



GRADING ON THE BANKS of a navigable waterway

Land disturbance near a lake or stream can cause harm to habitat, water quality and natural scenic beauty if not done properly. Grading more than 10,000 square feet on the bank of a waterway requires a DNR permit. Our staff review the project plans with each permit application to ensure that proper erosion control and other design features will prevent harm to public rights in the waterway during construction.

Where is the Bank?

To determine if you need a Grading permit, you need to know if your project is on the "bank" of a waterway. First, find out if the waterway is a Priority Navigable Waterway (PNW). The bank area is larger to add protection for these specially-designated waters. Go to DNR's website at: <http://dnr.wi.gov/org/water/fhp/waterway/waterslist.shtml> and do a search to see if the waterway near your project is a PNW.

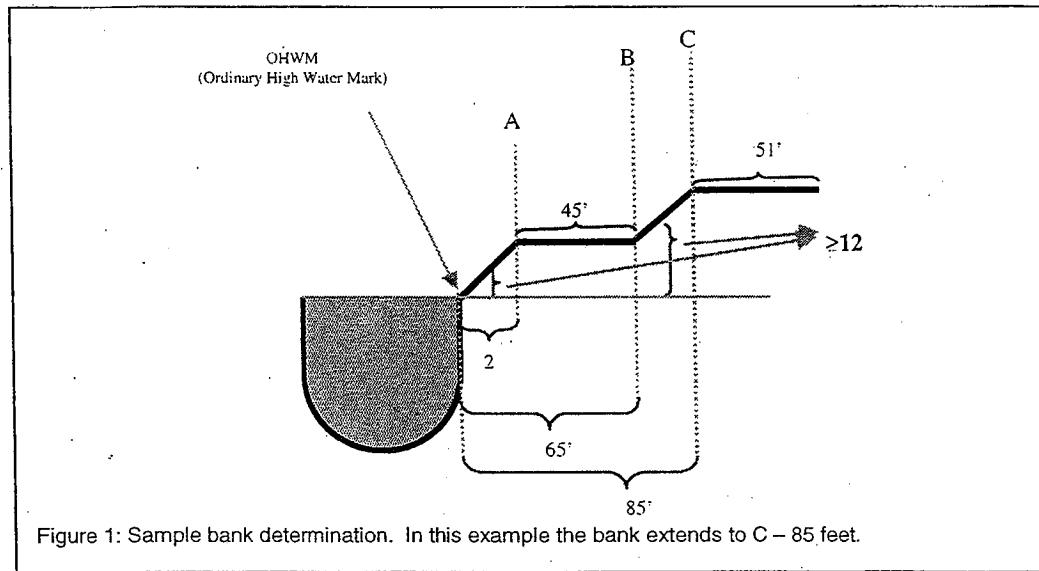
Next, determine the bank area by making the calculations described below. If you'd rather avoid the calculations, you can just "stipulate" to the bank location with DNR's concurrence. This means you simply agree that the bank is at a specific distance, rather than calculating the slope as explained below.

For non-priority navigable waterways, you can stipulate that the bank is all the land within 300 feet of the ordinary high water mark of the waterway. Or calculate the bank as follows: The bank is 75 feet landward from the ordinary high water mark. However, if at 75 feet or less from the ordinary high water mark the slope is 12% or greater, the bank extends further landward to the point where the slope becomes less than 12%, provided the slope is less than 12% for more than 50 feet. See Figure 1.

For priority navigable waterways, you can stipulate that the bank is all the land within 500 feet of the ordinary high water mark of the waterway. Or calculate the bank as follows: The bank is 300 feet landward from the ordinary high water mark. However, if at 300 feet or less from the ordinary high water mark the slope is 10% or greater, the bank extends further landward to the point where the slope becomes less than 10%, provided the slope is less than 10% for more than 50 feet.

Note: Measure the distances horizontally, and follow the land surface to measure the slopes.

Note: The bank does not include any areas where the slope or drainage of the land into the navigable waterway is completely interrupted, so you can exclude those areas from your calculations. Completely interrupted means a topographic break that stops runoff from reaching navigable waters.



Do I need a permit?

Now evaluate your project to see how much land disturbance you are proposing on the bank of the waterway. Using the bank width that you've stipulated or calculated, figure the total bank disturbance in square feet. If your project will disturb land in an area of more than 10,000 square feet on the bank, you'll need a Grading permit from DNR under Chapter 30 of Wisconsin Statutes. If you are proposing a larger area of land disturbance, but it's not all on the bank, include the land disturbance that's on the bank, or will be on the new bank as a result of your project, in order to determine if it will be over the 10,000 square foot size.

Standard Permit Requirements

Every Grading project is required to have site-specific plans to address soil erosion and stormwater runoff, and to implement those plans in order to protect water quality.

- **Erosion Control** - This is critical requirement to minimize soil erosion off the site during construction. The plan should be designed to meet standards in NR 216.46, Wis. Admin. Code, and implemented from the start of land disturbing activities until the work is complete and the site is stabilized.
- **Stormwater Management** - Pollution caused by stormwater discharges from a grading site – such as runoff from rooftops, parking lots and other impervious areas – need to be addressed with a stormwater management plan. For projects with less than 1 acre of land disturbance, this means simply directing runoff from impervious surfaces to pervious ones, like directing downspouts onto the lawn. For sites with 1 acre or more of land disturbance, you'll need to develop and implement a plan in accordance with NR 216.47, Wis. Admin. Code, and you'll also need a separate DNR Stormwater Permit.

Streamlined General Permit

Grading projects can qualify for a simple General Permit if they are designed to meet a specific set of standards that minimize environmental impacts. A General Permit is issued within 30 days of when DNR receives your complete application, with no public notice requirement. Some key design standards to qualify for a Grading General Permit include:

- Performance standards for stormwater management
- "No-touch" setbacks from lakes, streams and wetlands
- A vegetation plan to make sure the site is stabilized after grading is complete
- Maximum existing or created slope of 20%
- Maximum elevation change of 5-feet, within the bank area, except for walkout basements where elevation change can be up to 10-feet

Grading projects that don't qualify for a General Permit will require an Individual Permit, involving a longer review and public notice.

For additional information or to obtain Grading application materials, visit the Wisconsin Department of Natural Resources website at www.dnr.wi.gov. Navigate to "Licenses, Permits and Registrations" and then "Waterways and Wetlands Permits".

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