

## WDNR Waterway Permitting Process

<http://dnr.wi.gov/topic/Waterways/>

Elaine Johnson, Water Management Specialist

Racine & Kenosha Counties

[elaine.johnson@wisconsin.gov](mailto:elaine.johnson@wisconsin.gov)



- 12-7-2012- Racine County Drainage District- Norway Dover submits two individual permit applications to the DNR for proposed:
  - 1) Dredging of Wind Lake Canal (DNR permit docket number IP-SE-2012-52-05674)
  - 2) Change to the operational order of the Rochester Dam (DNR permit docket number IP-SE-2012-52-05673) to allow for annual winter drawdown and drawdown during high spring flows
- The Department reviewed the application materials and issued a Notice of Incompleteness on 1/7/2013 to the RCDD requesting additional information.
  - The Dredging permit has been placed on hold until all of the information has been received and the application is complete.
  - The Department is completing an Environmental Impact Statement (EIS) for the application to change the operating order of the dam. There is currently a DRAFT EIS being reviewed by DNR resource experts. DNR anticipates public noticing this IP after the EIS is completed. We expect this to occur during the next few months.

- Individual permits require a 30-day comment period of which people are notified by a website and newspaper notice and mailing to interested parties.
- During the comment period, an informational hearing may be requested. DNR staff conducts the informational hearing to gather observations and facts from others to consider in addition to its own data in making a decision.
- Decision process includes reviewing the project as it relates to the public interest:
  - Fish and wildlife habitat
  - Water quality
  - Recreation
  - Natural scenic beauty
  - Dam safety
- Please provide DNR with name, address and contact information to be included on the public notice as an interested party.
- **If a permit is issued:** Wisconsin Statutes do allow for any interested person to file a petition with the Department for administrative review within 30 days after any issuance, denial, or modification of any individual permit (contested case hearing).



Illustration by Virgil Beck.



Photo courtesy of RCDD application records

Waterway and wetland permit applications that are submitted to the Department can be tracked and viewed by the public online by visiting our website at <http://dnr.wi.gov/permits/water/>, hitting the “track” button, and entering the DNR permit docket number in the search criteria.

## Temporary Drawdown:

Dam owners may occasionally wish to draw the level of their flowage below its ordered minimum elevation. Reasons:

-Emergency nature such as a potential dam failure. In such instances, a dam owner is required by law (s. 31.18(1), Wis. Stats.) to take action to protect life, health and property.

Repair or maintenance work

-Dam inspection

-Temporary drawdowns may be desired by property owners for specific reasons such as for dredging projects or to reduce shoreline erosion due to unusual circumstances.

- An approval was issued for the winter drawdown. Timing for drawdown was reviewed and recommended by DNR Fisheries and Wildlife resource staff.
- Public hearing and public notice are not required for a temporary drawdown.
- The owner of the dam is responsible for notifying the public.
- DNR published an online news release as a courtesy.