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Civil Engineering

Dear John,

Message from the President:

In this issue we are discussing another round of rule changes by the Department of Natural Resources. We take time to do this, because these rules affect almost every project with which our customers are involved. Some are designed to streamline the process and others will have the opposite effect by having a dramatic impact on the timing of project permit approvals.

As always, we thank you for your business and we hope that you find our newsletter informative.

John R. Davel, P.E.
President

Storm Water Rule Updates

By John R. Davel, P.E.

This time around the changes are coming in the form of guidance documents. Guidance documents are instructions or procedures for DNR personnel to follow when issuing permits. Part of the requirements for Storm Water Discharge Permits is to screen for whether or not the project may affect wetlands. Currently, the DNR would look to mapped wetlands and/or mapped areas of hydric soils as a trigger for when they would require a wetland delineation to be performed. In addition, the owner is asked on the permit application if the project affects wetlands and how the presence of wetlands was determined. For our clients we provide our professional expertise in filling out this section of the permit application.

The new guidance will change this somewhat. DNR is now instructed to look beyond mapped wetlands and hydric soils and look at aerial photography and GIS contours. If there are signatures of crops drowning, or topographic depressions a wetland delineation will be required.

In addition, DNR will now require all delineations to be concurred with by DNR. Concurrence can only occur within the growing season, which is usually late April to October. So a project applied for in late fall or winter may not be able to obtain storm water permit coverage until sometime after the commencement of the growing season.

There is also guidance on Erosion and Sediment Control Plans that pertain to the design of best management practices (BMP's.) The law requires that the practice remove 80% of suspended solids (TSS) in the runoff in comparison to the site with no controls. There has never been an accepted method to calculate, for instance, how effective a silt fence is in removing sediment from runoff. The regulations allowed these practices to be permitted with the assumption that "by design" they removed at least 80 percent of the TSS. Now DNR has come up with a rudimentary method of calculating soil loss and the effectiveness of the various BMP's and they will now require these calculations to be made and included in the permit applications. I believe this will have several implications.

First, we are required to do more work, so fees for these plans will have to increase accordingly. Second, DNR will have to review these calculations and they are very subjective and I believe this will lead to some back and forth between the engineer and the reviewer before the permit can be granted. This of

course will result in more time being required to approved and issue permits. Further, are the additional restrictions that contractors may have to follow. For example, the procedure requires us to look at the project and try to determine the worst case area for erosion potential and then apply a BMP that will achieve an 80% removal. The 80% removal is based on annual rainfall and takes into account annual variation will the majority of that rainfall coming in June.



So the designer may assume for the purposes of the calculation that the worst case area may be disturbed for 3 weeks instead of 5 weeks, which would be one way of gaining compliance. Or he may assume that the disturbance will occur in July instead of June to get the calculation to come out. These assumptions will need to be noted on the plan and the DNR would expect the contractor to honor the sequence of construction and the timing and duration of land disturbance.

Please contact me at any time to discuss how these new guidance documents may impact your project, or how we can help to minimize the negative consequences.

Wetland Delineation Season

By Travis Stuck, B.S. Resource Mgt., PWS

Generally speaking, wetland delineations can only be completed during the growing season. The growing season onset is determined by documentation of "Green-up" which is basically when buds burst, and new green leafy material is present on trees and the herbaceous layer and soil temperature exceed 41 degrees Fahrenheit. Reed Canary grass is one of the first plants to begin green growth in the spring. Historically the onset of the growing season was determined according to the Natural Resources Conservation Service WETS tables. The WETS tables indicate the percent probability of temperature exceedance. The tables indicate a relative safe time for farmers to plant agricultural crops, thus these are not necessarily indicative of the onset of the growing season for native herbaceous plants and trees. However, the dates provided in the WETS tables are still generally accepted as an estimation of the growing season.

According to the WETS tables, the growing season and wetland delineation season for the following counties begins:

Outagamie: April 22th
Winnebago: April 17th
Fond du Lac: April 14th
Brown: April 24th

"Green-up" can commence up to a week before or after depending on weather conditions.



Keep in mind that the wetland hydrology definition is based upon saturation near the surface for 14 consecutive days during the growing season. Generally speaking, the first 14 days of the growing season are the best days to be onsite to document hydrology.

I hope these important news updates are relevant to your business. If you'd like to learn more information about our firm or services, please give me a call at 920-560-6563, or visit our website at www.davel.pro.

Sincerely,

John Davel
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