

Biological Shore Erosion Control Exemption Checklist



Certain activities in navigable waters are exempt from needing a permit under [Chapter 30](#). Use this checklist to determine if your project qualifies for an exemption.

Your proposed project is eligible if it meets **all** the following conditions:

- **ASNRI/PRF/PNW:** The biological shore erosion control may not be located in an area of special natural resource interest (ASNRI) or within a public right features (PRF) - [Property Lookup for Designated Waterways and Wetlands | Waterway protection | Wisconsin DNR](#).
- **Federal and State Threatened and Endangered Species:** This exemption does not address threatened and endangered species. Applicants are required to comply with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.) and the Federal Endangered Species Act. To determine if the project is in compliance, visit the [NHI Public Portal](#), and enter the project area to generate an [Endangered Resources \(ER\) Preliminary Assessment](#). Read the ER Preliminary Assessment carefully to determine follow-up steps, if needed.

EROSION CONTROL/RIPARIAN

- Erosion control measures shall meet or exceed the [WDNR Technical Standards](#) developed under Subch. V of ch. NR 151, Wis. Admin. Code. Any area where soil is exposed during construction shall be stabilized or revegetated immediately upon reaching final grade using sod, seed and anchored mulch, seed and erosion control mat, or rip rap to prevent erosion and limit sediment discharge to the waterway. Check with your local municipality (village or city) or the county zoning department for before commencing land disturbing or vegetation removal activities.
- Any grading, excavating, and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet. Check with your local municipality (village or city) or the county zoning department for before commencing land disturbing or vegetation removal activities.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- No waterward extension of the property is permitted other than what is reasonably necessary to conduct the project and protect the existing bank. No soil or similar fill material may be placed in a wetland or below the ordinary high water mark of any navigable waterway.
 - *Filling within a floodplain is subject to local zoning.*
- A deposit of sand, gravel, or stone may **not** be associated with the biological erosion control structure.
 - *Dredging is **not** allowed for the placement or maintenance of any shore erosion control structure.*

VEGETATION/WATERWAY

- Vegetation shall be plant species which are native to the area of Wisconsin where the project is located. Vegetative treatments shall be installed according to the Natural Resources Conservation Service (NRCS) [Conservation Practice Standard Code 580](#) (Streambank and Shoreline Protection) or NRCS Engineering Field Handbook Chapter 16.
- Willow wattles, willow posts, brush mattresses, brush layering, fiber roll breakwaters, plant carpets, root wads, and other natural materials shall be installed by hand.
 - *Fiber rolls shall be secured using can and duckbill anchors or hardwood stakes. Spacing between the duckbill anchors shall be 6 feet or less. Spacing between the hardwood stakes shall be 4 feet or less.*
- Mechanical equipment may **not** be operated below the ordinary high watermark or on the bed of a navigable waterway.
- If wave barriers are used, they shall be located within the 3-foot water depth contour or less, marked with reflectors, and may not create an obstruction to navigation. Any wave breaks or wave barriers shall be completely removed within 2 years of the installation date.