

## Intake or Outfall Structure 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:

- **ASNRI/PRF/PNW:** The intake or outfall structure may not be located in an area of special natural resource interest (ASNRI) or within a public right features (PRF) - [Property Lookup for Designated Waterways and Wetlands | Waterway protection | Wisconsin DNR](#).
- **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.

### EROSION CONTROL/PLACEMENT/FILL

- 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 intake or outfall structure, including any wingwalls and rock riprap, shall be less than 6 feet from the water side of the ordinary high water mark and less than 25% of the width of the channel in which it is placed.
  - [Floodplain Mapping Determination](#)
- Outfall structures may not exceed 24 inches in diameter, and in streams may not result in a discharge of more than 50% of the streams base flow (80% exceedance flow) at any given time.
- Intake structures may not exceed 12 inches in diameter and the invert of the culvert shall be located above the public rights stage elevation as determined by the department under s. [31.02](#), Wis. Stats.
- Any grading, excavating, and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet. Check with your local municipality (village or city) or the county zoning department for before commencing land disturbing or vegetation removal activities.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- A deposit of sand, gravel or stone may be associated with the placement of an intake or outfall structure provided the deposit is limited to the area underneath or within 4 feet of the structure and is less than 2 cubic yards.
  - *Dredging may be associated with the placement of intake or outfall structure provided the dredging does not exceed 2 cubic yards.*

### WATERWAY/RIPARIAN/FISH SPAWNING

- The intake or outfall structure may not result in the waterward extension of the upland.
- The intake or outfall structure may not result in the permanent or temporary deposition of fill in any floodway or wetland.
- An intake or outfall structure may not result in the waterward extension of private property into the waterway.

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- Riparian Zone/Ownership –
  - Shall be placed and maintained only by a riparian, or municipality with riparian landowner permission – [Determination of riparian zones.](#)
  - Shall be placed within riparian zone of interest.
- To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement, or removal of a temporary waterway crossing below the ordinary high watermark (OHWM) may not occur during the following time periods unless timing restrictions have been waived by the Department:
  - a) September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the [WDNR website trout maps.](#)
  - b) September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
  - c) November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
  - d) September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
  - e) March 1st through June 15th for all other waters.

