

APPENDIX E: PERMITS

In addition to the BMPs described in this manual, you should be aware of existing municipal, county, state, and federal regulations relating to forest management and water quality. Many of these regulations are listed in Appendix D: Regulations Relating to Forest Management. Appendix E summarizes several permits and notices related to the regulations in Appendix D. This list should not be construed as a complete. For more information, contact your county zoning office or Wisconsin DNR water management specialist when conducting forest management activities near streams, lakes, or wetlands. If you are planning an activity near a waterbody or wetland, investigate the need for a permit at least 90 DAYS in advance of the activity.

Legal definitions of a lake, a stream, navigability, and ordinary high water mark are listed in Chapter 5: Riparian Areas and Wetlands and in the Glossary.

LOCAL PERMITS AND NOTICES

These permits and notices may be required by town, village, city or county regulations.

BURNING PERMITS

Contact your local fire department, town chairperson, or local municipal official if you have any questions. Local ordinances may be more restrictive than state law.

COUNTY CUTTING NOTICES

Under state law, anyone harvesting timber (except for firewood, boughs, or up to five Christmas trees) is required to file a cutting notice with the county clerk at least 14 days before beginning a timber harvest.

FLOODPLAIN ZONING PERMITS

When working in a mapped floodplain, permits may be required for activities including installation of stream crossings and placement of wetland fill (such as for an approach to a stream crossing). The goal of these regulations is to prevent increases in flood elevations.

SHORELAND AND SHORELAND-WETLAND ZONING PERMITS

Permits may be required by shoreland or shoreland-wetland zoning ordinances for harvesting timber near the water, grading, placing fill in wetlands and other activities. Regulations vary by municipality. Special provisions exist on the Lower Wisconsin Riverway and the St. Croix River. The Lower Wisconsin Riverway extends from the dam at Prairie du Sac south to the Mississippi River. Information on the Lower Wisconsin Riverway is available at <http://lwr.state.wi.us/> or by calling **608-739-3188**. Standards along the St. Croix River are available from municipal offices.

STATE PERMITS AND NOTICES

BURNING PERMITS

Wisconsin DNR annual burning permits are intended primarily for vegetative debris removal. They are issued to landowners for burning on the ground and in barrels. These no-cost permits are good for the calendar year and are non-transferable. More information is available at <http://new.dnr.wi.gov/environment/fire/burningpermits/>.

CUTTING NOTICES AND REPORTS

Landowners that are enrolled in the Managed Forest Law (MFL) Program or the Forest Crop Law (FCL) Program must file a cutting notice (part A of form) with the Wisconsin DNR at least 30 days before harvesting begins (except for cutting firewood for personal use). Within 30 days of the completion of the harvest, a report (Part B of Form) with cutting volumes must be filed with the Wisconsin DNR. For more information, contact your local Wisconsin DNR forester (see Appendix C) or refer to <http://dnr.wi.gov/forestry/ftax/>.

INCIDENTAL TAKE PERMITS/AUTHORIZATION

According to s. 29.604, Wis. Stats. it is illegal to take, transport, possess, process or sell any wild animal that is included on the Wisconsin Endangered and Threatened Species List. In addition, it is illegal to remove, transport, carry away, cut root up, sever, injure or destroy a wild plant on the Wisconsin Endangered and Threatened Species List on public lands. Forestry, agricultural and utility practices are exempted from the taking prohibitions of listed plant species.

The Wisconsin Endangered Species law allows the Department to authorize the taking of a protected species if the taking is not for the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity. To date, the Department has not issued an Incidental Take Permit for routine forest management activities. In most cases, take can be avoided through timing or other modifications. Contact the Wisconsin DNR Bureau of Endangered Resources or refer to <http://dnr.wi.gov/org/land/er/take/> for more information on Incidental Take Permits and the laws.

STORM WATER PERMITS

Wisconsin DNR storm water permits are required when disturbing one or more acres of land, such as during the construction, reconstruction or maintenance of roads. Storm water permits are not required for forest roads that are used solely for silvicultural purposes, if certain standards are met. For multi-use roads, a storm water permit is needed when the construction of a new road or reconstruction of an existing road will disturb one or more acres of land or when maintenance of an existing road will disturb five or more acres. Contact your local Wisconsin DNR storm water specialist or refer to <http://dnr.wi.gov/runoff/stormwater/const.htm> for more information about the Wisconsin DNR's Storm Water Program.

WATERWAY AND WETLAND PERMITS

Wisconsin DNR waterway and wetland permits are required for activities that affect lakes, streams and wetlands. Common activities that occur during forest management that may require a permit include:

- Stream crossings, including bridges, culverts, fords, timber mats and pole fords
- Wetland crossings
- Grading more than 10,000 square feet on the bank of a lake or stream

For more information, contact your local Wisconsin DNR water management specialist or go to <http://dnr.wi.gov/waterways/>.

FEDERAL PERMITS

WATERWAY AND WETLAND PERMITS

The U.S. Army Corp of Engineers (USACE) regulates activities occurring in waterways and wetlands, including the excavation and placement of fill. When building a road or trail through a wetland, a permit may be required from the USACE. An exemption for forest roads is available, but certain design, location and use standards must be met to qualify for the exemption. Contact your local USACE program staff or visit the USACE web site at www.mvp.usace.army.mil/regulatory/.