Dry Fire Hydrant - Exemption Requirements

A dry fire hydrant intake structure is exempt from needing a DNR waterway permit if the project meets all the requirements below. Many of these requirements follow best management practices to protect water quality. Statute and code references for this activity are s. 30.12, Wis. Stats., and s. NR 320.04(3) and (13), Wis. Adm. Code.

If your project meets the requirements below, you do not need to contact DNR and you may proceed with your project.

> **Note**: A person is responsible for requesting and obtaining all necessary federal, tribal, state, and local permits or approvals for their structure.

☐ The structure may not be located in an *area of special natural resource interest* (ASNRI) as defined in s. 30.01(1am), Wis. Stats., or a *public rights feature* (PRF) described under ch. NR 1.06, Wis. Adm. Code.

☐ The structure shall be placed entirely within the riparian's zone of interest as determined by one of the methods outlined in ch. NR 320.09, Wis. Adm. Code.

☐ A one-time deposit of sand, gravel, or stone under s. 30.12(1g)(a), Wis. Stats., may be associated with the structure provided the deposit is limited to the area immediately underneath or adjacent to the structure and is less than 2 cubic yards.

☐ Dredging is allowable up to the amount necessary to place a structure under s. 30.20(1g)(b)1., Wis. Stats.

☐ 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 technical standards under subch. III of ch. NR 151, Wis. Adm. Code. Any area where topsoil is exposed during the project shall be immediately seeded and mulched to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway. Note: Land disturbance and vegetation removal should be kept to the minimum area necessary to implement the project. Such disturbance may be regulated through local shoreland zoning regulations or under s. 30.19, Wis. Stats.

☐ To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-water work may not occur during any of the following time periods unless timing restrictions have been waived by the department:

a. September 15 through May 15 for all trout streams identified on DNR published maps. Note: To determine if a waterway is a trout stream, you may use the department trout stream maps at https://dnr.wisconsin.gov, keyword "trout stream maps."
b. September 15 through June 15 on all Great Lakes tributaries upstream to the first dam or barrier.
c. November 1 through June 15 for Lake Michigan waters surrounding Door County, including Green Bay and all harbors and bays.
d. September 15 through July 1 for Lake Superior waters surrounding Douglas County, including St. Louis River and all harbors and bays.
e. March 1 through June 15 for all other waters.

Note: A person may request a waiver for some or all of the fish timing restrictions. To do so, submit the information listed below in a voluntary exemption review request to the DNR Waterways General Question inbox. The DNR will make a determination within 15 days.

- A statement that describes the proposed activity.
- The site location.
- The construction timing and methods that will be used.
- The project scope and design.
- A demonstration that the proposed activity will not cause a material injury to the riparian rights of any riparian owners.

☐ Any grading, excavation, and land disturbance shall be confined to the minimum area necessary for construction.

☐ All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by following the most recent department approved washing and disinfection protocols to comply with ch. NR 40, Wis. Adm. Code. Note: Current protocols can be found on the department website at https://dnr.wisconsin.gov, keyword "invasives disinfection."

☐ A dry fire hydrant may be placed and maintained only by a riparian or by a municipality with the permission of the riparian.

☐ A dry fire hydrant may not result in a filling of the waterway that results in the waterward extension of the upland.

☐ A dry fire hydrant shall have a perforated inlet screen with cap on the inlet end.

☐ A dry fire hydrant shall be installed with the riser landward of the ordinary high water mark except when installed on a bridge or culvert.

☐ A dry fire hydrant located in a lake, pond, or flowage shall be installed so that the inlet pipe is at least 3 feet below the surface water level during normal low water level conditions.

☐ A dry fire hydrant in a stream shall be installed so that the inlet pipe is at least one foot below the surface water level during normal low water flow conditions.

☐ A dry fire hydrant may not be placed in a wetland or in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

☐ Unless otherwise authorized through applicable floodplain zoning or wetland regulations, the dry fire hydrant may not result in the permanent or temporary deposition of fill in any floodway or wetland. Note: Installation of a dry fire hydrant does not authorize the placement of any fill material to access the hydrant.