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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Natural Resources and
Transportation (SC-NRT)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (July/2012)

- Gary Neu, Madison — self
- Karen Etter Hale, Madison — WI Audobon Council and Madison Audobon Society

Registrations Against

- Sandra Verhulst, Arbor Vitae — self

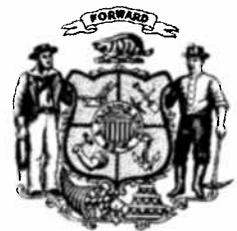
March 11, 2005

NO ACTION TAKEN

Dan Johnson
Committee Clerk



WISCONSIN STATE LEGISLATURE



Streamlining the Permit Process while Protecting Public Waters Proposed Rule on Miscellaneous Structures - NR329

Summary of Rule Proposal

Wisconsin Act 118 created a three-tier permit system intended to speed permit decisions without reducing protection of fish and wildlife habitat, navigation, water quality and natural scenic beauty. Certain miscellaneous structures such as intake and outfall structures, pilings, and dry fire hydrants no longer need permits unless they are in designated waters. NR 329 sets specifications for when miscellaneous structures are exempt and creates general permits (GP) for other miscellaneous structures such as fords, sand blankets and boat ramps (other than those maintained as specified in previously issued permits).

Why is this an issue for public waters?

Thousands of different types of structures are placed in public waters annually. Some structures, such as fords constructed for the purpose of providing a good stable stream crossing for livestock and farm equipment can avoid suspension of silt and destruction of habitat when cattle or vehicles cross streams. However, fords can also harm fish spawning habitat and other aquatic organisms depending on where the ford is located, when and how it is constructed.

Poorly located, designed or constructed intake or outfall structures can cause similar harm to aquatic habitat, can be a boating hazard or affect natural scenic beauty.

Previous Regulation

Prior to Act 118, dating back to the early 1900's, most structures placed in public waters needed state review and approval. Permits were approved if DNR could determine "no detrimental impact to public rights."

What's Being Proposed?

NR 329 sets standards for exemptions for dry fire hydrants, intake and outfall structures, and piling. Exemptions are not allowed in "areas of special natural resource interest" (ASNRI) and must follow technical standards similar to those previously used for short form permits. The rule establishes general permits for these same projects in ASNRI.

NR 329 creates general permits for fords, mechanical weed rakes, and boat ramps in public waters. In addition to the general permits in the temporary rule, the Department is considering adding a general permit for sand or pea gravel blankets for recreational water activities in public.

Some design and location standards include but are not limited to:

- Designed and constructed to prevent structural failure caused by water velocity, wave, wind or ice action and shall be maintained in good condition at all times.
- Located within the owner's riparian zone of interest.
- May not result in a material obstruction or hazard to navigation.
- No treatment with wood preservatives or compounds that may be harmful to any fish or wildlife using the structure or a potential pollutant to the waterway.

Examples of specific location standards are:

FORDS.

- The width of the stream is less than 100 feet.
- The normal depth of the stream is less than 2 feet.
- The streambed does not contain over 6 inches of soft sediment.

Examples of ford design standards

- Consist of a 6 to 24 inch thick layer of 2 to 4 inch diameter rock or pre-cast reinforced concrete planks over a base of crushed rock with a total thickness not exceeding 24 inches.
- No more than 16 feet wide in a direction parallel to the flow of the stream.
- Top surface at the same level as the natural streambed immediately upstream and downstream from the ford. This means that the material installed cannot result in the creation of an impoundment or dam upstream or a waterfall or riffle area downstream.
- The approach road to the ford may not:
 1. Have bank slopes steeper than 5 feet horizontal to 1 foot vertical (5H:1V) toward the stream.
 2. Have side slopes exceeding 2 feet horizontal to 1 foot vertical (2H:1V).
 3. Be constructed in or across a wetland.
 4. Be raised above the elevation of the surrounding natural ground elevation within a mapped floodplain.
 5. Involve grading on the banks of the stream exceeding 10,000 square feet.
 6. Material excavated from the streambed or banks may not be placed in any surface water body or wetland and may not be placed in a floodplain where it will obstruct flood flows.
 7. May not result in the permanent or temporary deposition of fill in any surface water or wetland.

What do YOU think?

DNR seeks your input on the proposed rules. You can participate in one of several ways.

Fill out a written questionnaire at a public hearing **open house**.

Send comments over the **internet** at

<https://apps4.dhfs.state.wi.us/admrules/public/Rmo?nRmold=167>

Testify at a public hearing (see locations, dates and times by clicking on DNR's page, then on "Permits & Licenses," then "Waterway & Wetlands.")

Mail your written comments to Ms. Roberta Lund, DNR-FH/3, P.O. Box 7921, Madison, WI, 53707-7921.

Comments accepted through August 9, 2004



WISCONSIN STATE LEGISLATURE



Clearinghouse Rule 04-062

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 329 relating to miscellaneous structures in navigable waterways.

FH-44-04

Summary Prepared by the Department of Natural Resources

Statutory Authority: ss. 30.12(1), (1p) and (3)(br), 30.206, and 227.11(2), Stats.

Statutes interpreted: ss. 30.12(1g)(a), (g), (h) and (km), (2m), (2r), (3) and (3m) and 30.20(1g)(b)2., Stats.

Explanation of Agency Authority:

The Department has authority under s. 30.12, Stats., to promulgate rules that establish installation practices, construction and design requirements and limitations on the location of structures placed under statutory exemptions. The Department has authority under ss. 30.12 and 30.206, Stats., to promulgate rules to establish general permits.

Related statute or rule:

These rules relate directly to regulation of activities in navigable waters under ch. 30, Stats., waters designations in ch. NR 1, and the NR 300 series of rules.

Plain Language Analysis:

The purpose of this rule is to establish construction, design and placement standards for projects to be eligible for statutory exemptions, to establish general permits with appropriate conditions, and to establish standards for projects that may be authorized under an individual permit.

Chapter NR 329 establishes standards for exemptions for dry fire hydrants, intake and outfall structures, and piling. Exemptions are not allowed in "areas of special natural resource interest" (ASNRIs) and must follow technical standards similar to those previously used for short form permits. The rule establishes general permits for these same projects in ASNRIs.

This rule also establishes general permits for fords across navigable waterways, mechanical weed rakes in navigable waterways, and boat ramps open to the public or on lakes greater than 50 acres and which do not already have a public boat ramp. These general permits are not allowed in ASNRIs and must follow technical standards similar to those previously used for short form permits or in Department guidance.

Federal Regulatory Analysis:

Any activity that results in a discharge (including deposits and structures) into "waters of the United States" is regulated by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. An individual permit from the Corps is required, unless Wisconsin regulates the project in its entirety under ch. 30, Stats., in which case the project is authorized by the Corps under general permit GP-01-WI or GP-LOP-WI. Dredging or discharge into waters declared navigable under Section 10, Rivers and Harbors Act, 1899 is also regulated, and requires an individual permit from the Corps.

Comparison with Adjacent States:

Activity	Wisconsin	Illinois	Iowa	Michigan	Minnesota
Boat Ramp	Exempt for projects not located in an "area of special natural resource interest", then authorized under GP for public boat ramps only	General permit, except if located in Cook, DuPage, Kane, Lake, McHenry and Will Counties (regulated by Co.)	Exempt on non-state owned lands, general permit on state owned lands. Must match natural contours	General permit, must match existing contours	Exempt. Private boat ramps also exempt if < 12' wide and < 10' waterward
Dry fire hydrants	Exempt for projects not located in an "area of special natural resource interest", then authorized under GP	General permit	General permit provided does not obstruct flood flows.	General permit	General permit
Fords	Exempt for projects not located in an "area of special natural resource interest", then authorized under GP	General permit	General permit	General permit	General permit but top of bank cannot exceed 4'
Intake and outfall structures	Exempt for projects not located in "area of special natural resource interest", if adversely affects public trust values, or extends more than 25 % stream width	General permit. Cannot extend waterward beyond the natural bank.	General permit in state owned waters only. Can not impact flood flows	General permit if not located on a trout stream, otherwise individual permit.	General permit, must be screened with natural plants, energy dissipation at outfall
Piling	Exempt for projects not located in an "area of special natural resource interest", then authorized under GP	General permit, cannot obstruct navigation.	General permit provided does not obstruct navigation	General permit, may not obstruct navigation	Exempt provided not an obstruction to navigation

Summary of Factual Data and Analytical Methodologies: Not applicable.

Analysis and Documents supporting determination of Small Business Effect:

Anticipated Private Sector Costs:

Effect on Small Business:

Agency Contact Person: Dale Simon, Dale.Simon@dnr.state.wi.us, (608) 267-9868

Place where comments are to be submitted and deadline for submission: Ms. Roberta Lund, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than August 9, 2004.

SECTION 1. Chapter NR 329 is created to read:

**Chapter NR 329
MISCELLANEOUS STRUCTURES IN NAVIGABLE WATERWAYS**

NR 329.01 Purpose. The purpose of this chapter is to establish reasonable procedures and limitations for exempt activities, general permits and individual permits for placement of boat ramps, dry fire hydrants, fords, intake and outfall structures and piling in navigable waterways as regulated under s.

30.12, Stats., in order to protect the public rights and interest in the navigable, public waters of the state as defined in s. 30.10, Stats.

NR 329.02 Applicability. This chapter applies to construction, placement and maintenance of boat ramps, dry fire hydrants, fords, intake and outfall structures and piling regulated under ss. 30.12(1), (1g)(a), (g), (h) and (km), (3) and (3m) and 30.20(1g)(b)2., Stats. Any person that intends to construct, place or maintain a boat ramp, dry fire hydrant, ford, intake or outfall structure or piling in any navigable waterway shall comply with all applicable provisions of this chapter and any permit issued under this chapter.

NR 329.03 Definitions. In this chapter:

(1) "Area of special natural resource interest" has the meaning in s. 30.01(1am), Stats., and as identified by the department in s. NR 1.05.

Note: "Area of special natural resource interest" means any of the following:

(a) A state natural area designated or dedicated under ss. 23.27 to 23.29, Stats.

(b) A surface water identified as a trout stream by the department under NR 1.02(7).

(bm) A surface water identified as an outstanding or exceptional resource water under s. 281.15, Stats.

(c) An area that possesses significant scientific value, as identified by the department in NR 1.05.

Information and lists can be obtained by contacting the department, or found on the department's website at www.dnr.wi.gov, under the topic "Waterway and Wetland Permits".

(2) "Boat ramp" means a structure installed on the bed and bank of a navigable waterway for the purpose of launching and landing watercraft.

(3) "Department" means the department of natural resources.

(4) "Dry fire hydrant" means a structure or device, that a fire hose can be connected, which is constructed in and adjacent to a navigable waterway for the purpose of providing water for fighting fires.

(5) "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.

(6) "Intake or outfall structure" means a structure located on the bank or bed of a navigable waterway below the horizontal plane of the ordinary high water mark, that is used to divert water from the waterway for purposes other than irrigation or to discharge water to the waterway. An intake or outfall structure shall include rock riprap toe protection not to exceed 2 cubic yards.

(7) "Open to the general public" means available to any person conditioned only upon the payment of a reasonable fee. "Open to the general public" does not include conditions that require purchase of a boat, boat slip, parcel of property, condominium unit or membership in a club or organization.

(8) "Piling" has the meaning in s. 30.01(5m), Stats.

(9) "Reasonable fee" means a fee comparable to those charged the general public for similar facilities on the waterway or a similar waterway in the vicinity.

(10) "Riparian" means an owner of land abutting a navigable waterway.

(11) "Weed rake" means an appurtenance, attached to a structure, e.g. pier, piling, etc., designed to mechanically remove aquatic plants by the movement of rake tines attached to a floating boom without grubbing, lifting or rolling of the bottom sediments.

(12) "Wetland" means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

NR 329.04 Miscellaneous structures. (1) EXEMPTIONS. (a) *Procedures.* Exemptions shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A dry fire hydrant that meets the standards in par. (c) shall be exempt under s. 30.12(1g)(g), Stats. An intake or outfall structure that meets the standards in par. (d) shall be exempt under s. 30.12(1g)(km), Stats. Piling that meet the standards in par. (e) shall be exempt under s. 30.12(1g)(h), Stats.

(c) *Dry fire hydrant standards.* 1. The dry fire hydrant may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05.

2. The dry fire hydrant may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian.

3. The dry fire hydrant shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The dry fire hydrant may not be placed in a wetland or in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

5. The dry fire hydrant shall have a perforated inlet screen with cap on the inlet end.

6. The dry fire hydrant shall be installed with the riser landward of the ordinary high water mark.

7. The dry fire hydrant shall be installed so that the inlet pipe is at least 3 feet below the surface water level during normal low water level conditions.

8. The dry fire hydrant may not result in the permanent or temporary deposition of fill in any floodplain or wetland.

9. The dry fire hydrant may not result in the waterward extension of the upland.

10. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

11. Erosion control measures shall meet or exceed the standards in the most current version of the Wisconsin Construction Site Best Management Practices Handbook.

Note: Information on how to obtain this publication can be found by contacting the department or found on the department's website at www.dnr.wi.gov, under the "Runoff Management" program.

12. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

13. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or riprapped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.

14. When the project is completed and the disturbed areas are adequately stabilized, the silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.

15. A deposit of sand, gravel or stone under s. 30.12(1g)(a), Stats., may be associated with the placement of a dry fire hydrant provided the deposit is limited to the area underneath the structure and is less than 2 cubic yards.

16. Dredging under s. 30.20(1g)(b)1., Stats., may be associated with the placement of a dry fire hydrant provided the dredging does not exceed one cubic yard.

(d) *Intake or outfall structure standards.* 1. The intake or outfall structure may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05.

2. The intake or outfall structure may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian.

3. The intake or outfall structure shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. 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.

5. 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.

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

7. The intake or outfall structure may not result in the waterward extension of the upland.

8. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

9. Erosion control measures shall meet or exceed the standards in the most current version of the Wisconsin Construction Site Best Management Practices Handbook.

Note: Information on how to obtain this publication can be found by contacting the department or found on the department's website at www.dnr.wi.gov, under the "Runoff Management" program.

10. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

11. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or riprapped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.

13. When the project is completed and the disturbed areas are adequately stabilized, the silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.

14. A deposit of sand, gravel or stone under s. 30.12(1g)(a), Stats., 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.

15. Dredging under s. 30.20(1g)(b)1., Stats., may be associated with the placement of an intake or outfall structure provided the dredging does not exceed one cubic yard.

(e) *Piling standards.* 1. Piling may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05.

2. Piling may be placed and maintained only by a riparian.

3. Piling shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. Piling may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

5. Piling may not result in the permanent or temporary deposition of fill in any floodplain or wetland.

6. Piling shall be placed only for the purposes of deflecting ice, protecting an existing or proposed structure or providing a pivot point for turning watercraft.

Note: Piling as described in this rule may not be used for the purpose of constructing, repairing or maintaining a retaining wall, seawall or similar structure, or for any purpose other than described above.

7. Piling may not be placed or used for mooring a boat, except in Lake Michigan, Lake Superior or on the Mississippi River.

8. Piling may consist of a group of not more than 3 individual piles placed adjacent to each other and firmly bound together.

9. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

10. Erosion control measures shall meet or exceed the standards in the most current version of the Wisconsin Construction Site Best Management Practices Handbook.

Note: Information on how to obtain this publication can be found by contacting the department or found on the department's website at www.dnr.wi.gov, under the "Runoff Management" program.

11. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

12. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or rippapped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.

13. When the project is completed and the disturbed areas are adequately stabilized, the silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.

14. A deposit of sand, gravel or stone under s. 30.12(1g)(a), Stats., may be associated with the placement of piling provided the deposit is limited to the area underneath the piling and is less than 2 cubic yards.

15. Dredging under s. 30.20(1g)(b)1., Stats., may be associated with the placement of piling provided the dredging does not exceed one cubic yard.

(f) Activities which do not meet the standards in par. (c), (d) or (e) or are determined ineligible for an exemption by the department shall require a general permit or individual permit.

(2) GENERAL PERMITS. (a) *Procedures.* General permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A ford that meets the standards in par. (c) shall be eligible for a general permit under ss. 30.12(3)(a)4. and 30.206, Stats. A boat ramp that meets the standards in par. (d) shall be eligible for a general permit under ss. 30.12(3)(a)5. and 30.206, Stats. A weed rake that meets the standards in par. (e), a dry fire hydrant that meets the standards in par. (f), an intake or outfall structure that meets the standards in par. (g), or piling that meet the standards in par. (h), shall be eligible for a general permit under ss. 30.12(3)(br) and 30.206, Stats.

(c) *Ford standards.* 1. The ford may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05, except for fords constructed for an agricultural use as defined in s. 30.40(1), Stats.

2. The ford may be placed and maintained only by a riparian.

3. The ford shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The ford shall be designed and constructed to prevent structural failure caused by wave, wind or ice action and shall be maintained in good condition at all times.

5. The ford shall only be located in a stream.

6. The ford shall only be constructed where the stream width is less than 100 feet, the normal stream depth is less than 2 feet, and where the streambed does not contain more than 6 inches of soft sediment.

7. The ford shall consist of a 6 to 24-inch thick layer of 2 to 4-inch diameter rock or pre-cast reinforced concrete planks over a base of crushed rock with a total thickness not exceeding 24 inches.

8. The ford shall be no more than 16 feet wide in a direction parallel to the flow of the stream.

9. The ford shall have its top surface at the same level as the natural streambed immediately upstream and downstream from the ford. The placement of the ford cannot result in the creation of an impoundment or dam upstream or a waterfall or riffle area downstream.

10. The approach road to the ford may not have bank slopes steeper than 5-foot horizontal to one-foot vertical (5H:1V) toward the stream, or side slopes exceeding 2-foot horizontal to one-foot vertical (2H:1V).

11. The approach road to the ford may not be constructed in or across a wetland.

12. The approach road to the ford may not be raised above the elevation of the surrounding natural ground elevation within a mapped floodplain.

13. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

14. Erosion control measures shall meet or exceed the standards in the most current version of the Wisconsin Construction Site Best Management Practices Handbook.

Note: Information on how to obtain this publication can be found by contacting the department or found on the department's website at www.dnr.wi.gov, under the "Runoff Management" program.

15. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

16. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or ripped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.

17. When the project is completed and the disturbed areas are adequately stabilized, the silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.

18. Material excavated from the streambed or banks may not be placed in any surface water body or wetland and may not be placed in a floodplain.

19. Construction of the ford may not occur during periods of high stream flow.

(d) *Boat ramp standards.* 1. The boat ramp may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05, except for boat ramps constructed and maintained by a local, state or federal agency.

2. The boat ramp may be placed and maintained only by a riparian.

3. The boat ramp shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The boat ramp shall be designed and constructed to prevent structural failure caused by wave, wind or ice action and shall be maintained in good condition at all times.

5. Material removed or excavated to construct the boat ramp may not be placed in a wetland, floodplain or below the ordinary high water mark of any navigable waterway.

6. The boat ramp shall consist of a 6- to 24-inch layer of crushed rock, 4-inch minimum thickness pre-cast reinforced concrete planks or a cast-in-place reinforced concrete slab, each with a 6 to 18-inch crushed rock base. Pre-cast planks shall be connected to prevent displacement.

7. The boat ramp shall have a slope no steeper than 7-foot horizontal to one-foot vertical (7H:1V).

8. The boat ramp may not be located in or across a wetland.

9. The boat ramp shall have rock riprap toe protection at the lakeward end of the ramp which may not extend above the natural level of the bottom of the waterway.

10. The side slopes of the excavated banks on either side of the boat ramp may not exceed 2 feet horizontal to one foot vertical (2H :1V).

11. Cofferdams used for site de-watering shall consist only of clean recoverable materials such as sandbags or plywood sheeting, etc., and all materials shall be removed immediately following project completion.

12. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

13. Erosion control measures shall meet or exceed the standards in the most current version of the Wisconsin Construction Site Best Management Practices Handbook.

Note: Information on how to obtain this publication can be found by contacting the department or found on the department's website at www.dnr.wi.gov, under the "Runoff Management" program.

14. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

15. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or ripped to stabilize disturbed areas and prevent soil from being eroded and washed into the waterway.

16. When the project is completed and the disturbed areas are adequately stabilized, the silt fencing or similar erosion control measures shall be removed so that the erosion control measures are not a barrier to the movement of wildlife.

17. Construction of the boat ramp shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark.

Note: Local zoning ordinances may place restrictions on cutting trees in the shoreland zone. The riparian is responsible for ensuring that their project is in compliance with any local zoning requirements.

18. The boat ramp shall be open to the general public, or shall be located on a lake or flowage greater than 50 acres in size which has no boat ramp that is open to the general public.

(e) *Weed rake standards.* 1. The weed rake may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05., and may not be located within a public rights feature as identified under s. NR 1.06 and may not be located within a floating bog.

2. The weed rake may be placed and maintained only by a riparian.

3. The weed rake shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The weed rake shall be attached, as an appurtenance to a pier or structure that has been authorized by the department or is otherwise exempt from the permit requirements of ch. 30, Stats.

5. The weed rake boom radius may not exceed 24 feet in length, may not be operated in a manner as to alter the natural configuration of the bed of the waterway and may not disturb bottom sediments in water depths greater than 3 feet.

6. The weed rake may only be attached or operated on a single side of a pier or structure and may not be moved from side to side of a pier within the same open water season.

7. The weed rake may not be installed and operated prior to May 20th in waters south of State Highway 10 and may not be installed and operated prior to May 31st in waters north of State Highway 10.

8. The weed rake may not be operated unattended for more than 5 days of continuous operation.

9. The riparian is responsible for removing vegetation that has been dislodged or cut within their riparian zone as required under s. NR 109.08 (3).

(f) *Dry fire hydrant standards.* A dry fire hydrant may be authorized under a general permit if the activity meets all of the requirements of sub. (1)(c) with the exception of sub. (1)(c)1.

(g) *Intake or outfall structure standards.* An intake or outfall structure may be authorized under a general permit if the activity meets all the requirements of sub. (1)(d) with the exception of sub. (1)(d)1.

(h) *Piling standards.* Piling may be authorized under a general permit if the activity meets all the requirements of sub. (1)(e) with the exception of sub. (1)(e)1.

(i) Activities which do not meet the standards in par. (c), (d), (e), (f), (g) or (h) or a general permit issued by the department shall require an individual permit.

(3) INDIVIDUAL PERMITS. (a) *Procedures.* Individual permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* Any miscellaneous structure which is not exempt under sub. (1), or is not authorized by a general permit under sub. (2), requires authorization by an individual permit pursuant to s. 30.12(1), Stats.

(c) *Standards.* A miscellaneous structure meeting the standards in s. 30.12(3m), Stats., may be authorized under an individual permit.

(4) EXISTING PERMITS. A structure regulated under this chapter which is authorized by an existing department permit shall continue to be authorized, provided the structure is maintained in compliance with all the conditions of the original permit. Any modifications to the structure that do not comply with the original permit conditions shall require a new individual permit and shall comply with all standards in this section.

NR 329.05 Enforcement. (1) Noncompliance with the provisions of ss. 30.12, 30.20 and 30.206, Stats., this chapter, or any conditions of an exemption, general permit or individual permit issued by the department, constitutes a violation and may result in a forfeiture. If the activity is a general permit under s. 30.206, Stats., the failure to follow procedural requirements may not, by itself, result in abatement of the activity. Unless there is good cause shown, the department shall seek abatement of any activity in violation of ss. 30.12, 30.20 and 30.206, Stats.

(2) General permits may not be issued for after-the-fact permit applications. When an after-the-fact permit application has been filed with the department, the department shall follow the procedures in ch. NR 301 for violations.

(3) Any reference in ss. 30.15, 30.292, 30.294 and 30.298, Stats., to any provision of ch. 30, Stats., shall include any rules promulgated under that provision.

(4) No person may place a boat ramp, dry fire hydrants, ford, intake or outfall structure or piling in a navigable waterway if the activity is not eligible for an exemption, authorized by a general permit or individual permit issued under this chapter, or otherwise authorized under this chapter.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)