Intake/Outfall Structure - Exemption Requirements

An intake or outfall structure is exempt from needing a DNR waterway permit if the project meets all the requirements below, including best management practices to protect water quality. Statute and code references for this activity include ch. 30.12, Wis. Stats., and ch. NR 320.04(3) and (15), Wis. Adm. Code.

If your project meets all the requirements below, you do not need to contact DNR and you may proceed with your project in accordance with all other necessary federal, state, and local permits or approvals.

☐ 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 s. 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 s. 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, grading, excavation, land disturbance and vegetation removal shall be confined to the minimum area necessary for construction Such disturbance may be subject to local shoreland zoning regulations or s. 30.19, 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 prevent erosion into the waterway.

☐ 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: To request a waiver for some or all of the fish timing restrictions 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.

☐ 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."

☐ The intake or outfall structure may be placed and maintained only by a riparian, or by another person or entity with the permission of the riparian.

☐ The intake or outfall structure, including any wingwalls and rock riprap toe protection, shall be less than 6 feet from the water side of the ordinary high-water mark and less than 25 percent of the width of the channel in which it is placed.

☐ The intake or outfall structure may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

☐ The intake or outfall structure may not result in the permanent or temporary deposition of fill in any floodway or wetland.

☐ The intake or outfall structure may not result in placement of fill in the navigable waterway that causes the waterward extension of the upland.

☐ The outfall structure may not exceed 24 inches in diameter, and in streams, may not result in a discharge of more than 50 percent of the stream’s base flow (80 percent exceedance flow) at any given time.

☐ The intake structure 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.

☐ The intake or outfall structure may include rock riprap toe protection in an amount not to exceed 2 cubic yards.