
WATERWAY/WETLAND PERMIT APPROVALS IN DECLARED DISASTER AREAS

What you need to know

Recovering from a natural disaster can be overwhelming. This fact sheet aims to help people and communities recover quickly and in a way that protects natural resources and reduces future damage.

Please note: FEMA requires that applicants receiving federal disaster assistance must comply with all applicable local, state and federal laws, requirements and permits, including permits necessary for work that affects lakes, streams, wetlands, shorelands and floodplains. Failure to do so could jeopardize potential federal funding.

Permitting Overview

Under Wisconsin law, the Wisconsin Department of Natural Resources regulates many of the construction activities in or near our lakes, rivers, streams, and wetlands. Repair and restoration activities after a natural disaster like flooding or tornadoes may require DNR permits or approvals. Flood related debris may be removed without a permit (except for sediment removal from the streambed) but it must be disposed outside waterways, wetlands, and floodplains. With a few exceptions, the following activities require DNR approval:

- Structures in public waterways (examples are culverts, bridges, boat landings, rip rap, and fords)
- Grading on the bank of a public waterway
- Relocating a public stream channel
- Dredging in all streams and public lakes
- Filling or dredging in wetlands
- Dam repairs
- Enlargement of any public waterway, including pond construction

Local DNR Water Management Specialists (WMS) and Water Management Engineers (WME) can help identify what permits or approvals are required. DNR staff gives a high priority to disaster relief projects and promotes prevention measures. Contact information for the appropriate staff person is attached to this document and may also be found on-line at dnr.wi.gov/topics/waterways.

Private Bridges, Culverts, and Road – Streamlining the Process

DNR WMS and WME staff can expedite projects in an officially declared disaster area if your project fits into one of the categories below, as many will do. Review these categories to see if your project qualifies, and how to proceed.

Protection of Human Health and Safety: If regulated activities must be done immediately to protect human health and safety or resolve an ongoing environmental problem, you must make contact, by phone, email or in person, with the local DNR Water Management Specialist, Water Management Engineer or Conservation Warden. Likewise, notify the DNR Water Management Specialist for projects needed to access a home, business, or farm following the disaster.—The project should be designed to meet the substantive requirements of the law, recognizing that once the site is stable, you must apply for and receive an after-the-fact permit from the DNR. Many permits can be authorized on site.

Previously Permitted Activities: If the disaster restoration or mitigation project was previously issued a waterway, wetland or dam permit by the DNR, you can restore or rebuild to the dimensions specified by the original permit. This includes the replacement of previously authorized bridges, culverts or streambank protection projects. Be sure to follow all applicable permit conditions.

Replacement Culvert Exemptions: Existing culverts in, on, or over navigable waters are exempt from requiring permits to be replaced as long as the culvert is:

- Placed in substantially the same location as the culvert being replaced; and
- The culvert must be constructed or placed using best management practices (BMPs) to comply with water quality standards.

Other Projects: A complete permit application & permit review is required for all other projects. This includes all of the following projects:

- Grading in excess of 10,000 sq. ft. on the banks of a public waterway,
- Stream relocation or channel changes,
- Any temporary or permanent fill within a wetland, floodplain or public waterway,
- Any changes in the structure footprint in public water.

Public Bridges, Culverts, Roads (State, County, Town, City, Village)

Please contact your local transportation liaison for activities related to repair/replacement of public roadways, bridges, and culverts. Please see the attached contact list for those individuals.