



## Culvert Replacement – Same Location Exemption Checklist

Certain activities in navigable waters are exempt from needing a permit under [Chapter 30](#). Use this checklist to determine if your project qualifies for an exemption.

Your proposed project is eligible if it meets **all** the following conditions:

- **Federal and State Threatened and Endangered Species:** This exemption does not address threatened and endangered species. Applicants are required to comply with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.) and the Federal Endangered Species Act. To determine if the project is in compliance, visit the [NHI Public Portal](#), and enter the project area to generate an Endangered Resources (ER) Preliminary Assessment. Read the ER Preliminary Assessment carefully to determine follow-up steps, if needed.
- **Federal and Local Permitting:** You are responsible for obtaining any local, state, or federal permits that may be required before starting your project.
- **Inspections:** The Department conducts routine inspections and may follow up to inspect your project to verify compliance with state statutes and codes. If you decide to modify your project, please contact your local Water Management Specialist to discuss and proposed modifications.

### EROSION CONTROL/CONSTRUCTION/SEDIMENT

- Erosion control measures shall meet or exceed the [WDNR Technical Standards](#) developed under Subch. V of ch. NR 151, Wis. Admin. Code. Any area where soil is exposed during construction shall be stabilized or revegetated immediately upon reaching final grade using sod, seed and anchored mulch, seed and erosion control mat, or rip rap to prevent erosion and limit sediment discharge to the waterway.
- The replacement culvert must be placed in substantially the same location as the culvert being replaced.
- The replacement culvert must be constructed or placed using the following best management practices:
  - **Construction Timing:** *Once waterway work begins (below the ordinary high water mark (OHWM)), all construction activities in those waterways must be continuous to the greatest extent practicable until the work is completed, and the site is stabilized. If periods of inactivity are unavoidable, the site must be temporarily stabilized until the work is resumed and completed.*
  - **Timing Restrictions:** *To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, work below the OHWM may not occur during the following time periods: September 15th to May 15th for all trout streams. March 1st through June 15th for ALL other waters.*
  - **Wetlands:** *Vegetation, material, soil stockpiles, or equipment cannot be stored in wetlands (even on a temporary basis). The project needs to be constructed in a manner that will maintain natural hydrology in the wetland complex. If the project includes any wetland fill, approval from DNR and the U.S. Army Corps of Engineers (ACOE) is required.*
- Construction equipment should not operate on the bed of the stream or below the OHWM – except when necessary for the placement of the structure.
- Unless the waterway is dry for the duration of the construction activities, you must install a cofferdam upstream and downstream of your project area. The coffer dam needs to be installed in conjunction with a method to maintain downstream flow.
  - *Coffer dams and temporary diversion channels must be construction of non-erodible material and secured with rock/rock-bags at the bottom of the channel and top of the banks. No earthen coffer dams are permitted.*
- Pump intakes and discharges shall prevent impacts to fisheries, wildlife, and their habitat, and must be placed to prevent the disturbance, removal and/or scour of bed material.

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- Temporary bypass structures used to maintain streamflow (i.e., diversion channel, pump bypass system, diverting to one culvert at a time, etc.) need to be adequately sized to prevent damage from upstream flooding and downstream siltation, wash-out, or scouring.
- Construction and dewatering activities shall be accomplished in such a manner as to prevent erosion and siltation into surface waters and wetlands.
- Remove all coffer dams in such a way that minimizes the release of sediment and other downstream impacts. Conventional practice is to remove the downstream coffer dam first then slowly remove the upstream coffer dam. When no longer needed, restore any bypass channel to original condition.
- Unless it is an emergency, avoid construction during periods of high water to avoid flooding the construction site.

### BMPs

- **Suitable Fill Material:** All fill must consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by ss. 289.01(11) and (33), Wis. Stats.
- **Dredging:** Any dredging necessary to bury the culvert will be limited to the greatest extent possible and deposition of sand, gravel, or stone will only occur immediately underneath and within 2 feet of the culvert. The width and depth of the waterway must not be altered.
- **Site Maintenance:** The replacement stream culvert must be maintained in good condition. Remove accumulated brush, debris or other obstructions that are trapped in or underneath the structure regularly.
- **Invasive Species:** All equipment or portions of equipment used for the culvert replacement should be decontaminated for invasive species and viruses before and after use following the most recent Department approved BMPs to avoid the spread of invasive species. These protocols and practices can be found on the Department website at <https://dnr.wi.gov/topic/Invasives/bmp.html> and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>.
- **Water Quality:** The [Wisconsin Forestry Best Management Practices for Water Quality Field Manual](#) gives examples of accepted BMPs for physical standards for culvert installations.
- **Wetland And Waterway General Permit For Municipalities To Construct, Reconstruct Or Maintain Highways, Bridges, Arches And Culverts - WDNR-GP2-2017** [<https://widnr.widen.net/s/zkbf6hgij/wdnr-gp2-2017final>] which gives examples of accepted BMPs for road culvert installations in Section 1 titled "Eligibility Standards"