



BEAD Webinar

**Wisconsin DNR
Office of Energy**

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Wisconsin DNR Regulatory Processes

- Early Project Planning
- Endangered Resource Reviews (ERR)
- Wetland review/consultations
- WDNR Waterway/Wetland Permitting
- WDNR Construction Site Stormwater Permitting
- WDNR Staff and Contacts



Wisconsin DNR Regulatory Processes

Early project planning - Endangered Resources Review

NATURAL HERITAGE INVENTORY PUBLIC PORTAL



<https://dnr.wisconsin.gov/topic/erreview/PublicPortal>

The NHI Public Portal is an online tool that provides information typically acquired through an [Endangered Resources Review](#).



After completing the portal process, you will receive an Endangered Resources (ER) Preliminary Assessment, which will help guide your next steps concerning endangered resources.

Completing the steps provided by the NHI Public Portal ensures compliance with Wisconsin's Endangered Species Law, Wis State Statute 29.604. The NHI Public Portal search results are presented as an **ER Preliminary Assessment**.

Wisconsin DNR Regulatory Processes

Early project planning - Endangered Resources Review

An **ER Preliminary Assessment** is a document provided to users who complete the NHI Public Portal process. This document contains a summary of all information entered, a map of the project area and the resulting determination of **next steps** regarding endangered resources.

1. Result with follow-up actions.
2. An ER Review is required.
3. An ER Review is strongly recommended.
4. An ER review is recommended.
5. No further actions.

PROTECTING WISCONSIN'S BIODIVERSITY



Van Vliet Hemlocks State Natural Area. © Thomas Meyer, Wisconsin DNR.

Wisconsin DNR Regulatory Processes

Early project planning - Endangered Resources Review

*If an ER Review is **REQUIRED, STRONGLY RECOMMENDED, or RECOMMENDED**, BEAD project proponents will need to coordinate with PSC to have a Certified ER Review completed. Certified ER Reviews are further reviewed by DNR ER staff for compliance.*

It is imperative that the ER Reviews are completed EARLY in the planning process. Possible required or recommended actions:

- Construction timing restrictions
- Construction location restrictions
- Exclusion fencing for herp species
- Avoiding suitable habitat

If work cannot be completed within the required parameters, the BEAD project proponent might need to obtain an **individual Incidental Take Authorization**. Incidental Take Authorizations include analysis of potential impact to the species and include a **30-day public notice**.





Wisconsin DNR Regulatory Processes

Early project planning - Wetland and Waterway Reviews

- Identification of wetlands & waterways
 - Prevent impacts
 - Types of waterway and wetland permits required
- Location of wetlands & waterways
 - May determine project installation methods to avoid or minimize wetland impacts.

Wisconsin DNR Regulatory Processes – *early project planning*

Wetland review is required prior to submitting a DNR wetland permit and DNR construction site stormwater permit.

- A wetland delineation is conducted by a **qualified biologist** is recommended.
- If a wetland delineation is not conducted, a **conservative or refined desktop wetland review** can be submitted through the DNR wetland consultation process.

A **wetland concurrence request** consists of an email detailing how the project was evaluated for the presence of wetlands accompanied by a supporting wetland map showing the proposed wetland boundaries within the project area.

- **Wetland concurrence requests can take several weeks to be reviewed and returned by the DNR.**

Once wetland boundaries are concurred with, that information can be used by the applicant and/or consultant to calculate wetland disturbance totals (temporary, permanent, etc.) based on the project plans to help determine applicable DNR waterway/wetland permitting requirements.

Wisconsin DNR Regulatory Processes – *early project planning*

Wetland review/consultations resources examples:

Surface Water Data Viewer
Wisconsin Department of Natural Resources

Search for ...

Home Layers Legend Basic Tools Locate & Identify Draw & Measure Help & Resources

Filter layers by title ...

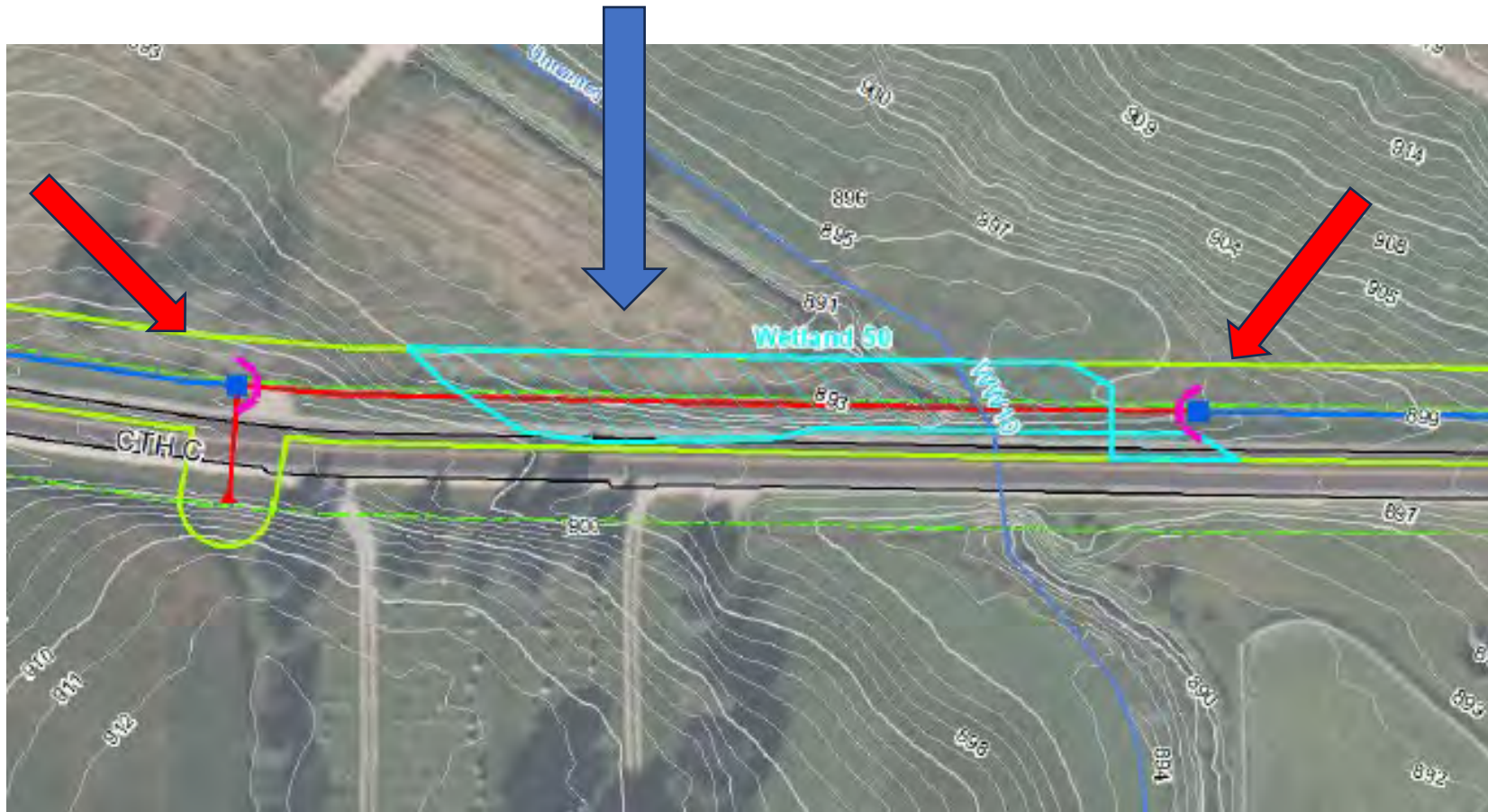
- Mapped Wetlands
- Wetland Indicators & Soils
- Wild Rice Waters
- Surface Water
- Administrative, Political & Cadastral
- Base Maps
 - Surface Water (Cached)
Zoom out to view
 - Ecoregions & Vegetation
 - Cities, Roads & Boundaries
 - Public Lands
 - Topographic Maps
 - Imagery

100 ft Scale 919

Wi Dept. of Natural Resources, Water Division | Surface Water Data Viewer Team | Calvin Lawrence, Dennis Weise, Nina Rihn | Wi Dept. of Natural Resources, Division of Water Powered by Esri

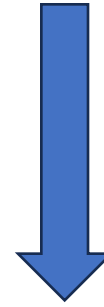
Wisconsin DNR Regulatory Processes

Early project planning leads to good project plans!



DNR Office of Energy Web Page

<https://dnr.wisconsin.gov/topic/Sectors/Energy.html>



The DNR's Office of Energy (OE) coordinates reviews of proposed energy projects and is the main point of contact for project applicants, the Public Service Commission (PSC), other DNR programs and stakeholders. OE provides statewide guidance and consistent application of the regulatory processes established by state statutes and rules.

PERMIT PROCESS

A general permit is available for projects that meet the eligibility criteria and standards of [WDNR-GP3-2023 \[PDF\]](#). The general permit conveys coverage for the placement of fill in wetlands, the placement of structures on the bed of waterways, the placement of temporary bridges across waterways, the removal of bed material from waterways, and driving on the bed of waterways.

- [Guidance on Wetland and Waterway Permitting and the OE Process \[PDF\]](#)
- [Utility General Permit Application Checklist \[PDF\]](#)
- [Practicable Alternatives Analysis Supplement \(wetland impacts\) \[PDF\]](#)
- [Request Form – Waiver of Timing Restrictions for Utility Project Waterway Permits \[PDF\]](#)

Additional General Permits are available for other project activities. See our [All About General Permits](#) webpage for more information.

Individual Permits are required when a project does not meet the eligibility standards or conditions in the General Permits. Please visit our [Individual Permits](#) page to learn about fees and how to apply.

More useful websites!

Please see the WORD document we created with clickable links that are useful for project planning and permitting



WDNR Permitting for BEAD Projects – Helpful clickable [links](#)

NHI Public Portal: <https://dnr.wisconsin.gov/topic/erreview/PublicPortal>

Endangered Resources Review – more info: <https://dnr.wisconsin.gov/topic/erreview/review>

Endangered Resources Wisconsin State Statutes: [Wisconsin Legislature: 29.604](#)

DNR Assured Wetland Delineators - Contains link to list of current year assured wetland delineators. <https://dnr.wisconsin.gov/topic/Wetlands/assurance.html>

DNR Office of Energy Project Website - <https://dnr.wisconsin.gov/topic/Sectors/Energy.html>

Office of Energy Wetland and Waterway Guide to Permitting - https://dnr.wisconsin.gov/sites/default/files/topic/Sectors/Guidance_on_Office_of_Energy_Wetland_and_Waterway_Permitting.pdf

Office of Energy waterway/wetland general permit checklist which also contains information on wetland consultation requirements - <https://widnr.widen.net/s/dwhdtmjwbw/gp3-appchecklist>

DNR Surface Water Data Viewer - <https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>

USACE Guidance for Offsite Hydrology/Wetland Determinations - https://bwsr.state.mn.us/sites/default/files/2018-12/WETLANDS_Delin_Guidance_for_Offsite_Hydrology_and_Wetland_Determinations.pdf

Utility Waterway/Wetland General Permit – WDNR-GP3-2023
DNR Water Permit Applications (Includes instructional videos): <https://dnr.wisconsin.gov/permits/water/getStarted.html>

Notice of Intent (NOI) submittal requires development of a construction site erosion control plan (ECP) <https://dnr.wisconsin.gov/topic/Stormwater/construction>

Utilization of construction site BMP's following approved technical standards at disturbed areas to promote site stabilization (silt fence, wattles, seed/mulch, etc.) https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html

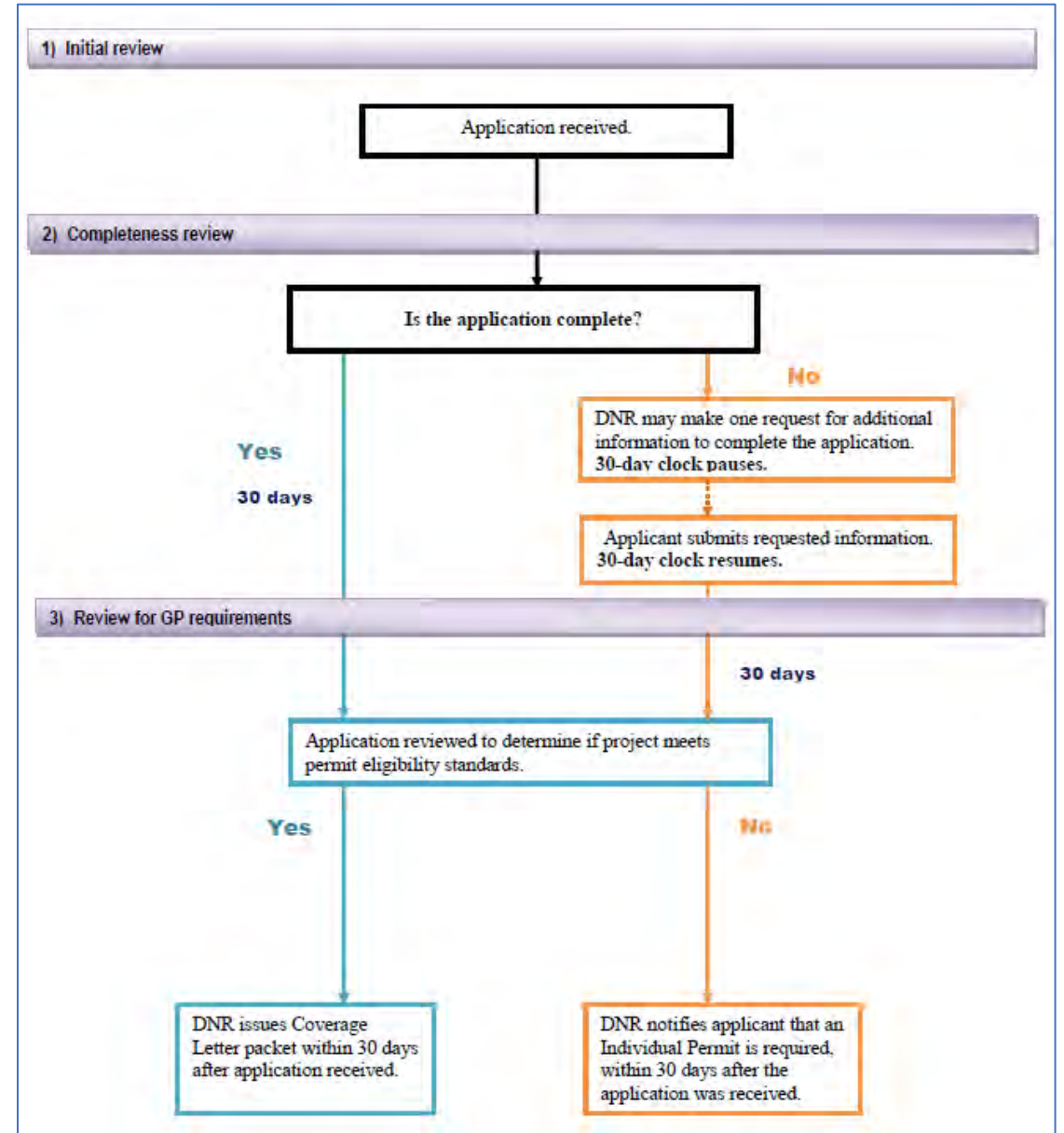
Wisconsin DNR Regulatory Processes – waterway/wetland permitting

Utility Waterway/Wetland General Permit WDNR-GP3-2023

- See the DNR Water Permit Application Page (with videos!)

Utility Waterway/Wetland General Permit – timeline:

- **30-day statutory timeline** upon receipt of complete application.
 - DNR has one request for additional information which pauses the clock.
- Wetland consultation/review must be completed prior to this timeline/permit submittal.
- *If all GP3 criteria cannot be met, a DNR Individual Permit must be applied for.*
 - DNR Individual Permit requires an elevated review and longer timelines, **approximately 90+ days.**



Wisconsin DNR Regulatory Processes –

Construction site stormwater permitting

Required for projects where total land disturbance for project is 1 acre or more

- Includes hand holes, pedestal locations, bore pit entry/exit points, area of open cut trenching, soil stockpiling areas, site access points, or anywhere ground disturbance occurs, are common types of disturbance.

Notice of Intent (NOI) submittal (online) requires development of a construction site erosion control plan (ECP)

Utilization of **construction site BMP's** following approved technical standards at disturbed areas to promote site stabilization(silt fence, wattles, seed/mulch, etc.) (online)



Wisconsin DNR Regulatory Processes – *staff and contacts*

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OFF THE RECORD"