

### What County\* Permits Are Needed for a Pond?

- Persons interested in pond construction should always contact the DNR

**1. Is the pond within 300 ft. of "navigable water"<sup>1</sup>**

No: go to step 2

Yes: 1 a Pond will ultimately be connected with water

No - got to step 1b

Yes - CUP required per §7.22 Shoreland Ord

1b Slopes are less than 12%:

Will disturb less than 2000 sq. ft. - \$60 POND PERMIT

Will disturb more than above - CUP per § 7.21(3) Shoreland Ord.

1c Slopes are 12-20%:

Will disturb less than 1000 sq. ft. - \$60 POND PERMIT

Will disturb more than above - CUP per §7.21(2) Shoreland Ord.

**2. Is the pond in a Residential or AG-1 zoning district?**

No: go to step 3

Yes: 1a Ponds in AG-1 designed by NRCS or LCD that are not in shoreland require only a \$60 pond permit<sup>2</sup>

1b Privately-designed ponds in AG-1 or any pond in Residential require CUP<sup>3</sup>

**3. \$60 POND PERMIT**

#### **IN ALL CASES:**

#### **Ponds and NR135 Contact (Scott Konkle, ECWRPC, 920-751-1770)**

\* If ponds are less than one acre, notify Scott Konkle of the site if spoils are to be sold,

\* If ponds don't much exceed one acre and pond spoils are to be sold off-site, a waiver might be granted if material is for limited barter rather than sale, Otherwise, reclamation permit required if spoils are for sale (exception; if spoils removal is mandatory due to shore land/wetlands)

\*Ponds exceeding one acre where spoils remain on site: no NR135 permit. Pond permits as above.

\* Placement of spoils in excess of 200 cubic yards from another site requires a **CONDITIONAL USE PERMIT** for the parcel on which the spoils are placed. Less than 200 cu. yds. from another site is a \$60 fill permit.

IN SHORELAND AREAS, spoils shall not be piled waterward of the disturbed area. Spoils placed elsewhere should be stabilized as soon as possible.

**1)** Waterway is navigable if it has bed and banks, and it is possible to float a canoe or other small craft in the waterway on a regular reoccurring basis - even if only during spring runoff. Scott Koehnke: 90% of ag drainage ditches are natural streams that were channelized and are therefore navigable. Most man-made ponds are not considered navigable for purposes of issuing DNR Ch, 30 permits or county shore land permits. (Exceptions: 'public' manmade ponds (those dug in wetlands or with other connection to surface water) aquaculture projects in man-made ponds may require DNR permit).

**2)** Decision of PD&Z in minutes of Apr 7, 2004

**3)** Long-standing PD&Z interpretation. Only in the AG-1 and Residential districts is the conditional use of "filling, grading, lagooning, and dredging" interpreted to apply to pond creation. Although other districts also list this conditional use, in those cases it does not apply to ponds. (Revision in progress.)

## ***DNR REQUIREMENTS***

A permit may be required if a pond is in a wetland or within 500' of navigable water.

Not need permit: highway projects, ag uses, irrigation ponds for ag, DOT borrow pits

Activities eligible for EDR – exemption determination request:

Wildlife scrape through NRCS

Storm water pond in upland

Landscape pond in an upland

Dredge of previously permitted pond to original dimensions (county should require new permit)

Requiring 'general permits'

Wildlife ponds, landscape ponds, storm water ponds

Individual permit

Ponds in a wetland, w/in 500 feet of trout water, rip-rap is really fubar

Emergency rules: permits required on waters of.....

Special natural resources interest

Public rights feature

If pond is larger than an acre, must have DNR storm water permit before pond permit issuance.

**Contact:** *Department of Natural Resources*, 647 Lakeland Road, Shawano WI 54166

Office hours are by appointment only.

Phone: (715) 524-2183 (Phone calls are transferred to the Green Bay Office)

## ***ARMY CORPS***

Requires permit for creation of ponds where 'de minimis' discharge will occur (e.g. the spoils spilling into a wetland in front of a moving bulldozer blade. Ponds dug with backhoe or dragline may not require permit.)

**Contact:** *U.S. Army Corps of Engineers*, Suite 211, Old Fort Square

211 North Broadway Street, Green Bay WI 54303

Phone: (920) 448-2824 Fax: (920) 448-2823