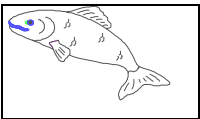
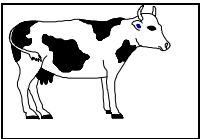


Wisconsin's Waterway & Wetland Permit Programs Work For You

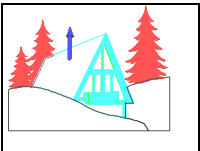
How Waterway & Wetland Permitting works



If you enjoy fishing, boating or just being on Wisconsin's lakes and streams, waterway & wetland permit programs work for you. Maintaining water levels and flows and keeping streams free of obstructions help provide top quality water recreation.



If you farm, you might use Wisconsin's waterways for irrigation or drainage. Waterway & wetland permits help make your water supply and drainage capacity more reliable while protecting the water rights of others.



If you own waterfront property, waterway permits work for you. Regulating erosion control projects and dam or pier construction are a few of the programs which help people avoid dangers and unnecessary costs to themselves or other water users.

And why

Waterway & wetland permits are needed because:

- * Conflicts often arise between the many different users of waters.
- * Waterway permits are an alternative to going to court whenever we affect or are affected by our neighbors' water related activities.
- * Clear lakes and free-flowing streams are necessary for healthy fish, wildlife and human populations.

The job of waterway & wetland permitting programs is to accommodate the many different users of Wisconsin's waters in a way that protects our waterways from individual uses. Translated, this means protection of your water rights.

Changing protection for changing water needs

When most Wisconsinites' nearest neighbors were wolves and deer, small dams or bridges on streams had little effect on other water users.

As lumbering, milling and farming drew settlers to Wisconsin, the variety of water uses and the number of users grew.

By the turn of the century, recreational hunting, fishing, boating and swimming increased the variety of water needs.

Since 1787, when the Northwest Ordinance was adopted to govern Wisconsin Territory, the State's navigable waterways have been considered public - for the use of all citizens. Over the years, the courts and state legislature have developed laws and rules for protecting the rights of waterfront property owners as well as the public. First the Railroad Commission, then the Public Service Commission, and finally the Department of Natural Resources have been charged with carrying out these laws.



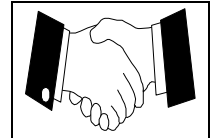
Today, the state helps protect your water rights as well as public safety by ensuring adequate planning and design of projects affecting public waters. This is done through permit and plan approval requirements for individual water projects.



Wisconsin laws, Chapter 30, "Navigable Waters, Harbors and Navigation," and Chapter 31, Regulation of Dams and Bridges in Navigable Waters," establish the permit programs.

Sharing responsibility for water protection

The DNR has an **Aquatic Habitat Expert** in each of five regions and **Water Management Specialists** in Service Centers whose job is to help people understand their water rights and to administer and enforce the laws which protect them. The Fisheries Management and Habitat Protection Bureau in Madison provides program coordination and technical support for the field staff.



The U.S. Army Corps of Engineers may require permits for dams, dikes and other structures in federal navigable waters and for the discharge of dredged material into waters and wetlands. The U.S. Coast Guard regulates the construction of bridges and causeways over federal navigable waters.

Local governments use floodplain and shoreland zoning to control development along lakeshores and streams. Local zoning officials administer permit programs for development.

We are all responsible for water rights protection. You can protect water rights by following proper procedures for activities in public waters, by reporting activities which may be in violation of laws so damages can be avoided or corrected and by voicing your opinions to state and local governments to help keep water rights protection up to date.

Protection of navigable waters in Wisconsin

If you have property on a Wisconsin lake or stream, are concerned about public access, or are concerned about the possible effects of any water-related activity, you may be very interested in the following summary.

Permits or Approvals:

Many activities affecting navigable waters require permits or approvals from Wisconsin's Department of Natural Resources (DNR). Most of the physical alterations to navigable waters which require permits are listed below. If you are thinking about any of the activities listed below, the following four items should be a part of your project planning:

1. Contact the DNR water management specialist covering the county where your project is located. Describe your proposed activity. If a permit or plan approval is needed, the necessary application materials will be mailed to you.
2. Your permit application will generally require the following:
 - * description of activity including location and design
 - * purpose of activity
 - * plans showing location and design of the project
 - * for certain projects, proof of ability to carry out the project
3. After receiving your application, the DNR may require you to publish a public notice in a local paper or hold a public hearing prior to granting your permit. You may be required to publish the notice or otherwise notify affected people in the project area.
4. If your project is approved, you will receive a formal permit or project approval. If you have received the necessary federal and local permits, you may start your project subject to the conditions of your permit or approval.

Historical Perspective:

The water laws of Wisconsin are based on the State Constitution. The Constitution established the "public trust doctrine," which maintains that all navigable waters are held in trust by the state for the public.

Natural Lakes:

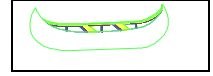
The beds of natural lakes are owned by the state and held in trust for the public. Owners of adjoining upland have title to the land above the ordinary high watermark and a qualified right in the exposed lakebed in front of their property.

Rivers and Streams:

On rivers and streams, the owners of the adjoining upland owns the streambed to the center thereof, but their right to use the stream is subject to regulation.

Navigability:

Any lake or stream or other body of water which is navigable in fact is open to any member of the public for purposes of navigation, including boating, swimming, hunting, fishing, or other recreational purposes. In exercising such rights, the public may not trespass upon private property. Waters are navigable in fact under the law if, for example, the smallest recreational craft can be floated on a regularly recurring basis from year to year.



Ordinary High Water Mark (OHWM):

Is the point on the bank or shore where the water is present often enough so that the lake or streambed begins to look different from the upland. Specifically, the OHWM is the point on the bank or shore up to which the water, by its presence, wave action or flow, leaves a distinct mark on the shore or bank. The mark may be indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristics.

Shoreland and Flood Plain Zoning Ordinances:

Section 59.971, Wisconsin Statutes, requires counties to adopt and administer regulations to control development along the shorelands within 1,000 feet of a navigable lake, pond or flowage, or within 300 feet of a river or navigable stream or to the landward side of the flood plain whichever is greater. Section 87.30, Wisconsin Statutes, also requires counties to adopt and administer regulations to control development in flood plains. Shoreland and flood plain zoning ordinances adopted by some counties govern: Permitted use of shorelands, flood plains, and wetlands; lot size; setbacks of buildings and structures from navigable waters; tree and shrub cutting along shorelands; and location and size of waste disposal systems. County zoning administrators should be contacted in the county in which the contemplated work will be completed.

PUB-FH-002 01REV



WATER AND SHORELINE ACTIVITIES REGULATED BY WISCONSIN'S DEPARTMENT OF NATURAL RESOURCES

ACTIVITY	DESCRIPTION OF ACTIVITY	STATUTORY AUTHORITY	PERMIT REQUIRED	PERMIT EXEMPTIONS & MISCELLANEOUS COMMENTS
Dredging	Removal of any material from the beds of any navigable or non-navigable waterway.	30.20	Yes	Contract required for removal of material from the beds of lakes.
Ponds, Enlargements	To construct or do any work on any artificial waterway, canal, lagoon, pond, or similar waterway where the purpose is ultimate connection with an existing navigable water, or where any part of such artificial waterway is located within 500 feet of the ordinary high watermark of an existing navigable water.	30.19	Yes	This section does not apply to the construction and repair of public highways or to any agricultural uses of land, nor to any navigable body of water located wholly or partially in any county having a population of 750,000 or more.
Grading	Grading, filling, landscaping or otherwise removing topsoil from the bank of any navigable water where the area exposed exceeds 10,000 square feet.	30.19	Yes	The bank is defined as "any continuous uninterrupted slope that leads to the water's edge". This section does not apply to any navigable body of water located wholly or partially in any county having a population of 750,000 or more.
Channel Changes	To change or straighten the course of a navigable stream.	30.195	Yes	Does not apply to municipal or county-owned lands in counties having a population of 750,000 or more.
Bulkhead Lines	A legally established artificial shoreline intended to regularize the shoreline.	30.11	**	**Established by municipal ordinance, approved by DNR.
Pea Gravel Blankets	A thin layer of pea gravel placed on the bed of lakes for improving the area for swimming.	30.12(3)(a)1	Yes	When possible, it is suggested that small gravel be used in order to make good spawning areas for fish.
Structures	Placement of any structure upon the bed of any navigable water.	30.12	Yes	"Structure" means any artificial creation which has utility and form.
Minor Structures	Riprap, Fish Cribs, Fords, Boat Ramps, Dry Fire Hydrants, Pilings, Permanent Boat Shelters.	30.12(3)(a)3	Yes	
Pipelines	The placement of a pipeline on or in the bed of a navigable waterbody.	30.12 30.20	Yes	Pipeline crossings on bed - 30.12 permit. Pipeline crossings on bed - 30.20 permit.
Diversions	The temporary diversion of surplus water of any stream for the purpose of maintaining water levels or for irrigation.	30.18	Yes	Water other than surplus water may be diverted only with the consent of existing users.
Level and Flow	DNR may regulate and control the level and flow of water in navigable waters.	31.02	Yes	DNR may investigate any waterway or dam; may order dams to be equipped with special devices.
Dams	Permits required to construct, operate and maintain public and private dams in navigable waters. All dams require plan approval for construction, repairs or other modifications.	31.05 31.06 31.12	Yes	Approvals required under Section 31.33 for dams on non-navigable waters.
Dam Abandonments & Dam Transfers	To abandon, alter, remove or transfer ownership of a dam.	31.185	Yes	
Piers or Swim Rafts	Generally, no permits required for construction of reasonable piers, swim rafts or wharves in navigable waters to aid navigation if it meets certain design standards.	30.13	No	30.12 permit required for construction of a solid pier, a pier which extends beyond a pierhead line, marina piers or any pier which interferes with public rights in navigable waters.
Bridges or Culverts	Private bridges and culverts in navigable waters.	30.123	Yes	