

---

# Wetlands, Waterways & MS4 Swales: Regulatory Requirements

---

*(or, “When do I need a permit to get my work done?)*

# Wetlands, Waterways & MS4 Swales

- Typical parts of a MS4 system that may have wetland characteristics:
  - ❑ Swales
  - ❑ Roadsides without a defined swale (undeveloped)
  - ❑ Ponds

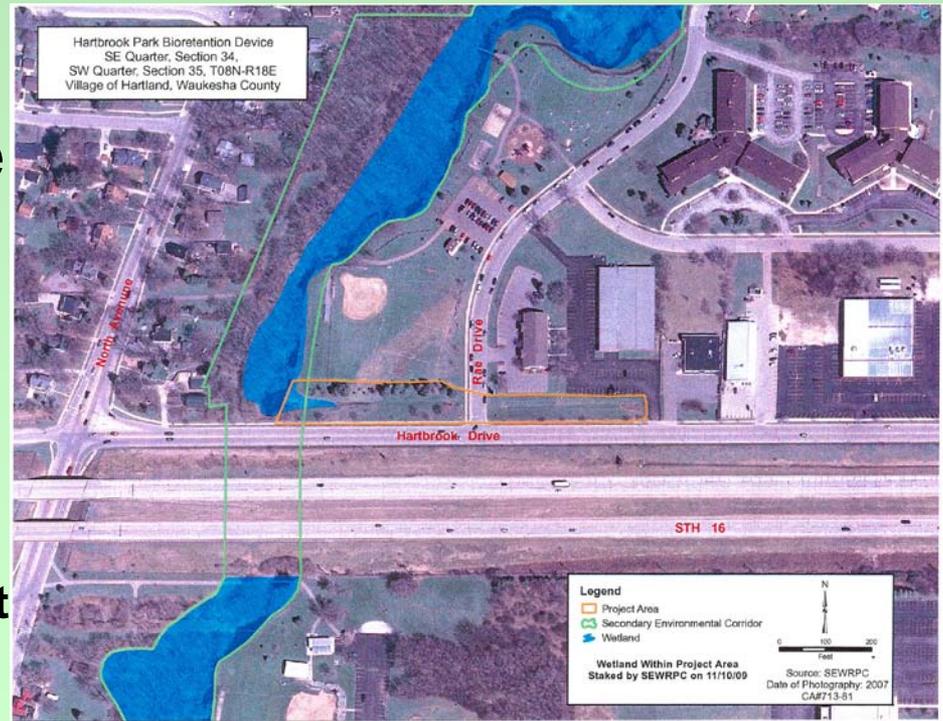


# Wetlands, Waterways & MS4 Swales

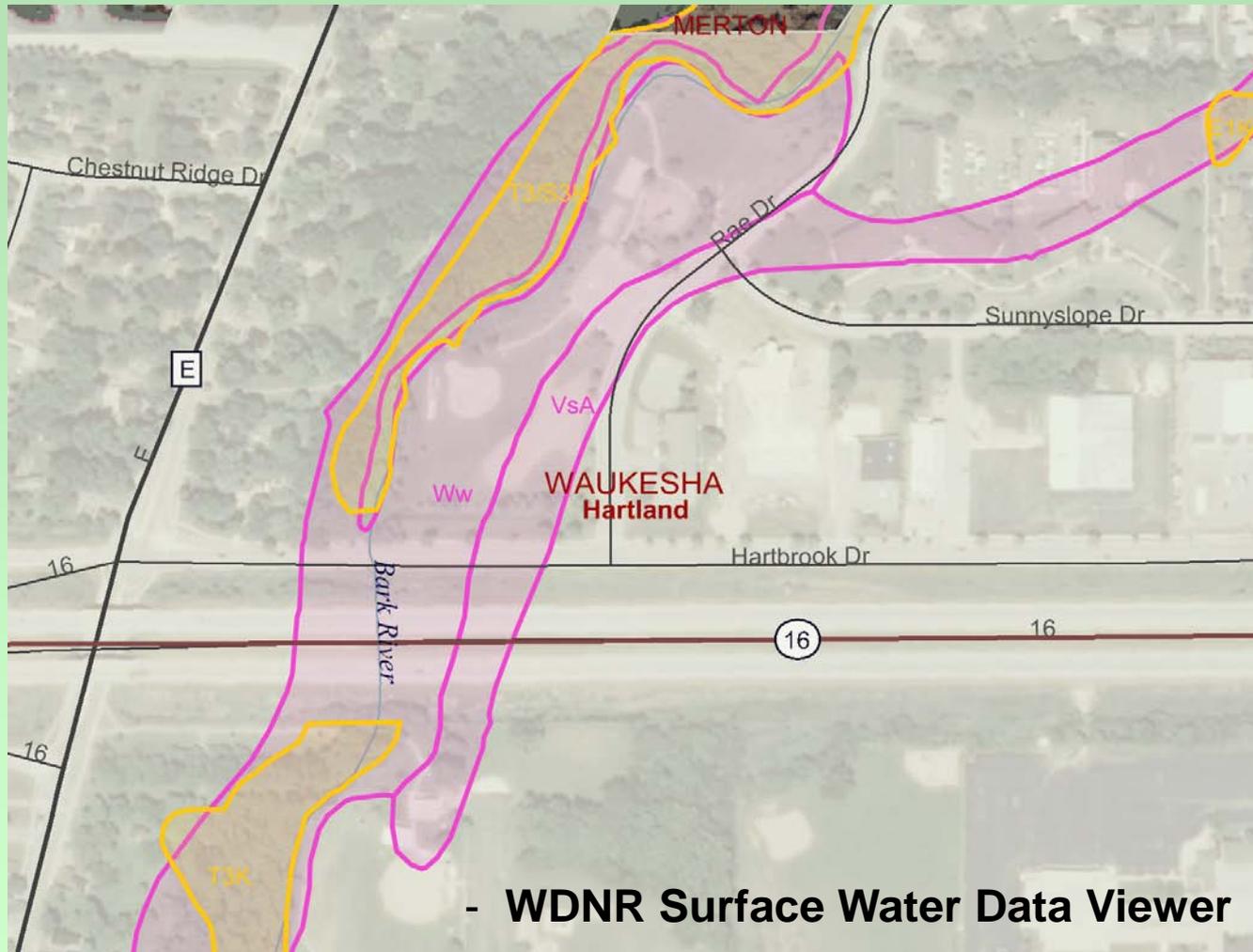
- Desktop resources to check for wetland indicators

- WWI / DNR web-site
- Soils maps
- Delineation reports
  - Good for 5 years

- Wetland Delineation Report



# Wetlands, Waterways & MS4 Swales



# Wetlands, Waterways & MS4 Swales



# Wetlands, Waterways & MS4 Swales



# Wetlands, Waterways & MS4 Swales



- Tributary to Fox River

---

# Wetlands, Waterways & MS4 Swales

- When to get a field determination?
  - Establish wetland boundaries (delineation)
  - Navigability determination



---

# Wetlands, Waterways & MS4 Swales

- Examples of MS4-related activities that require permits:
    - ❑ Re-grading a swale to original line & grade
    - ❑ Constructing a new swale along a road
    - ❑ Converting a swale to storm pipe
    - ❑ Dredging
-

---

# Wetlands, Waterways & MS4 Swales

- Potential Permits & Approvals:
    - ACOE General Permit for Federal Wetlands
      - (wetlands connected to streams & lakes)
    - WDNR General Permit for Nonfederal Wetland
      - (isolated wetlands – not connected to other waterbodies)
    - Individual Water Quality Certification (WQC)
-

---

# Wetlands, Waterways & MS4 Swales

- Chapter 30
    - Roadside “ditches” that are streams
  
  - NR 107 / NR 109: Aquatic Plant Treatment / Control
    - Wetlands / Waterways where a chemical (algaecide, herbicide) will be used to control plant growth
-

---

# Wetlands, Waterways & MS4 Swales

- When in doubt, contact ACOE (first) / DNR for jurisdictional determination:
    - *Strictly* a wetland connected to a waterway;
  - When in doubt, contact DNR for jurisdictional determination:
    - Navigable waterway (Ch. 30)
    - Isolated (nonfederal) wetland
-

# Wetlands, Waterways & MS4 Swales



---

# Wetlands, Waterways & MS4 Swales

- ACOE Federal Wetlands GP-002-WI
    - <http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=681>
    - Issued 4/12/2006
    - GP-002-WI Part B: Non-Reporting General Permit:
      - No ACOE / DNR application is necessary;
      - All General Permit conditions must be met;
-

---

# Wetlands, Waterways & MS4 Swales

- Wisconsin Nonfederal Wetlands GP-2008-WI
    - <http://dnr.wi.gov/wetlands/programs.html>
    - Issued 5/23/2008
    - Section 1.a.1.: Authorizes Maintenance Activities related to public road projects as Non-Reporting Activities.
      - No DNR application is necessary;
      - All General Permit conditions must be met;
-

# Wetlands, Waterways & MS4 Swales



# Wetlands, Waterways & MS4 Swales



---

# Wetlands, Waterways & MS4 Swales

- Examples of swale projects that could require an individual water quality permit:
    - ❑ Enlarging a swale from the original dimensions
    - ❑ Converting a swaled system to a piped system
    - ❑ Constructing a new swale
    - ❑ Widening a shoulder into an adjacent to a wetland
-

# Wetlands, Waterways & MS4 Swales



# Wetlands, Waterways & MS4 Swales

- Chapter 30 Permits

permits:<http://dnr.wi.gov/waterways/index.html>

- Dredging streams
- Streambank stabilization
- Stream re-alignment  
(re-location)



---

# Wetlands, Waterways & MS4 Swales

- Dredging a navigable stream (which could be next to a road, looking like a roadside swale):
    - Chapter 30 permit needed (contact DNR)
      - NR 345: Dredging in Navigable Waterways
      - General Permit (GP) available for less than 25 cubic yards of material (if site meets all permit conditions)
      - Individual Permit (IP) available for larger projects, contaminated soils, etc.
-

# Wetlands, Waterways & MS4 Swales

Questions?

