

**Subgroup #3 – OHWM/Transition Zone Issues  
August 23, 2016**

**Sideboards/Considerations**

1. Legally defensible
2. Act 21
3. Applicable codes
  - a. NR 722.07(3)(b)
  - b. NR 722.09(3)
  - c. NR 722.11
  - d. NR 726
4. Whatever approach is developed (i.e. value or process) it needs to:
  - a. Meet 80/20 Rule
  - b. Provide consistency
  - c. Result in reproducible results/process (i.e. same inputs will equal similar outputs)

**Legal Issues**

1. Act 204 definition of sediment – Do we have the ability to apply soil numbers in the “transition zone”?

**Discussion**

1. When is an OHWM determination needed?
2. If the transition zone exists, what number(s) should be applied?
  - a. Lower Number? - CBSQG or NR720  
(See #1 under Legal Issues)
3. Who makes OHWM determinations?
4. Internal DNR discussions
  - a. How will OHWM determinations be tracked?

**Action Items**

1. Revisit the differences between State and USACE OHWM criteria.