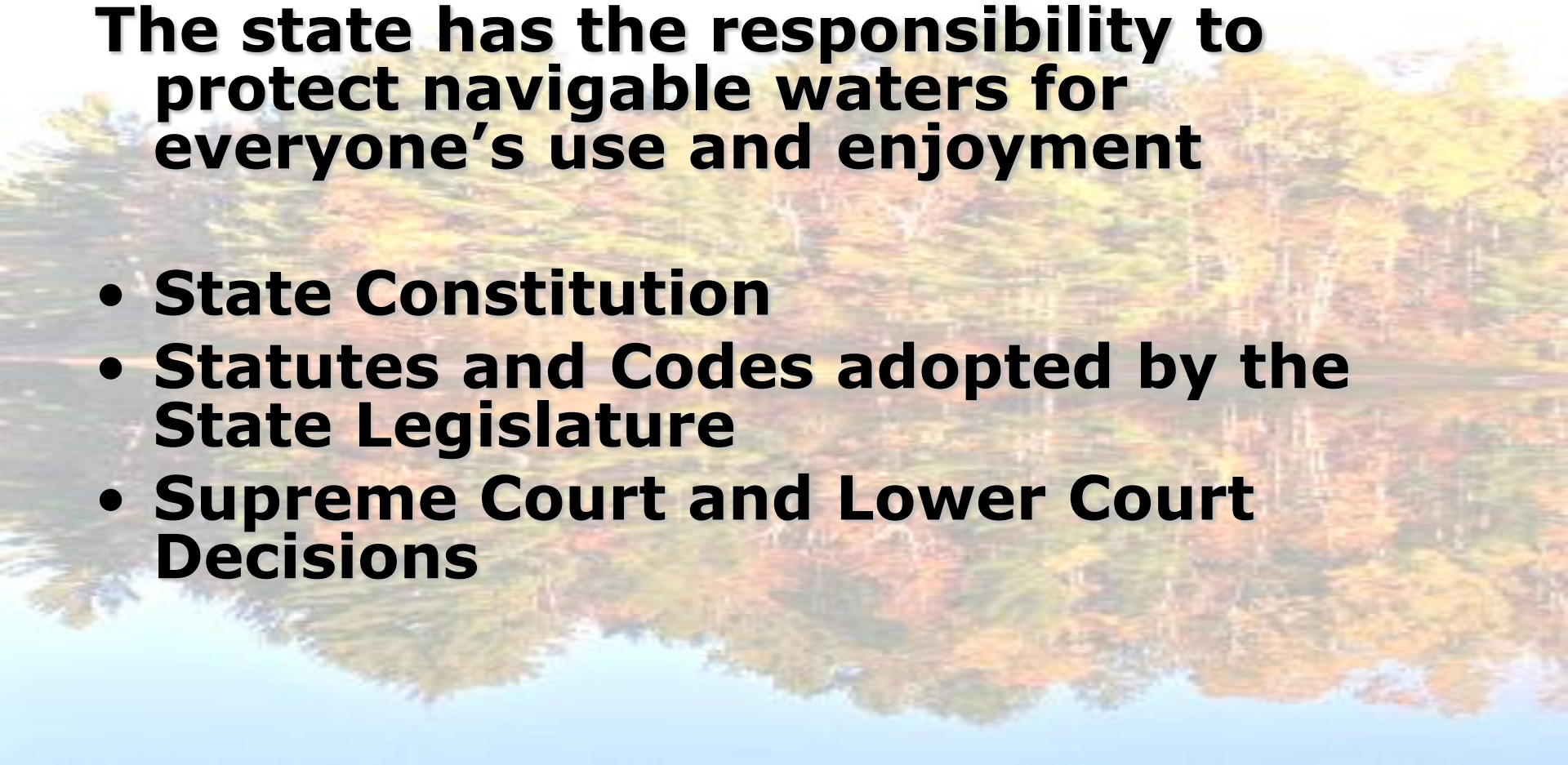




Wisconsin's Water

Public Trust Doctrine

The state has the responsibility to protect navigable waters for everyone's use and enjoyment

- **State Constitution**
 - **Statutes and Codes adopted by the State Legislature**
 - **Supreme Court and Lower Court Decisions**
- 



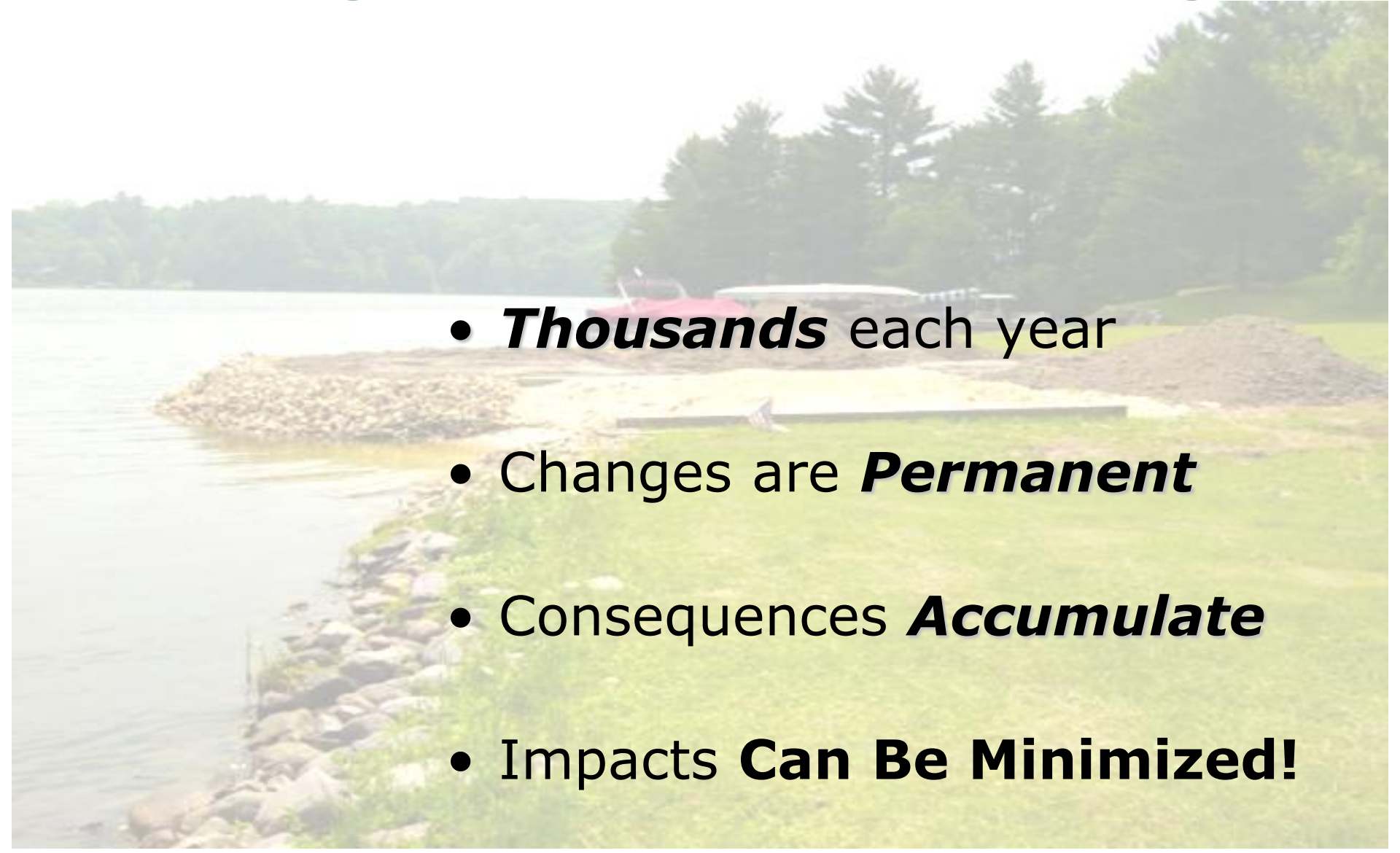
Wisconsin's Water

The public interest in navigable waters includes:

- **Fish & wildlife habitat**
 - **Water quality**
 - **Recreation**
 - **Natural scenic beauty**
 - **Navigation**
 - **Fishing & hunting, etc.**
- 



Changes at the Water's Edge

- 
- ***Thousands*** each year
 - Changes are ***Permanent***
 - Consequences ***Accumulate***
 - Impacts **Can Be Minimized!**



Changes at the Water's Edge

“An owner of land has no absolute... right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited in its natural state....”

Just v. Marinette, (1972)



Which Activities?



CULVERTS & BRIDGES



HABITAT



EROSION CONTROL



MISC. STRUCTURES



PONDS



GRADING



DREDGING



3-Tier Permit System

Individual Permits

General Permits

Exemptions

Which Activities?



CULVERTS & BRIDGES



HABITAT



EROSION CONTROL



MISC. STRUCTURES



PONDS



GRADING



DREDGING



Exemptions

No Permit Required! ~ No Notice Required!

What You Need to Know

- Standards DO apply!

Exception to the Exemption

- Public Rights Features
- Priority Navigable Waterways
- Areas of Special Natural Resource Interest



3-Tier Permit System

Individual Permits

General Permits

Exemptions

Which Activities?



CULVERTS & BRIDGES



HABITAT



EROSION CONTROL



MISC. STRUCTURES



PONDS



GRADING



DREDGING



General Permits

Minimum 31 days notice before you start!

What You Need to Know

- Standards DO apply!
 - DNR has 30 days to request missing info
-
- Answer in 30 days or less



Section 1: Project Description

Landowner (<i>Applicant</i>) Name	County	Waterbody Name
Total Area of Construction Site (acres)	Total Estimated Disturbed Area (acres)	

Section 2: Permit Eligibility

To qualify for this GP, your project must meet certain eligibility standards. Please review and certify "Yes" the project has been designed and will be constructed in compliance with ALL of the following GP eligibility standards. If your project does not meet all of the eligibility standards, you will need to apply for an Individual Permit (IP). Be advised the Department has the final discretion to determine GP eligibility and may require information in addition to the initial permit application submittal or require an Individual Permit (IP) if site-specific conditions require additional review.

General Permit Eligibility Standard	Yes
The project will not disturb sensitive areas identified in ch. NR 107. To determine if the project site is a sensitive area, you may use the Designated Waters Theme on DNR's Surface Water Data Viewer: http://dnr.wi.gov/org/water/data_viewer.htm	<input type="checkbox"/>
The riprap will not exceed 300 linear feet of shoreline.	<input type="checkbox"/>
The riprap will not be placed at an elevation higher than the ordinary high water mark plus the storm-wave height. The storm wave height is calculated and provided in the Department's shoreline energy calculator.	<input type="checkbox"/>
Clear documentation has been provided that proves the riprap previously existed.	<input type="checkbox"/>
The riprap will not be repaired no more than once every 5 years.	<input type="checkbox"/>
The riprap will consist of clean fieldstone or quarry stone varying in size 6 to 24 inches in diameter.	<input type="checkbox"/>



3-Tier Permit System

Individual Permits

General Permits

Exemptions



Individual Permits

Required when:

- No exemption or general permit applies
- Applicant request

Process:

- Public Notice

- 30-day public comment period

- Opportunity for informational hearing

- Answer in 30 days or less (from end of public participation)

Which Activities?



CULVERTS & BRIDGES



HABITAT



EROSION CONTROL



MISC. STRUCTURES



PONDS



GRADING



DREDGING

Waterway Home

About Us

- [County Contacts](#)
- [Permit Process](#)
- [Why We Regulate](#)

Activity Groups

- [Construction](#)
- [Recreation](#)
- [Shoreline & Habitat](#)
- [Water Levels & Crossings](#)

Permit Application Directory

Related Programs

- [Agricultural Runoff](#)
- [Dam Safety](#)
- [Floodplain](#)
- [Shoreland](#)
- [Stormwater](#)
- [Wastewater](#)
- [Wetlands](#)

Designated Waters

- [Designated Waters](#)
- [Tutorial](#)

Welcome to Waterway & Wetland Permits

[Landowners](#) || [Contractors](#) || [Municipalities](#) || [Agriculturalists](#) || [Public Involvement](#) || [County Contacts](#)



DNR Photo

dnr.wi.gov/waterways/

On these pages, you can learn how Wisconsin laws protect public waters and how you can help. You'll also find information

body of law made by the Legislature and the courts that guides how DNR protects public rights in navigable waters. You can learn more about these rights and how Wisconsin citizens fought to secure them by viewing this preview of [Champions of the public trust](#) Doctrine, the

For projects in or near a waterway or wetland, we have provided step by step instructions regarding the permits required to complete your project activities. Each project may involve one or more activities, so please consider this when you are collecting and submitting permit application materials, and planning your project timeline.

You may visit our [Activity Index](#) to learn about determining your project activities and permitting requirements. We have also provided [County Contacts](#) available in your area for further information about the waterway you have interest in learning about. The project activities for which we provide permitting instructions include:

Construction	Recreation	Shoreline & Habitat	Water Levels & Crossings
<ul style="list-style-type: none"> • Cranberry Projects • Dams • Dredging • Dry Hydrants • Grading • Intake/Outfall Structures • Miscellaneous Structures 	<ul style="list-style-type: none"> • Beach Maintenance • Boathouse Repair • Boat Ramp (landings) • Boat Shelter • Buoys • Pea Gravel Blanket • Piers, Docks, Wharves 	<ul style="list-style-type: none"> • Aquatic Plant Control • Beach Maintenance • Beaver Damage • Cranberry Projects • Fish or Wildlife Habitat • Lake Shore Erosion Control • Streambank Erosion Control 	<ul style="list-style-type: none"> • Bridges • Culverts • Dams • Fords • Withdrawals & Irrigation • Lake Levels • Temporary In-Stream Crossing



Lakeshore Stabilization

Type of structure needed based on erosive energy

- Wind-driven waves are the predominant factor in determining the severity of erosion
- Longest fetch
- The average depth along the fetch
- Storm wind speed



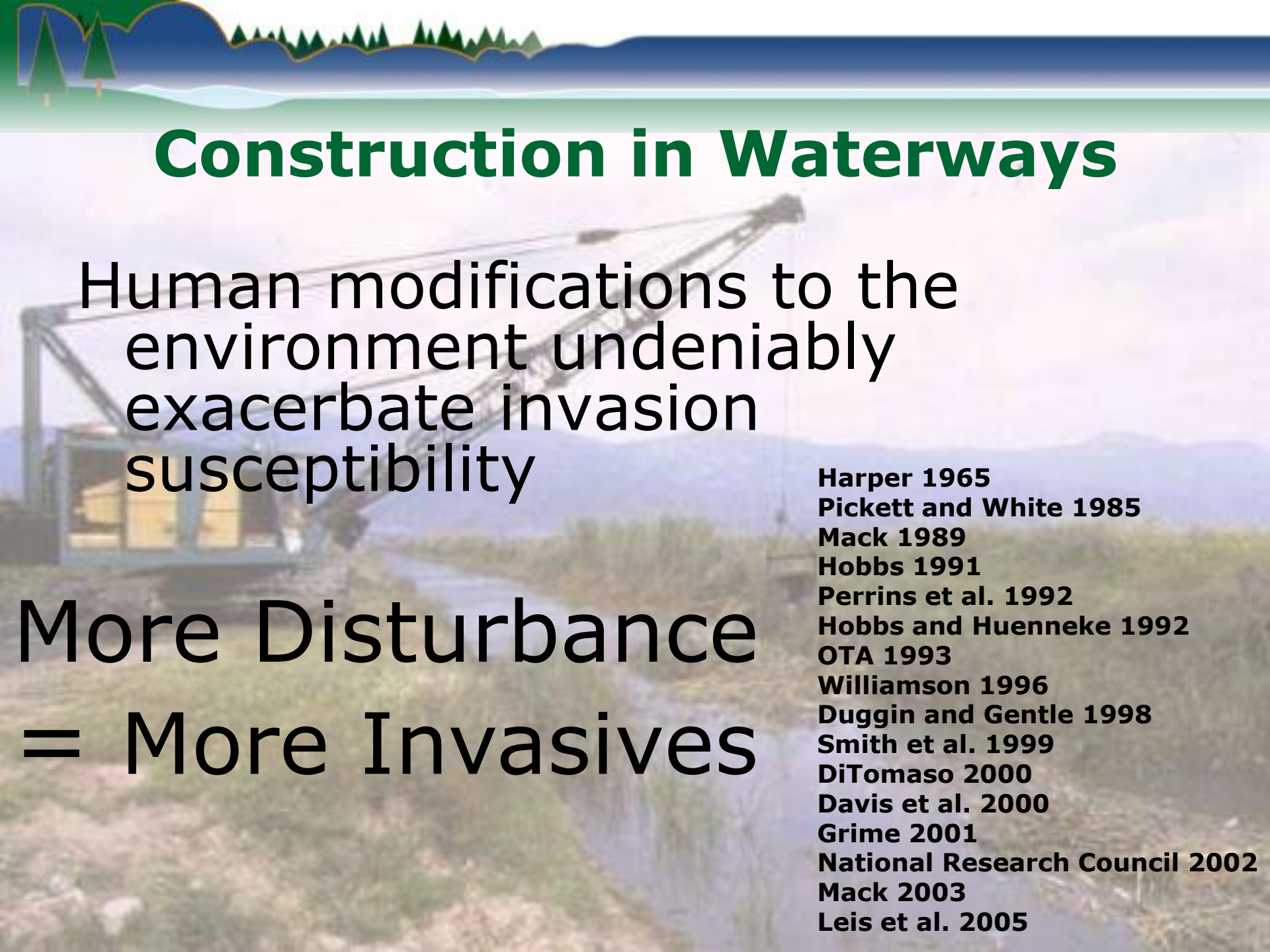
Lakeshore Stabilization

Permit Standards

- Native vegetation must be seeded above the ordinary high water mark
- Vegetation Plan: Types of plants and density
- Invasive Species



Construction in Waterways



Human modifications to the environment undeniably exacerbate invasion susceptibility

More Disturbance
= More Invasives

Harper 1965
Pickett and White 1985
Mack 1989
Hobbs 1991
Perrins et al. 1992
Hobbs and Huenneke 1992
OTA 1993
Williamson 1996
Duggin and Gentle 1998
Smith et al. 1999
DiTomaso 2000
Davis et al. 2000
Grime 2001
National Research Council 2002
Mack 2003
Leis et al. 2005





	http://dnr.wi.gov/org/water/data_viewer.htm		
	<p>The project meets or exceeds the stormwater management technical standards of s. NR 151.11 and 151.12, Wis. Adm. Code for stormwater discharges. Any area where topsoil is exposed during the placement, repair or removal of the structure will be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. The technical standards are found at:</p> <p>http://dnr.wi.gov/runoff/stormwater/techstds.htm</p>	<input type="checkbox"/>	
	<p>Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices will be removed upon final site stabilization. All areas disturbed during removal of temporary erosion and sediment control practices will be restored.</p>	<input type="checkbox"/>	
	<p>All equipment used for the project will be designed and properly sized to minimize the amount of sediment that can escape into the water.</p>	<input type="checkbox"/>	
	<p>Except as required for appropriate toe installation of the structure, dredging is not associated with this project.</p>	<input type="checkbox"/>	
	<p>The structure will be placed and maintained in good condition by the riparian owner.</p>	<input type="checkbox"/>	
	<p>To stop the spread of invasive species and viruses from one public waterway to another public waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project will be decontaminated for invasive species and viruses before and after use or prior to use within another public waterway.</p>	<input type="checkbox"/>	

Be Part of the Solution

“...shall decontaminate all equipment used for the project for invasive species and viruses”





Questions??

Martye Griffin

Statewide Waterway Science & Policy Leader

MartinP.Griffin@wi.gov