

An aerial photograph of a large container ship sailing on a deep blue ocean. The ship is viewed from above, showing its long hull and the deck covered with numerous colorful shipping containers in shades of orange, red, blue, and white. The ship is moving from left to right, leaving a white wake behind it. The sky is not visible, as the focus is on the ship and the water.

Waterway & Wetland Regulations in Wisconsin

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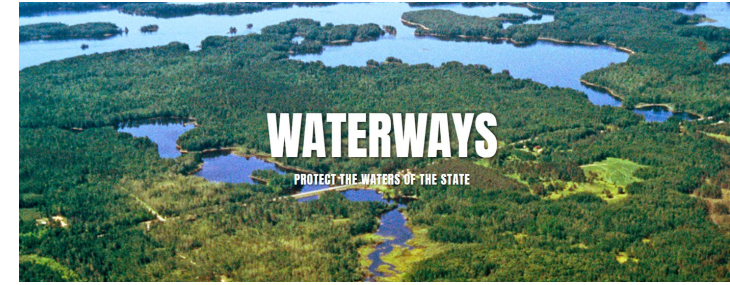
WI Commercial Ports Association – Annual Meeting
September 11, 2026

What we'll cover today

1. High-level overview of Wisconsin's waterway permitting program
2. Regulatory Program workload update
3. Common port & harbor activities: We pick things up and set things down.
 - Taking things out of the water
 - Putting things into the water
4. Fitting the pieces together

Wisconsin's Waterway/Wetland Program

- The state's Ch 30 permit process reviews and authorizes activities in/around navigable (public) waterways. Projects that **do not** create significant adverse resource and Public Trust impacts are authorized.
- Exemptions – very low impact risk (no permit required)
- General Permits (GP) – minor resource impacts
 - 30-day permit review process
 - Specified list of GP-eligibility standards must be met to qualify for GP coverage/issuance.
- Individual Permits (IP) – larger or widespread impacts anticipated
 - 3–4-month permit review process (includes a required 30-day public comment period and potential for public information hearing)
 - The resulting permit document reflects conditions uniquely drafted for this project at this specific set of site characteristics.



Staffing and Workload Updates

- We are learning!  Our statewide team consists of:
 - 15 full-time Water Management Specialists (WMS) current covering 72 counties! That's roughly 4 or 5 counties covered by a single WMS. *Compare this to 42 WMS staff positions around circa 2000.*
 - 10 staff have 1-5 yrs of experience
 - 5 staff have 5+ yrs of experience
 - Plus 4 **vacant** WMS positions
 - 3 half-time WMSs (collectively they have over 50 yrs of experience)
 - 3 WMS Experts (Non-metallic Mining Expert WMS, UMR & Riverways Expert WMS, and Coastal Regulatory Expert [**vacant**])
 - Currently the 2-expert staff have 4-5 years of experience

Develop Connections to help streamline permits

Permit processing isn't the only task we are responsible for. WMS team members are responsible for:

- Process permit applications for waterway (Ch 30) and wetland (s. 281.36) impacts.
- Receive and respond to incoming general inquiries (those not associated with a pending permit application).
- Receive, review, and act on complaints and enforcement.
- Provide outreach/training and technical assistance to stakeholders and partners (inside and outside of DNR).
- Receive training and complete their own professional growth (attending workshops, conferences, taking on extra workload assignments, etc.)
- Cover vacancies and workload for vacant positions and staff on extended leave.
- Workload continues to grow....
 - In 2026 so far, there are 1,116 records for GPs and 327 records for IPs.
 - In 2025, there are 1,574 records for GPs and 563 records for IPs.
- Project success starts with:
 - Early contact with the Waterways Program staff and other regulatory partners
 - Keeping open lines of communication
 - Incorporate realistic expectations for timelines

Common port & harbor activities: *You pick things up.....*



In-water removal activities: Dredging

- Ports and Harbors often coincide with Federal Navigational Channels (FNC)
 - Presence of FNC means including or joining efforts with USACE partners (these are federal highways and so there is federal responsibility to maintain the FNC).
 - State jurisdiction is everywhere and everything below the *ordinary high-water mark* (OHWM).
 - Identify and connect with regulatory offices early in project conception phase.
- Preliminary (pre-application) review required.
 - Sediment analysis and characterization is required unless the preliminary review provides a waiver.
 - Informs requirements or recommendations for dredging means/methods, materials management, disposal or placement restrictions, etc. to protect human and aquatic health and safety.
 - Encouraged to complete the prelim review *EARLY* in planning to allow timing and cost adjustments that may be required due to condition of sediment removed or exposed.

More about dredging

- Permit mechanisms
 - USACE-led dredging within FNC boundaries requires state 401 authorization (Water Quality Certification or WQC).
 - Dredging outside of the FNC boundaries by any entity requires a state authorization by means of a Ch 30 dredging permit (which has WQC integrated into the process and permit decision).
- Dredging BMPs
 - Environmental clamshell buckets or hydraulic dredging
 - Turbidity containment around dredge area (silt curtain, turbidity barrier, etc.)
 - Isolate and dewater work area to work in dry conditions (coffer dam)
 - Phasing or sequencing dredging to limit total area of disturbance at any given time
 - Timing of the project (outside of sensitive aquatic windows such as fish spawning)
 - Dredged material dewatering practices

**Common port & harbor activities:*and
put things down.***



Placement of in-water structures

- Structures and deposits below the OHWM fall under state statute Ch 30 authority.
- Commonly placed in-water structures (and less common deposits)
 - Piers and docks to provide a number of mooring slips
 - Boat ramp/launch
 - Shoreline stabilization – seawalls and riprap
 - Breakwaters for protection of mooring field, provide safe harbor, etc.
 - Beneficial Use of dredged materials the basis for beach nourishment, nearshore habitat restoration, island creation/restoration, etc.

Permit mechanisms

- Bulkhead lines
 - Established in the public's interest by municipal entities by ordinance often to regularize the shoreline.
 - Once established, removes area from Ch 30.12 authority but retains requirement to obtain a stand-alone Water Quality Certification.
- Lakebed leases/grants (also called “submerged-lands lease”)
 - A legal agreement issued by the state to grant an entity limited rights to use lakebed held in trust by the state in exchange for “rent” and following specific conditions. Ex: occupation and use of submerged lakebed for docks, moorage, marinas, etc.
 - Once established, removes area from Ch 30.12 authority but retains requirement to obtain a stand-alone Water Quality Certification.
- Ch 30.12 permit for structures and deposits in navigable waters
- Legacy pier structure exemption (piers placed prior to April 17, 2012)
- Water Quality Certification (WQC) provides 401 authorization to meet CWA
 - Either integrated into a Ch 30 permit or can be stand-alone where no Ch 30 authority exists.
- Designated Mooring Area (by municipalities)

**Fitting the
pieces
together**



Where do we go from here?

- Waterways Program is active in maintaining and improving communication and coordination with USACE for federal projects such as harbor dredging and materials management.
- Non-federal dredging or structure projects likely require state permits...your project planning phase should include making a connection with the Waterways Program staff!
- Don't let sediment analysis requirements surprise you. Use the preliminary review process to understand if sampling is required as early as possible in project planning.
- Regulatory programs can be inherently rigid and structured but don't let that dominate the conversation....innovation often helps find success!!

CONNECT WITH US

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OFF THE RECORD"