Temporary Stream Crossings - Exemption Requirements

A temporary stream crossing does not need a DNR waterway permit if the project meets all of the requirements below. Many of these requirements follow best management practices to protect water quality. Statute and code references for this activity include ch. 30.123, Wis. Stats., and ch. NR 320.04(3) and (5), 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 is placed and maintained only by a riparian (or their authorized agent) and 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 placement of 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 also 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, or the crossing is a temporary clear span bridge that will not require in-water work:

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 temporary stream crossing shall be used to provide temporary access to an area for the primary purpose of engaging in normal silviculture activities, including those activities that are undertaken on forest land to establish, maintain or enhance a forest. These activities include planting trees, thinning and trimming trees, and harvesting timber and other forest products. These activities do not include cutting firewood exclusively for personal use.

☐ The temporary in-stream crossing may only span a navigable stream that is less than 10 feet wide, measured from ordinary high-water mark (OHWM) to OHWM. Temporary clear span bridges are not subject to this width limitation.

☐ Provided no in-water work is proposed as part of the project, temporary clear span bridges may be placed and removed during the protective fish-window time periods identified above.

☐ The temporary stream crossing may not be located on a wild river designated under s. 30.26, Wis. Stats.

☐ The temporary stream crossing shall consist only of timber mats, poles, small logs, culverts, pipes, or similar structures that are placed side by side in, on, or over the stream channel and firmly anchored to the bank to prevent the crossing from being transported downstream during flood conditions. If one or more culverts are used in the crossing, it shall not be placed with any permanent materials such as sand, gravel, or rock.

☐ Except for clear span bridges, the temporary stream crossing shall be placed parallel to the stream flow (in a manner that allows water to flow through the temporary crossing).

The temporary in-stream crossing shall be placed and removed only during frozen or low flow conditions.

☐ The timber mats, poles, small logs, culverts or pipes shall be secured together using cables, chains, bands, fasteners, or other methods, prior to installation to facilitate removal.

☐ The temporary stream crossing shall be removed after the project requiring temporary access is completed or 160 days after installation, whichever occurs first.

☐ The temporary stream crossing shall be installed and removed a single time within the allowable use period and in compliance with the protective fish-window time periods specified above, unless the temporary crossing is a clear span bridge that does not require in water work.

☐ Compliance with the provisions under this paragraph constitutes a waiver of the navigational clearance requirements under s. NR 320.09, Wis. Adm. Code, provided that the property owner provides a marked navigational portage route around the temporary crossing while the structure remains in place.