

Marinette County  
Lake Classification & Protection Grant

APPENDIX B

**Contractor Training Powerpoint**

## Shoreland / Wetland Zoning In Marinette County

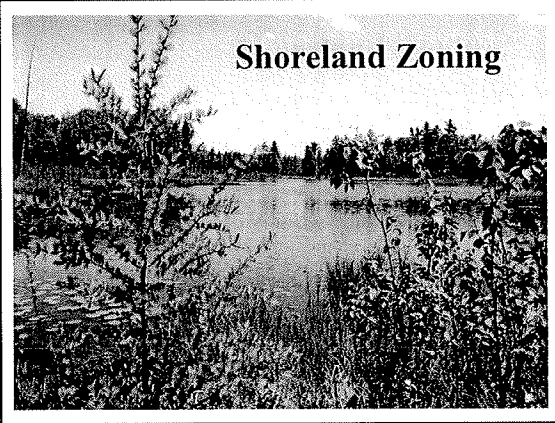
April 10, 2007



Marinette County Land Information Office  
1926 Hall Avenue  
Marinette, WI 54143  
Phone: 715-732-7528



Wisconsin Department of Natural Resources  
Peshtigo Service Center  
101 N. Ogden Road  
Peshtigo, WI 54157  
Phone: 715-582-5000



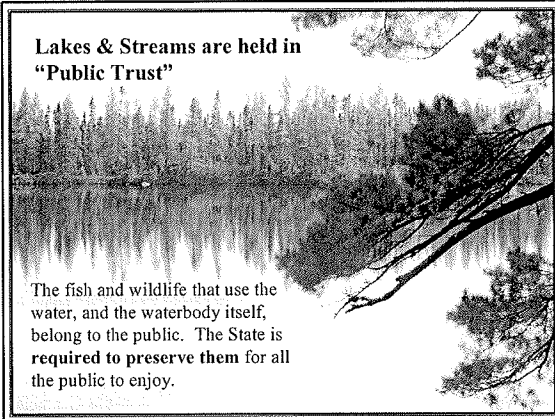
### Shoreland Zoning

### Your Presenters:

**Chuck Druckrey** – Water Resource Specialist, Marinette County Land & Water Conservation

**John LeFebvre** – Zoning Administrator, Marinette County Land Information Office

**Robert Rosenberger** – Water Management Specialist, Wisconsin DNR Peshtigo Office



### Lakes & Streams are held in "Public Trust"

The fish and wildlife that use the water, and the waterbody itself, belong to the public. The State is required to preserve them for all the public to enjoy.

### Workshop Agenda



#### Marinette County Shoreland Zoning

- Why we have shoreland zoning
- Regulated waters
- Setbacks
- Vegetation cutting

#### Filling Grading & Excavating

#### Erosion Control Methods

#### State and Local Wetland Zoning

- Why we have wetland zoning
- Regulated wetlands

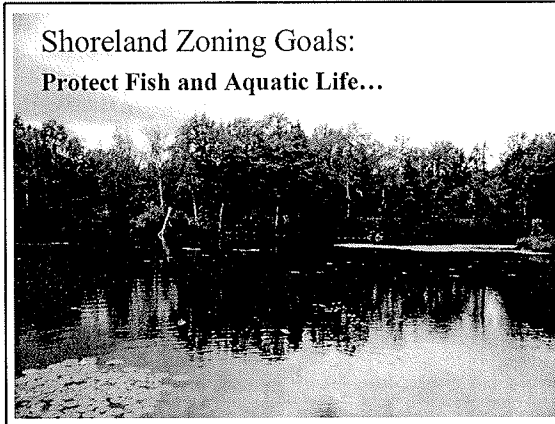
#### Shoreline Erosion Control

#### Ponds

#### Roads in Wetlands

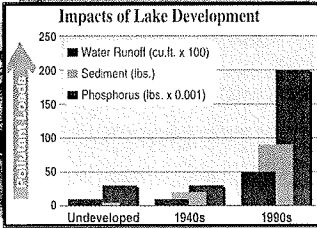
#### Permitting and Contractor Responsibility

#### Open Session / Q&A



### Shoreland Zoning Goals: Protect Fish and Aquatic Life...

## Prevent and Control Water Pollution...



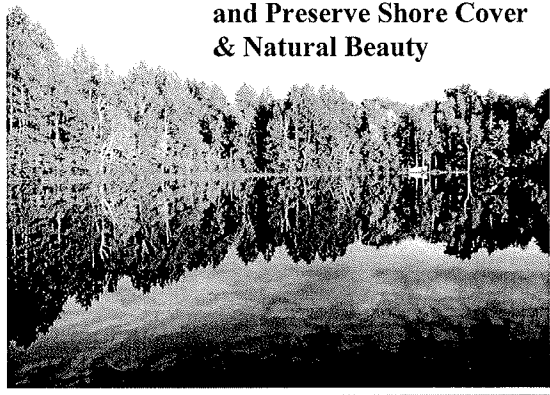
## When is a Stream Considered Navigable?

- It has a defined bed and banks; and
- It is capable of floating a small kayak or canoe on a regular basis (once a year is enough).

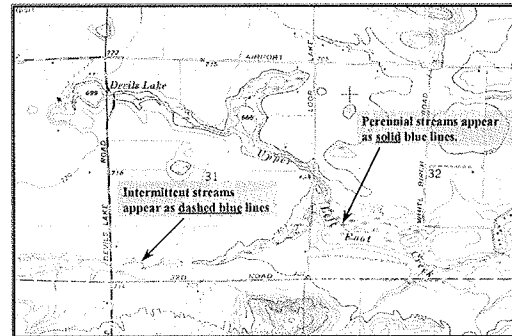


\* If you have a question about navigability call your local DNR Water Management Specialist.

## and Preserve Shore Cover & Natural Beauty



A waterway is presumed navigable if it appears on the USGS topographic map as either an intermittent or perennial stream



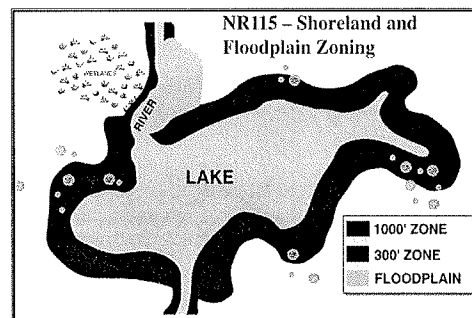
## Which Lakes and Streams are Regulated by Shoreland Zoning?

**!! All Public Waterways !!**

These include:

- All natural lakes and impoundments **with or without public access.**
- All navigable streams.
- Ponds determined by the DNR to be waters of the state. (these are usually connected to a navigable water)

The area regulated by shoreland zoning varies depending on the type of water body.

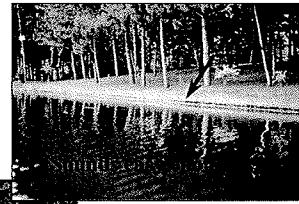


## What Does Marinette County Regulate?



## In English...

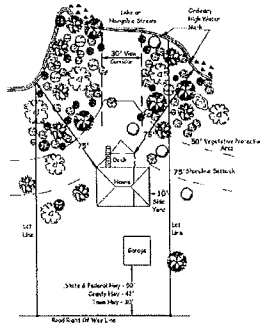
It's where the water meets the land often enough to leave a distinct mark or cause a change in vegetation.



If you are unsure of the location of the OHWM you can call the Marinette County Zoning office or the DNR to make a determination.

## Dimensions & Standards for Lots

- Lot width varies by lake from 100 to 300 feet.
- Side yard setbacks totaling 25 feet.
- Road setback varies by type of road.
- 75-foot setback from the Ordinary High Water Mark (OHWM) for most structures.



**What is a Structure?** With very few exceptions it is anything manmade including:

- Buildings.. Decks..
- Stairs... At grade patios..
- Hot tubs.. Pools..
- Storage tanks..
- Trailers....

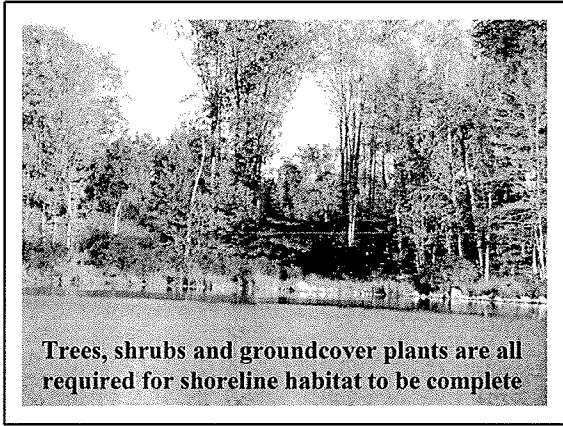
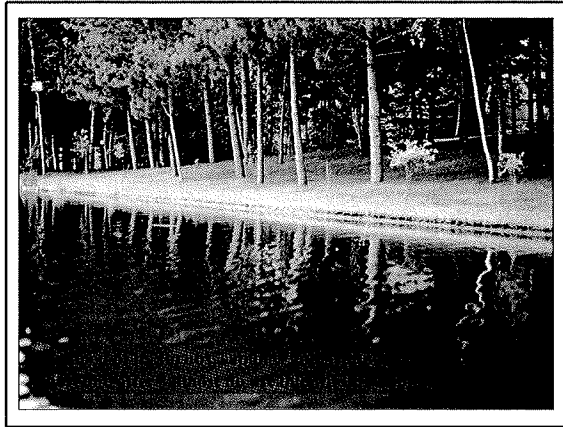
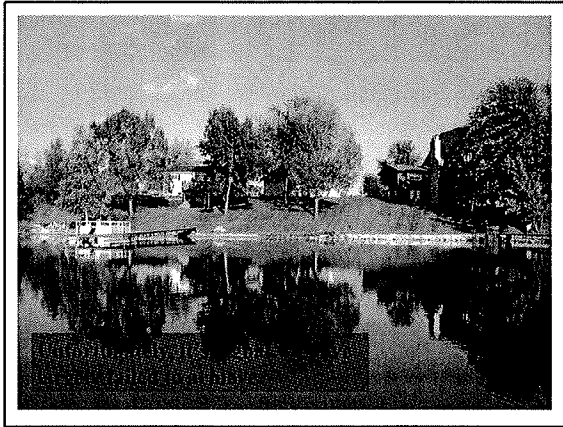


- Large satellite dishes..
- Retaining walls.. Fences..
- Outdoor wood burners, etc.



Some structures are allowed in the setback by permit such as boat houses and stairs when needed to gain access to the water.



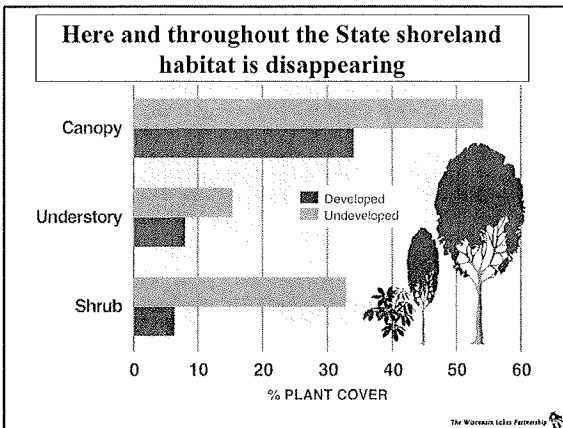


Trees, shrubs and groundcover plants are all required for shoreline habitat to be complete

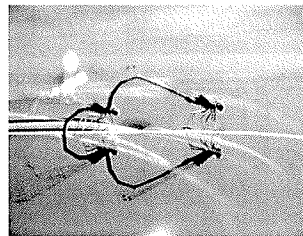
Studies show that on these "clean" shorelines forest bird species have decreased by more than 70%....



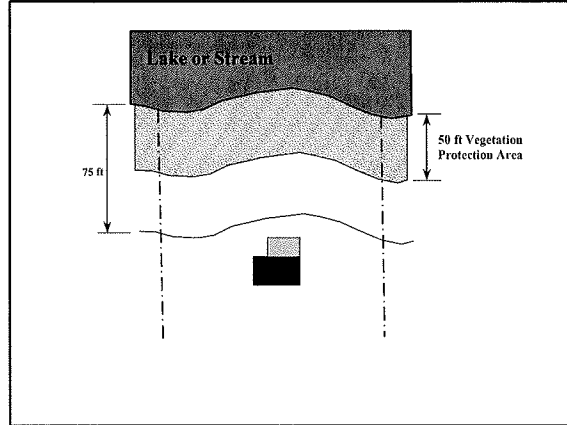
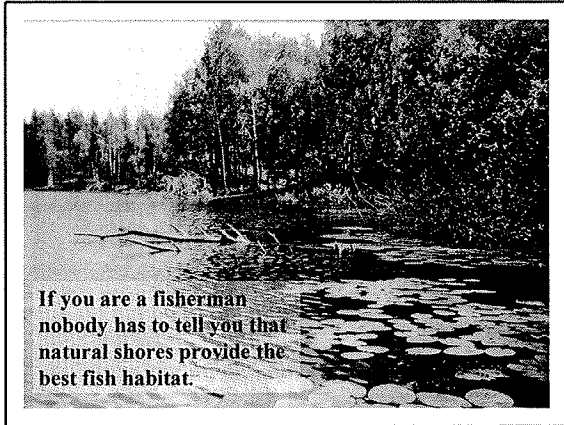
They have been replaced by urban birds like robins and geese.



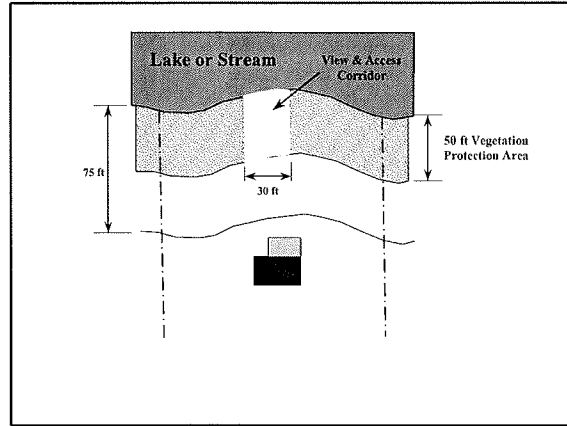
Even more drastic declines have been seen in insect and amphibian communities...



creatures that form the base of the aquatic food web.



**To protect fish and wildlife habitat Marinette County limits vegetation cutting within 50 feet of the OHWM.**

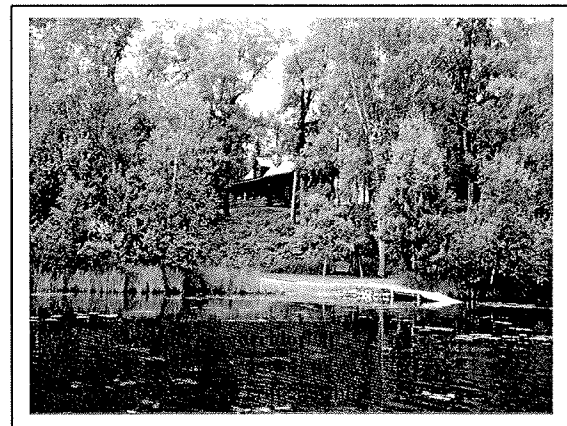


**The new rules are very specific:**

- Within the 50-foot vegetation protection area trees, shrubs, and groundcover plants are protected.
- Land disturbing activities and vegetation removal in the vegetation protection area are prohibited.
- One 30-foot wide view & access corridor is allowed per lot where limited vegetation removal and grading is allowed.

**Land Disturbing Activities:**  
Filling, grading, excavating and other activities which temporarily or permanently disturb the land surface and prevent the establishment and growth of vegetation.

**Vegetation Removal:**  
Cutting, mowing, digging, using chemical plant inhibitors, or otherwise removing, killing, or controlling the natural growth of vegetation.

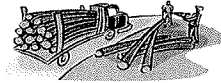


**What activities are allowed in the view & access corridor?**

- **Limited cutting and pruning of vegetation.** Some trees and shrubbery must be left in place to provide screening of the structure.
- **A 6-foot wide walking path to the shore** graded to create an even walking surface
- Elevated or hard surfaced walkways are allowed if needed (permit required).
- Stairs are allowed if needed to provide access to the shore (permit required).
- On some lakes a boathouse is allowed within 35 feet of the water in the view and access corridor (permit required).

**Is a permit needed for timber harvesting in the shoreland zone?**

- Selective timber harvesting that is done according to a DNR approved forest management plan is allowed without a permit.
- Legitimate timber stand improvements that are done according to a plan consistent with the Wisconsin's Forestry Best Management Practices for Water Quality field manual are allowed without a permit.



**Frequently Asked Questions:**

**Is a permit required for cutting trees or other vegetation in the shoreland zone?**

- If the cutting is done according to standards (vegetation protection area/view and access corridor) then no permit is required.
- Vegetation cutting that exceeds the standards will require a conditional use permit.
- Invasive exotic or nuisance species such as poison ivy or purple loosestrife may be controlled.

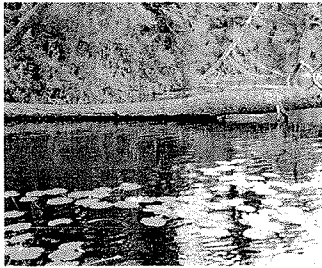
**Can existing lawns in the vegetation protection area be maintained?**

- Yes. Lawns that existed prior to the ordinance change (2000) can be maintained.
- The county does recommend restoration of natural shorelines. We can provide technical assistance and in some cases financial incentives to help pay for shoreline habitat restoration.

**Can dead trees, or trees that are a safety hazard be removed from the vegetation protection area?**

- Yes, but they must be replaced with native trees that are at least 3ft tall at the time of planting.

Dead trees provide important habitat on the land and in the water. If they are not a safety hazard consider leaving them in place



**Filling**

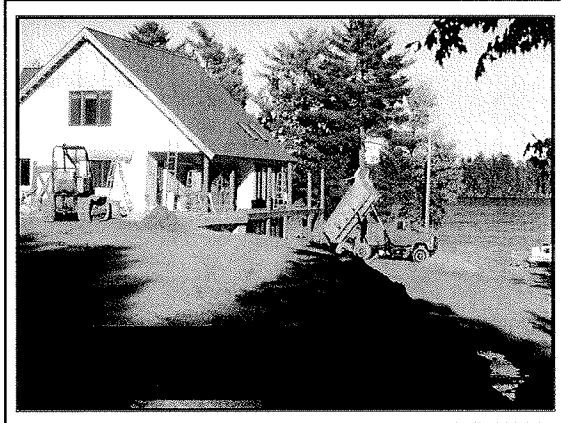


**Grading**



**& Excavating**



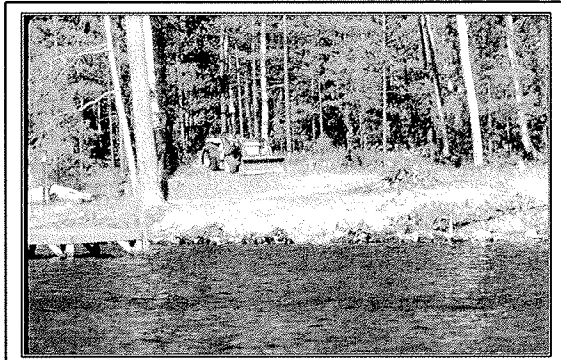


### When is a County Permit Required?

In general, grading and filling does not require a permit if it is done in a "manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat".

#### A conditional use permit will be required when:

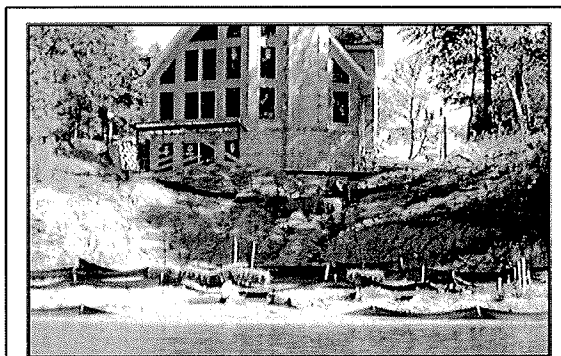
- Filling or grading on slopes steeper than 20% (5:1).
- The disturbed area is greater than 1000 square feet on slopes of 12% - 20% (12% = 8:1).
- The disturbed area is more than 2000 square feet regardless of the slope.



The rules are designed to protect shoreline habitat...

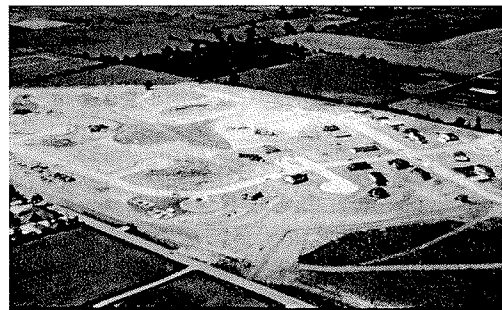
### Conditional Use Permit

- Conditional use permits must be approved by the Marinette County Zoning Committee
- Conditions can be attached to the permit that limit disturbance, require erosion control, and otherwise protect fish and wildlife habitat.
- Application fee of \$200.00.



...and eliminate construction site erosion to our lakes and streams.

If you are disturbing more than 10,000 square feet in the shoreland zone a DNR permit will also be required.

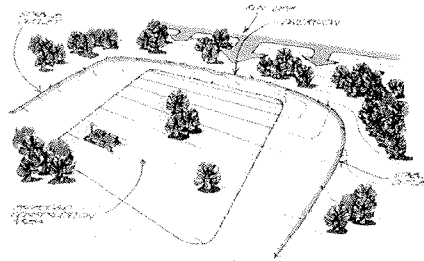






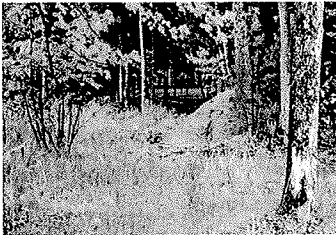
Also, if you are doing any work below the OHWM a DNR permit will be required!

### Divert It...

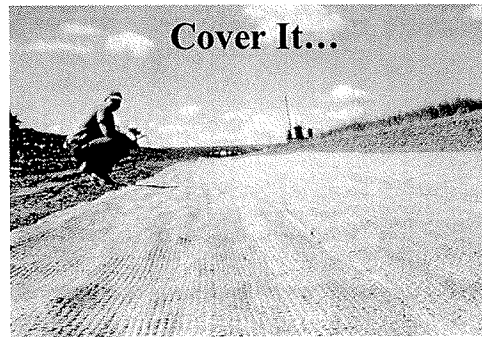


It's always best if you can divert clean water away from a site!

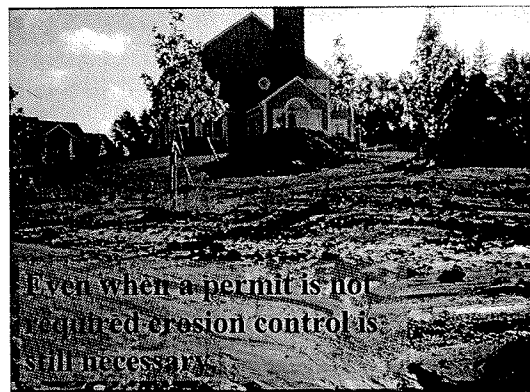
If you place fill in a wetland or below the ordinary high water mark a DNR permit will be required!



### Cover It...

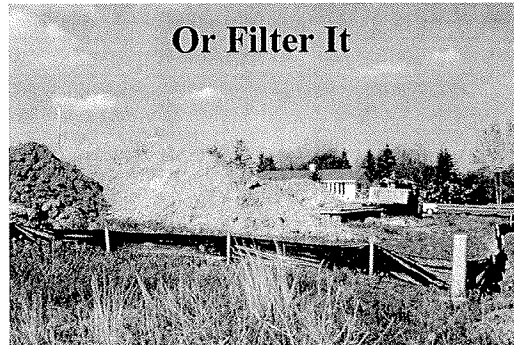


Mulch and erosion mat reduce energies and prevent erosion!



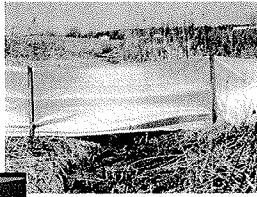
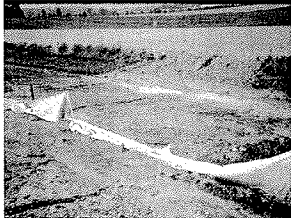
Even when a permit is not required erosion control is still necessary!

### Or Filter It



If you can't prevent erosion, keep it on the site

Erosion control shouldn't be done for show..

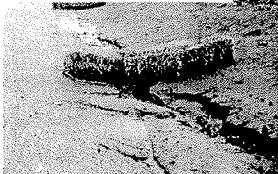


Silt fence that's not properly installed or maintained will not work.



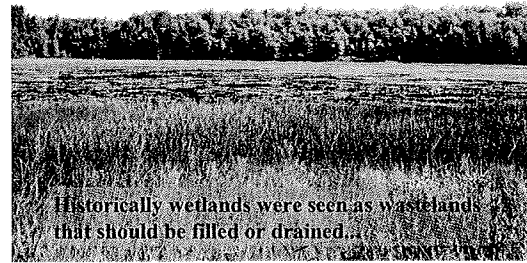
And make sure there are no gaps

If installed properly ditch checks work well to trap sediment.



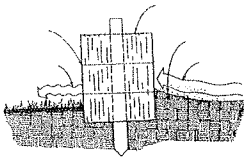
If not failure is almost guaranteed.

## Wetland Regulations

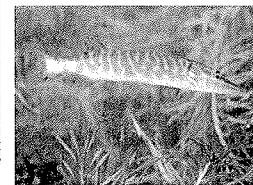


Historically wetlands were seen as wastelands that should be filled or drained.

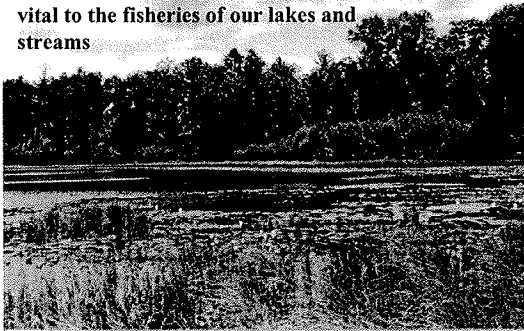
The key to both silt fence and straw bales is to properly dig them in.



...Today we know they provide critical habitat for thousands of species including many game fish and waterfowl.



Shoreline wetlands in particular are vital to the fisheries of our lakes and streams

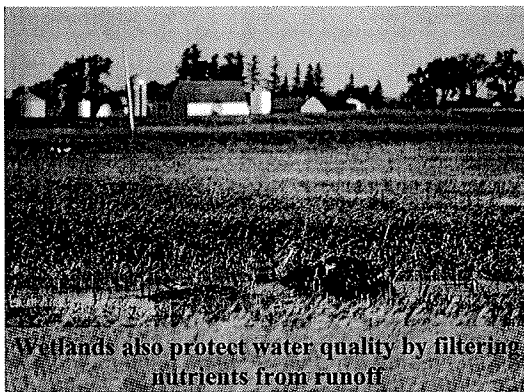


Federal, State, and County regulations are designed to protect our remaining wetlands from destruction.



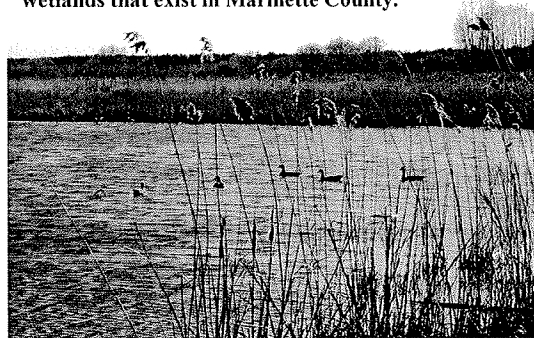
US Army Corps of Engineers

Unfortunately the mix of regulators and rules can be confusing!



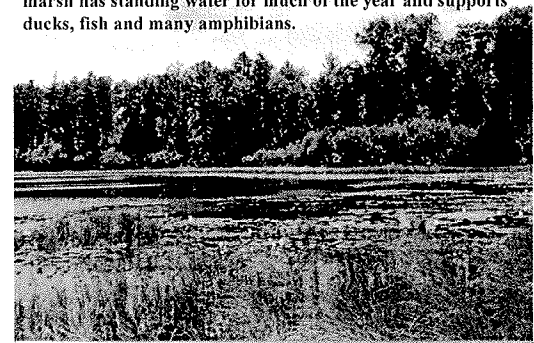
Wetlands also protect water quality by filtering nutrients from runoff

Adding to the confusion is the wide variety of wetlands that exist in Marinette County.



Today, lakeshore wetlands in particular are threatened by development.

Wetlands vary in the amount of "wetness". A deep water marsh has standing water for much of the year and supports ducks, fish and many amphibians.



Sedge meadows are one of the most common wetland types in the County.



They may only have surface water for a short time but they provide habitat for hundreds of insects, amphibians, birds and mammals.

Floating bogs are rare. They often surround open water but as they age a bog can eventually cover the water entirely.



Wooded wetlands are called swamps.



Swamps provide important habitat for deer, bear and many popular game species

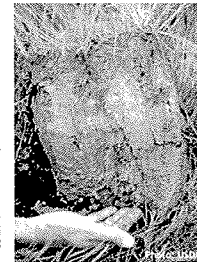
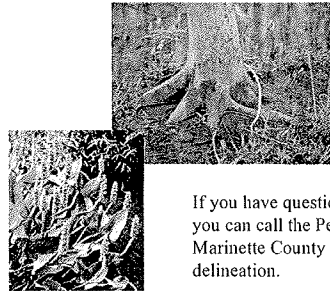


A wetlands doesn't have to be large to be valuable. Small wooded wetlands provide spawning habitat for many species of frogs and salamanders.



Wetlands located along streams are important for flood control and receive special protection through floodplain zoning.

Wetlands are identified by plants, soil conditions, and evidence of standing water.



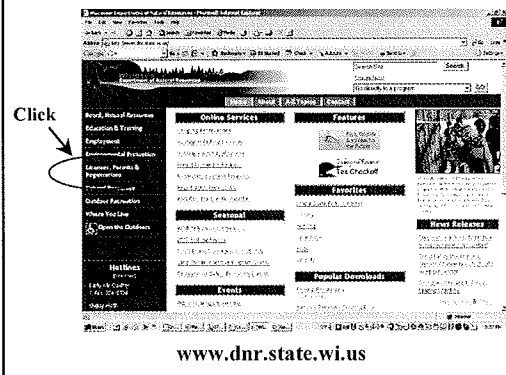
If you have questions about a work site you can call the Peshtigo DNR office or Marinette County Zoning for a wetland delineation.

### Which wetlands are protected and who regulates them?

- Federal regulations cover wetlands that are connected to navigable waters \*.
- **Marinette County** protects all wetlands within the shoreland zone (1000 feet from a lake or 300 feet from a stream).
- **Wisconsin** protects all wetlands regardless of location.

\* In the case of wetlands regulated by the U.S. Army Corps of Engineers, the DNR has a combined State and Federal permit application.

### Permit Forms and Instructions



www.dnr.state.wi.us

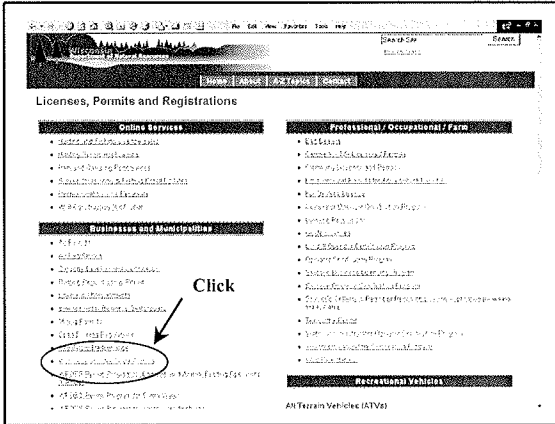
### When are Permits Required From the State?

#### Wetlands:

- Depositing fill in a wetland
- Dredging and sidelaying in a wetland
- Grading in a wetland or clearing vegetation with a dozer
- Operation of motor vehicles in a wetland
- Construction of ponds in a wetland

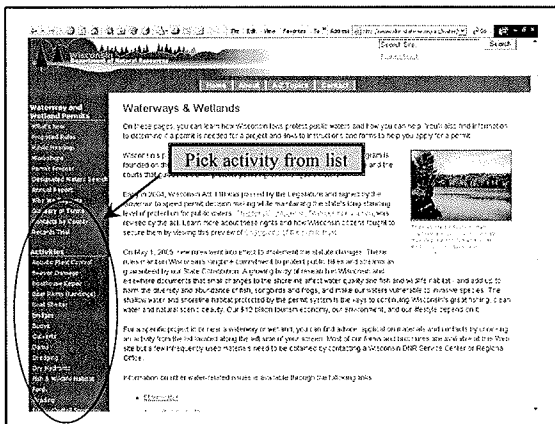
#### Lakes and Streams:

- Dredging or filling below the ordinary high water mark
- Culverts and bridges over navigable waters

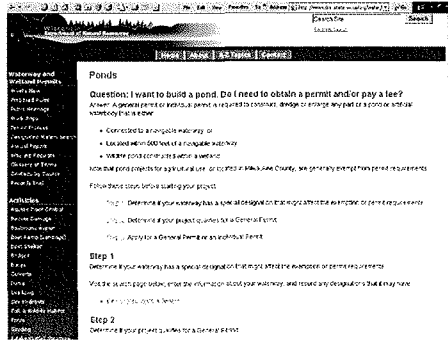


### State Permit Process for Waterways & Wetlands

- Check for **exemptions** (very limited in scope)
- Check if the project qualifies for a **general permit**
- Check if the project qualifies for an **individual permit**



## Activity pages will guide you to the proper permit (if required)



## Individual Permits

Individual permits are required for more complicated projects and projects on designated waters or in sensitive areas. Individual permits are always required for:

- Placing fill in a wetland.
- New sea walls
- Mechanical dredging
- Erosion control on streams

Individual Permits require a 30 day public notice and may require a public hearing if one is requested.

## Exemptions\*

Certain structures and projects may be exempt if certain conditions are met. These could include:

- Replacement of a culvert under 24" diameter
- Repair of existing riprap

**\* Even if you think your project may be exempt check with the DNR to make sure! Exemptions are not available on some designated waters or in sensitive areas!**

## Completing Your Permit Application

- Get permit forms and instructions from the DNR or off the DNR website. ([www.dnr.state.wi.us](http://www.dnr.state.wi.us))
- Complete the forms
  - Provide detailed drawings and maps
  - Include photographs from multiple angles if required
  - Use the permit checklist to make sure you have everything
- Submit forms to local DNR office (and U.S. Army Corps of Engineers if required)
- Submit required application fee (varies by permit level and type of project)

## General Permits\*

General permits are available for many activities if the general permit requirements designed to protect fish and wildlife habitat are met. Some shoreland/ wetland projects that might qualify for a general permit include:

- Culverts or bridges on streams less than 35 feet wide.
- Some shoreline erosion projects on lakes
- Some types of ponds
- Grading more than 10,000 square feet on the shoreline
- Approved wetland restoration projects
- Dredging for a legal drainage district or utility project

General Permits are reviewed within 30 days of a complete application

**\* If the project is in a designated sensitive areas or if the general permit requirements cannot be met an individual permit will be required.**

## Detailed Drawings and Maps

Detailed drawings and maps will prevent permitting delays. Most permits have a checklist of information that must be submitted with each permit. These typically include:

### Maps

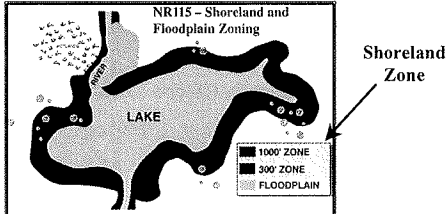
- Soil map, or air photo of the project area
- Plat map of the project area
- Topographic map of the project area

### Project Drawings

- Plan view of project drawn to scale
- Location of adjacent wetlands
- Location of lakes or navigable waters within 500 feet of the project
- Cross sections drawn to scale (as many as needed to accurately describe project)
- Disposal location for spoils and how they will be stabilized.

### When are Wetland Permits Required From Marinette County?

- Depositing fill in a wetland within the shoreland zone or floodplain.
- Construction of ponds or dredging within 300 feet of the water.



### Conditional Use Permit

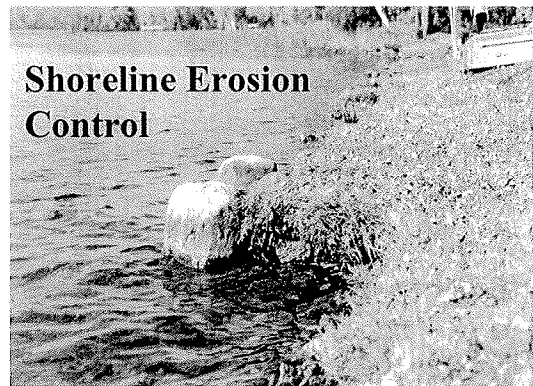
- Conditional use permits must be approved by the Marinette County Zoning Committee
- Conditions can be attached to the permit that limit disturbance, require erosion control, and otherwise protect fish and wildlife habitat.
- Application fee of \$200.00.

### Marinette County Permit Process

- Fill in a wetland that is 2 acres or larger requires the wetland to be re-zoned.
- Fill in a wetland that is smaller than 2 acres will require a conditional use permit.
- Ponds within 300 feet of a lake or stream require a conditional use permit (even if they are not in a wetland).

The 2-acre cutoff refers to the size of the wetland, not the size of the area to be filled!

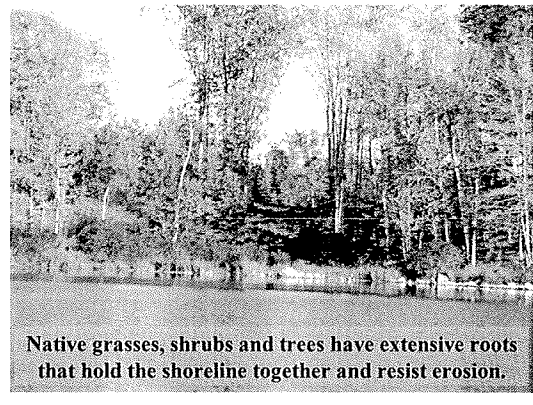
### Shoreline Erosion Control



### Wetland Rezoning

In a wetland re-zone the applicant petitions the County to amend the wetland map and essentially remove wetland status from the project area.

- Rezoning petition must be approval by the County Board
- A public hearing is required
- Petition cannot be granted if the project will have a significant adverse impact on wetland functions or fish and wildlife habitat.
- The DNR can supersede the rezone if it finds the project will have a negative impact.
- Application fee of \$250.00



Native grasses, shrubs and trees have extensive roots that hold the shoreline together and resist erosion.





**When it comes to shoreline erosion control most people think rock and concrete.**

**Because of the environmental impact, both of these practices require a DNR permit.**

**On smaller lakes and lakes with low wave energy the preferred erosion control method is bioengineering.**

Bioengineering uses native vegetation and biodegradable materials to protect and stabilize shorelines. A general permit may be required.

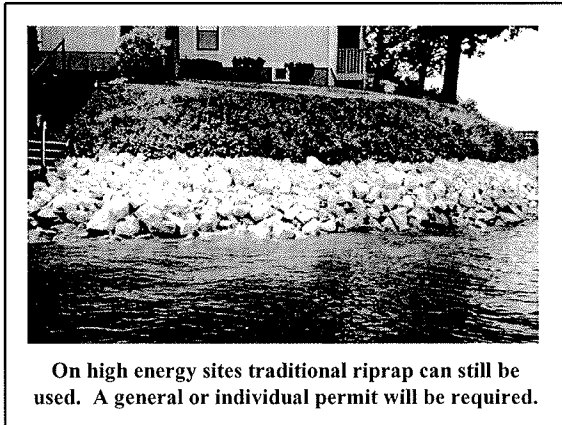
**Shoreline Erosion Control Permits**

The DNR permits varying levels of erosion control based on wave energy at the site.

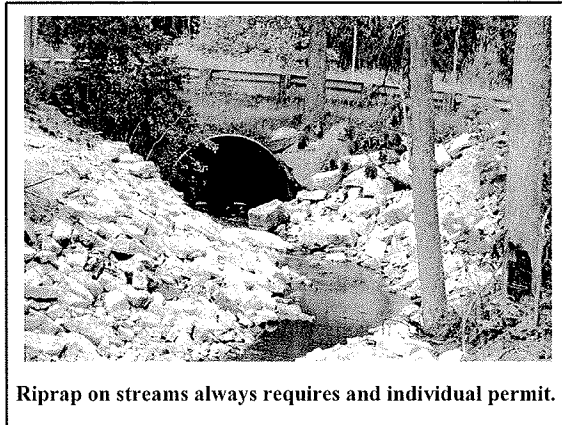
The DNR website allows the applicant to calculate wave energy at the site

For moderate energy sites a mix of riprap and native vegetation can be used with a general permit.

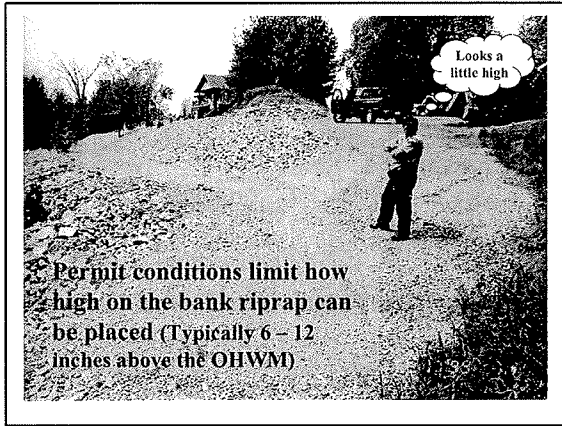




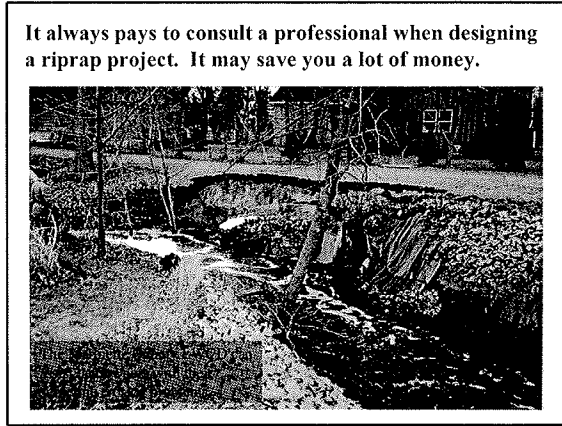
On high energy sites traditional riprap can still be used. A general or individual permit will be required.



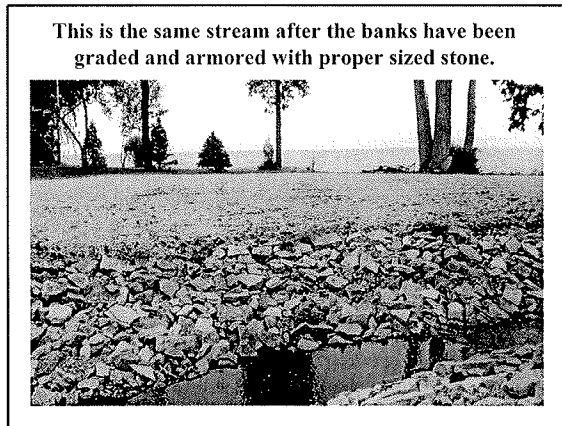
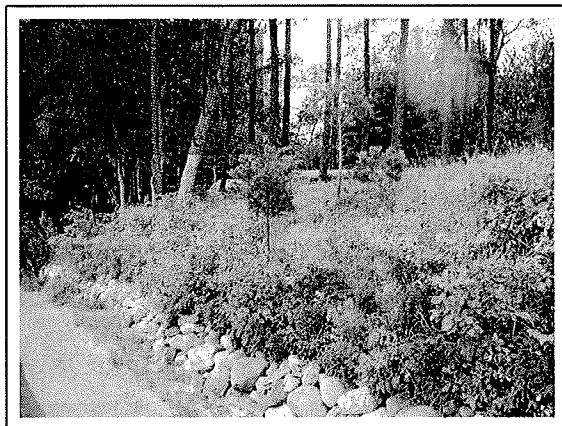
Riprap on streams always requires and individual permit.



Permit conditions limit how high on the bank riprap can be placed (Typically 6 - 12 inches above the OHWM)

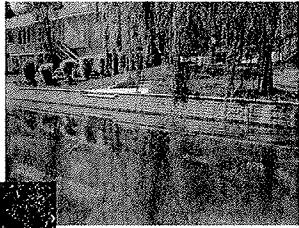


It always pays to consult a professional when designing a riprap project. It may save you a lot of money.



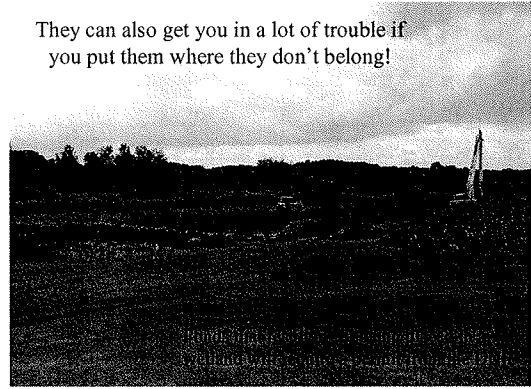
This is the same stream after the banks have been graded and armored with proper sized stone.

Sea walls offer almost no usable fish and wildlife habitat...

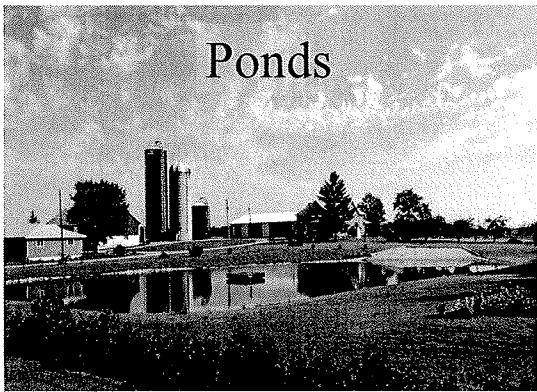


Because of this sea walls are rarely permitted

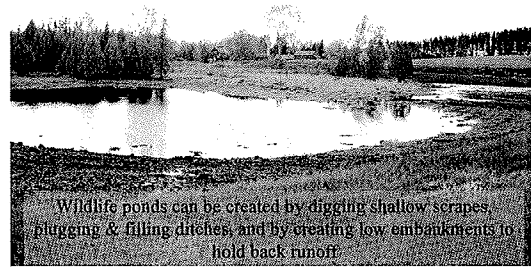
They can also get you in a lot of trouble if you put them where they don't belong!



## Ponds



Wetlands degraded by past farming practices can be good places for Wildlife Ponds

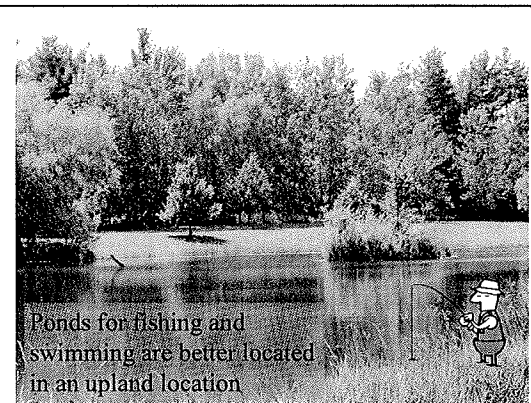


Wildlife ponds can be created by digging shallow scrapes, plugging & filling ditches, and by creating low embankments to hold back runoff

For fishing, swimming, or viewing a pond can be a valuable addition to the landscape



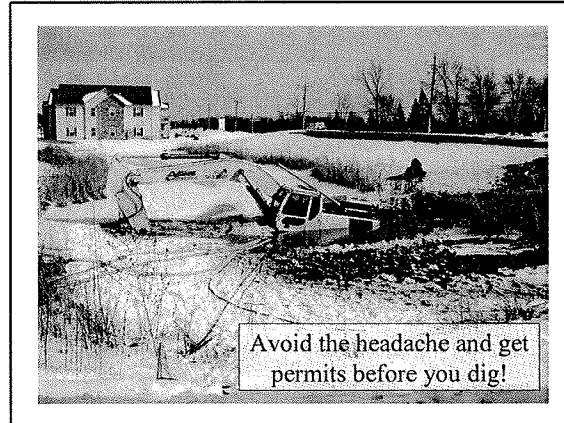
Ponds for fishing and swimming are better located in an upland location



## When does a pond require a DNR permit?

### “Landscape Ponds” (Fishing & Swimming ponds):

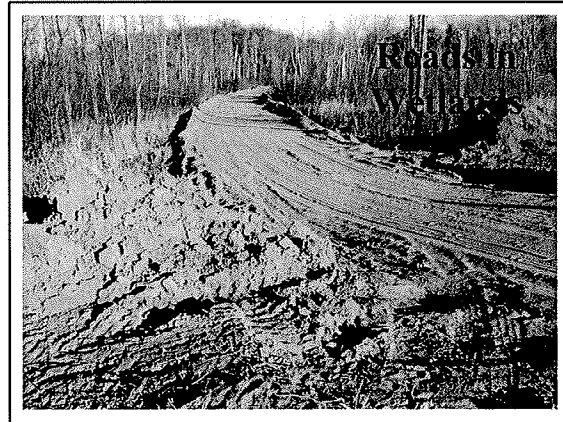
- The pond is within 500 feet of a lake or stream (General Permit)
- The pond will be connected to a lake or stream (Individual Permit)
- The pond will result in any fill being deposited in a wetland (Individual Permit)



## Wildlife Ponds & Wetland Restoration:

- Scrapes, ditch plugs and ditch fills (General Permit)
- Embankment pond with dike less than 6 ft high and less than 50 ac/ft of storage (General Permit)
- Embankment pond with dike greater than 6 ft high or more than 50 ac/ft of storage (Individual Permit)

While permitted in degraded (previously farmed) wetlands, wildlife ponds should not be constructed in high quality natural wetlands



## When does a pond require a Marinette County permit?

- If the pond is within 300 feet of a lake or stream (Conditional Use permit)
- If the pond will result in any fill being deposited in a wetland regulated by Marinette County (Conditional Use or Wetland Rezone)

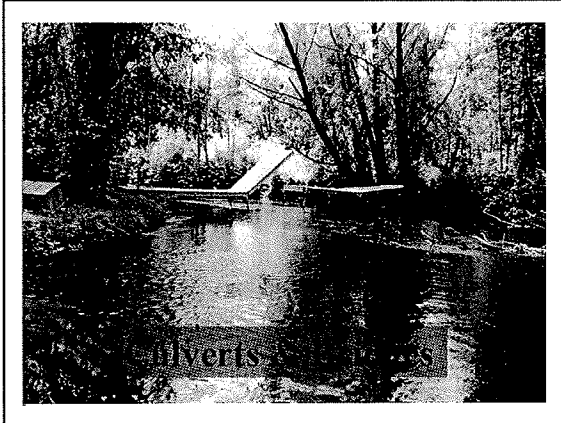
## When is a Permit Required?

- Whenever fill is placed for a road in a wetland it requires a Wisconsin DNR permit (Individual Permit) \*.
- If the fill is in a wetland regulated by Marinette County it will require a wetland rezone or a conditional use permit.

\* In rare cases a wetland road used for timber harvesting purposes may be exempt. These exemptions are rare because:

- The primary purpose must be for forest management
- There is a list of 15 conditions which must be met
- It has to be the **only** alternative... and ice roads are an alternative





## Contractor Responsibility

While the landowner often ends up with the largest bill, State and County rules allow **contractors** to be held responsible for violations as well!

## When is a Permit Required?

Wisconsin DNR permits are required whenever:

- **Installing or replacing a culvert in a navigable waterway.**
  - Culverts in streams that are less than 35 feet wide typically require a general permit.
  - Culverts in streams that are wider than 35 feet typically require an individual permit.
  - In some cases replacing a culvert (< 24" diameter) may be exempt.
- **Installing or replacing a bridge over a navigable waterway**
  - Clear span bridges typically require a general permit
  - Bridges with supports in the stream typically require an individual permit.

**This landowner dug ponds in a wetland and trout stream.**



**Culverts and bridges must be properly designed and installed to protect habitat, prevent flooding, and preserve navigation**

- Culverts must be able to pass flood flows.
- Culverts must be installed so they don't interfere with fish passage.
- Bridges must not interfere with flood flow and must be high enough to allow navigation.
- When installing bridges and culverts extra care must be taken to prevent erosion.

