



WATERWAYS BUREAU

PROGRAM GUIDANCE

Wisconsin Department of Natural Resources
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DURING A DRAWDOWN

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This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

APPROVED:

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Date

During a Drawdown



While a lake is drawn down for dam repair many shoreland owners think about taking advantage of the exposed lake bed to do some projects. Some minor vegetation management (except for wild rice), pier maintenance and limit repair of shoreland structures are exempt from DNR permit. More extensive plant management, structure repairs and dredging projects will require DNR permits even during the impoundment drawdown. For some projects County shoreland zoning requirements also may apply.

One thing shoreland owners should keep in mind is that that bed of an impoundment (dammed lake) may be owned by private entities other than the adjacent riparian owner, so permission may be required for projects that disturb the bed of an impoundment.

Below are answers to the most frequent questions relating to what is allowed on exposed lakebeds:

What can I do with washed up debris?

Like mussels, algae, wood, or dead fish

You may remove washed up debris, including algae, mussels, and dead fish (<http://dnr.wi.gov/org/water/greatlakes/cladophora/>), by hand without any Wisconsin Department of Natural Resources (WI-DNR) permits. This means that you can use a shovel, rake, wheel barrow, etc. to pick up and remove this material. The material must be removed and disposed of in an upland location (not in any waterway or wetland). For nuisance levels of this type of material that require motorized equipment to remove, there is a permit available from the WI-DNR

There is no requirement for you to remove material that accumulates along the shoreline. In many cases, over time the material decomposes or is washed away. Please keep in mind that you can not actively push the material back out into the water – once you touch it – you own it.

Can I remove the vegetation growing on exposed lake bed?

Removal of any vegetation on exposed lake bed areas is limited to a single 30 foot wide path** per property measured along the shoreline. All vegetation (except for any state or federally listed endangered species) may be removed in this 30 foot wide path. You can remove it by hand without a WI-DNR permit. This means that you can pull it by hand or use a push lawn mower. The cut material must be removed and disposed of in an upland location. When removing exotic species such as Phragmites and purple loosestrife, it is important to dispose of it so it doesn't spread to other areas. One way to do this is to bag

up the cut material, mark the bags with “Invasive plant species approved by WI-DNR for land filling” and send them to a landfill. (You will need to check with your local landfill first to determine if they will accept the material.) If you need to remove native vegetation in an area wider than 30 feet or if you will be using any motorized equipment, you need to get a permit from the WI-DNR.

****The following non-native invasive species may be removed by hand in an unlimited area - Phragmites, reed canary grass, thistles, and purple loosestrife.**

Chemical treatment of vegetation may require a permit from the WI-DNR. Permits are always required if you are using a motor vehicle on the exposed lake bed or if the proposed treatment area is wet at the time of treatment. This means that you would get your socks wet if you stood there with no shoes.

Can I remove logs and/or rocks and stones on exposed lake bed?

Naturally occurring logs and rocks can not be removed without a permit and it is very unlikely that a permit would be granted. Areas of rock and stone along the shoreline often serve as fish spawning areas and submerged logs function as excellent habitat for fish and other aquatic animals. When lake water levels return to normal or above normal conditions, submerged or partially submerged logs will buffer the shoreline from waves helping to protect your shoreline from erosion.

Can I excavate or dredge exposed lake bed materials?

Removing more than 2 cubic yards of lake bed material requires a dredging permit from the WI-DNR. In some cases the lakebed of an impoundment may be owned by a private entity other than the shoreland property owner. In these cases permission from the owner may be necessary before removing any material.

Can I place sand or rocks on exposed lake bed?

The placement of any fill, such as sand, rocks, or pea gravel, on the bed of the lake requires permits from the WI-DNR. Placement of fill above the Ordinary High Water Mark may require a permit from your county or local unit of government.

Can I remove downed wood in the lake or on exposed lake bed?

Natural tree drops into water are commonly dead trees that grew along the shoreline. This coarse wood is a very important habitat component of a sustainable fishery and home for aquatic invertebrates. This component of the shallow water habitat is often missing where logging has occurred in past years or where it was unadvisedly removed. So, if a tree falls on exposed lake bed it should remain.

Can I drive a motorized vehicle on exposed lakebed?

No. Using motorized equipment and vehicles, which includes golf carts, ATVs, tractors, automobiles, riding lawn mowers, power lawn mowers, rotor tillers, etc. on the exposed bed of a public waterway is prohibited except in very few limited circumstances. One of the exceptions is for a person operating a motor vehicle to launch or load a boat at a landing.

The use of motorized equipment on exposed lake bed to remove vegetation or debris requires a WI-DNR permit or a general dredging permit. The individual permit process requires a \$603 application fee and 30 day public notice. If your project qualifies for a general permit, the application fee is \$303 and it is processed in less than 30 days. For severe problems (such as after a tornado), it is recommended that you coordinate with your neighbors to obtain one permit for all of your properties.

Where is the OHWM on my property?

The ordinary high water mark (OHWM) is defined as the "the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic." Water marks are often at various elevations, but the most permanent and prevalent marks constitute the OHWM. The OHWM doesn't change during the drawdown. Only WI-DNR or county zoning professionals can make a formal determination of the location of the OHWM,

For additional information or to obtain application materials, visit the Wisconsin Department of Natural Resources website at <http://dnr.wi.gov/topic/waterways/>