

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

# Floodplain Updates

Sarah Rafajko, Floodplain Management Policy and State NFIP Coordinator, WDNR

WCCA – October 30, 2025



# Floodplain Program Updates

- DOT – DNR Cooperative Agreement – Signed – Training by webinar TBD
- Regional Floodplain Training Day
- Jon Wagner moved to a different program with the DNR, so there has been some recent shifting of WME county coverage.
- Clarifying language change to Act 175 in model ordinance
- ASFPM National Conference to be held in Milwaukee in May
  - Scholarship is available for local officials to attend that covers registration
  - Will be a link to the application on our December newsletter



# UPDATES

**Sue Vanden Langenberg**

DNR Shoreland Program Policy Coordinator

October 30, 2025

## Shoreland Team:

- Sue, Kristin (Floodplain & Shoreland) & Kathi (WMS & Shoreland) = ~1.4 (FTE)
- Dale's retirement: status of position refill
- NER WMS retirement & impact on Kathi's time

## Ordinance Submittal & Review:

- 25% counties submitted ordinances for review and approval
- Adopt Model: quicker review no crosswalk needed, can add other matters
- Amend current ordinance & submit completed crosswalk: review takes longer
- Expect many submittals over the winter: Review done in order submitted, expect delays due to limited staff. Please don't schedule hearings until DNR confirms ordinance can be certified.

## Priorities:

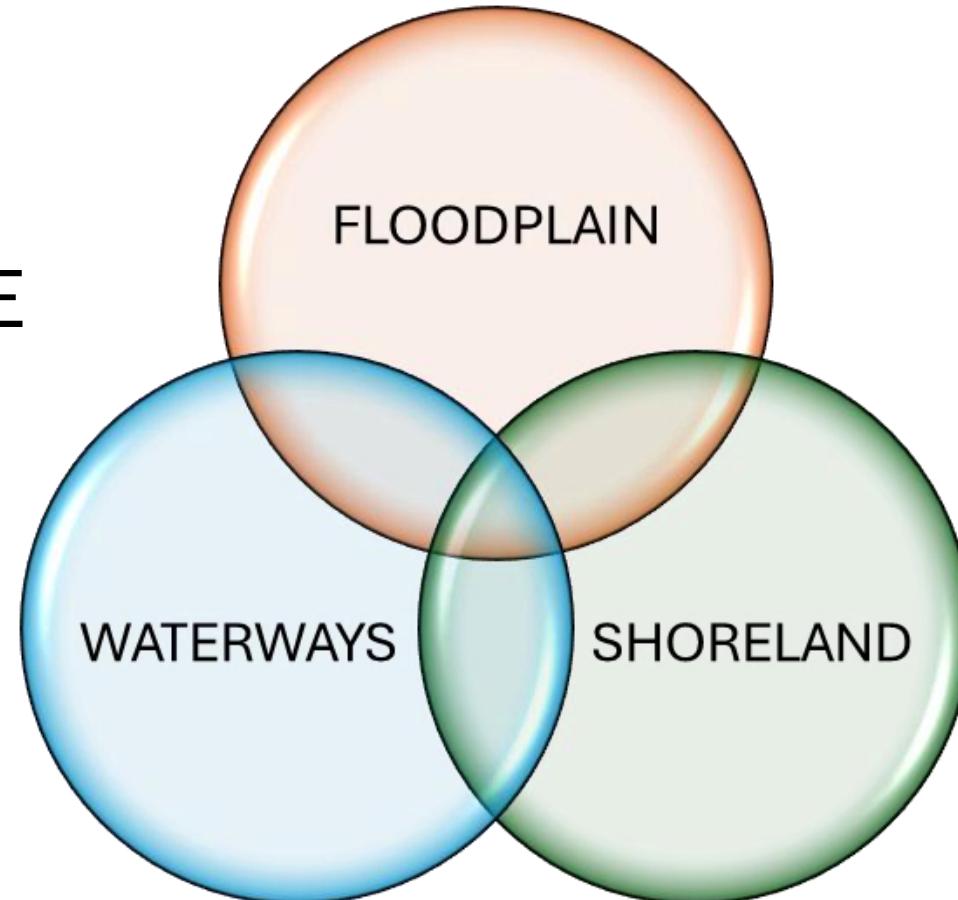
- Ordinance review
- Tech Assistance (shoreland questions)
- Public hearings (variances re: shoreland standards, ZA appeals & wetland rezoning)

*Please be patient as the shoreland team works through your questions and ordinance submittals.*

# Joint Jurisdictions Projects

WCCA FALL CONFERENCE

October 30, 2025



# Presenters

**Crystal Von Holdt**

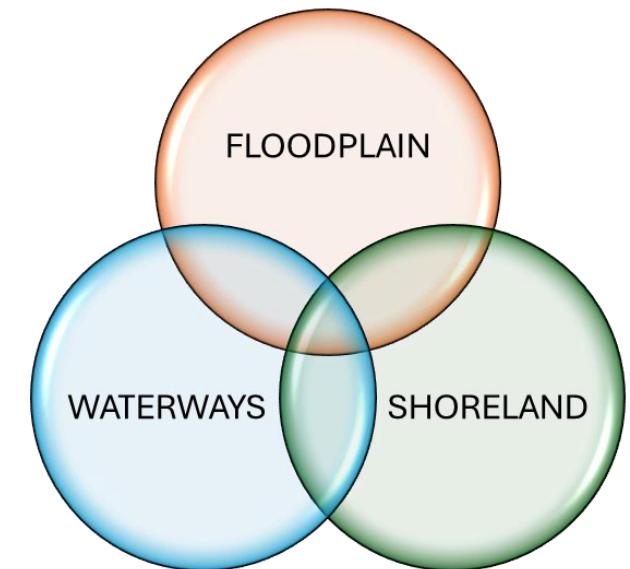
DNR NR Program Policy Coordinator

**Sue Vanden Langenberg**

DNR Shoreland Program Policy Coordinator

**Sarah Rafajko**

DNR Floodplain Program Policy Coordinator



# Purpose

build stronger partnership

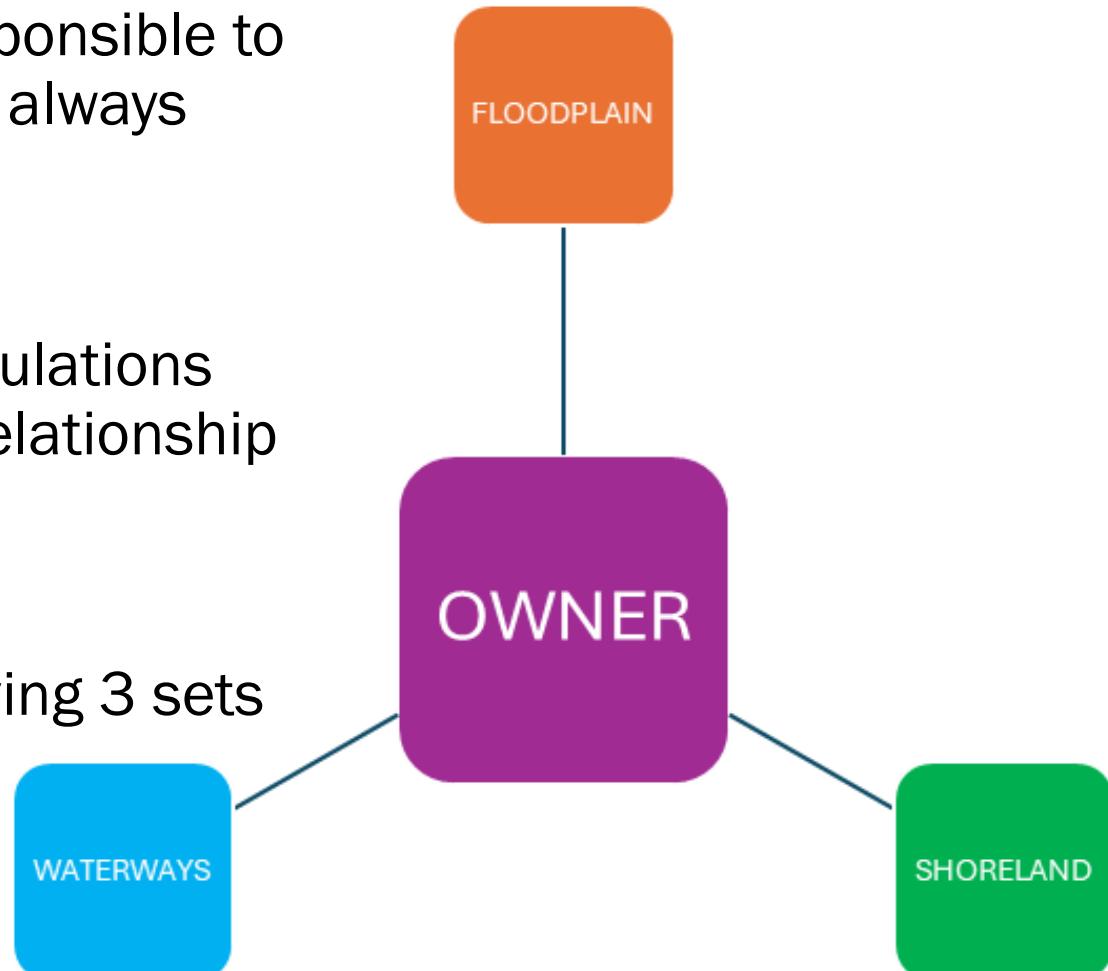
by educating each other on roles, standards & timelines

to create a more efficient process



# Challenges

- DNR WW & Co Shoreland & Floodplain are responsible to protect navigable waters, but regulations don't always lineup perfectly.
- Differences between Federal, State & local regulations can cause issues even with the best working relationship & open lines of communication.
- **Goal:** discuss 7 joint jurisdiction projects involving 3 sets of regulations to connect & find ways to better communicate with each other and applicants.



*Meant to be interactive & invite questions at the end of each topic.*

# Joint Jurisdiction Projects

- OHWM, Navigability & Floodplain Determinations
- Shoreland Stabilization
- Filling and Grading
- Recreational Structures
- Dry Boathouses
- Wet Boathouses
- Shoreline Access Structures

# OWHM & Navigability Determinations

- **DNR Jurisdiction (Below the OHWM)** - The DNR Waterways Program, under the public trust doctrine and state statute, has jurisdiction over permitting for projects that propose impacts in navigable waterways below the OHWM. This includes piers, shoreline erosion control structures, dredging etc.
- **County Shoreland Zoning Jurisdiction (Above the OHWM)** - To aid in the state's role as trustee of navigable waters, the state authorize counties to adopt shoreland zoning ordinance to control use of shorelands to afford the protection of water quality. County zoning staff make navigability & OHWM determinations to implement their shoreland zoning ordinances.

*Note: If no Department OHWM determination for site at the time of survey, recommend counties work with surveyor to establish OHWM for Shoreland Zoning Purposes. -s. 59.692(1h)*

# **DNR Waterway Third Party Confirmation and Determination Services Process (NR 300.17)**

- Purpose: For a confirmation request, Landowners and project proponents can submit preliminary navigability or ordinary high water mark determinations for DNR to review and confirm state jurisdiction before project planning is completed. Or for a determination request, DNR staff complete navigability or ordinary high water mark determinations in the field and confirm state jurisdiction.
- This service is not applicable for projects where only local regulations apply. Example: County Zoning and Land Conservation Dept. Regulations. -NR300.17(8)(c).

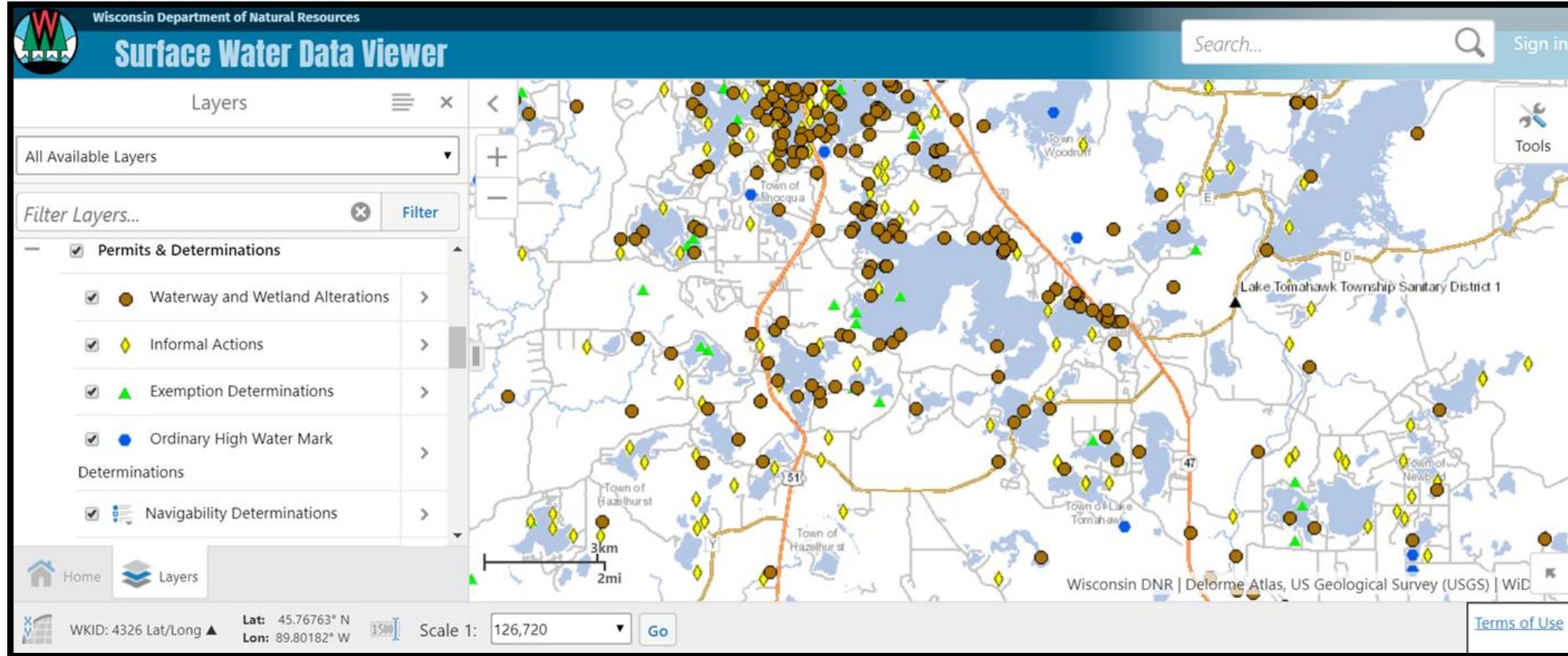


# Technical Assistance from your local Waterways Management Specialist

- The Department can assist County Zoning Staff with challenging sites:
  - Send the WMS an OHWM or Navigability determination request for assistance which includes a completed Data Collection Form with measurements, photos and desktop data. **Please call the WMS if you have background information of note.**
  - The WMS will review and may call to discuss or may schedule a joint onsite (if needed).
  - Once the determination is finalized the WMS will enter it into the DNR database, so it is reflected on the SWDV.
  - A concurrence to be emailed to the county.

\*technical assistance should only be used to aid with very difficult sites or to help new staff.

# Resources



- Completed OHWM & navigability determinations are available on the [DNR Surface Water Data Viewer](#) map app. Zoom in to the project location on the map and click on the "Permits and Determinations" layer to see previous determinations.
  - Historical data may not be able to be shown on the map, if you think a previous determination was completed at the site, you may contact your local WMS and request for that information.
- SW4P Storm Water, Waterway & Wetland Permit Viewer similar to SWDV, BUT has LIDAR & more layers.

# Online Resources

[https://dnr.wisconsin.gov/topic/Waterways/general\\_info/ohwm.html](https://dnr.wisconsin.gov/topic/Waterways/general_info/ohwm.html)

## NAVIGABILITY & OHWM DETERMINATIONS

- See the [Navigability Factsheet \[PDF\]](#) to learn how to identify navigable waterways.
- See the [OHWM Factsheet \[PDF\]](#) to learn how to locate the OHWM on a waterway.
- See a [DNR recorded training video for Waterway Determinations](#).
- See [Waterways Permitting Process](#) to review waterways permit options.

### Guidance and Data Collection Forms:

- [Third Party Navigability Determination Guidance \[PDF\]](#)
- [Navigability Determination Data Collection Form \(3500-139\) \[PDF\]](#)
- [Third Party Ordinary High Water Mark Determination Guidance \[PDF\]](#)
- [Ordinary High Water Mark Determination Data Collection Form \(3500-138\)](#)

# Resources for Gathering Desktop Data

- Surface Water Data Viewer (SWDV) and SW4P
- County GIS mapping interface
- Google Earth (street view!)
- Original Government Survey (public land survey) – stream history (<http://digicoll.library.wisc.edu/SurveyNotes/SurveyNotesHome.html>)
- Wisconsin Historic Aerial Imagery – UW System (<https://maps.sco.wisc.edu/WHAIFinder/#7/44.750/-89.750>)
- Historic Aerials (<https://www.historicaerials.com/viewer>)
- Bordner Survey Map (<https://search.library.wisc.edu/search/digital/browse>)
- USGS StreamStats for determining drainage area size (<https://streamstats.usgs.gov/ss/>)
- ArchGIS Lidar (<https://www.arcgis.com/home/webmap/viewer.html?webmap=f2e49a42f5e14dd5845536408279da9d>)
- USGS TopoView (<https://ngmdb.usgs.gov/topoview/>)
- Statewide Parcel Map to determine landowner (<https://maps.sco.wisc.edu/Parcels/>)

# Resources for Determining Floodplain

- [FEMA Flood Map Service Center | Welcome!](#)
- [Wisconsin DNR](#) Surface Water Data Viewer
- Many Local GIS have floodplain layers integrated
- Many of these might not include Flood Storage Districts, Dam Failure Analyses, and independent Flood Studies

# *Shoreline Stabilization*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.12 structures permit  
Ch 30.19 if construction creates  
>10,000 sq ft of disturbance on  
bank  
Wetland permit if construction  
discharges to wetland

### Shoreland Zoning

NR 115.05(1)(b)1m :  
At & above OHWM.  
NR 115.04:  
Prohibited in a  
wetland unless  
specifically listed as  
an allowed use.

### Floodplain Zoning

NR 116.12(1)(a):  
Except as provided in  
sub. (2), any  
development which  
will cause an  
obstruction to flood  
flows or an increase  
in regional flood  
discharge or will  
adversely affect the  
existing drainage  
courses or facilities.

# *Shoreline Stabilization*

## Criteria/ Standards

### Waterway/Wetlands

Exempt standards outlined in riprap exemption checklist; GP eligibility criteria listed in application checklist; IP requirements for public trust review.

### Shoreland Zoning

**No permit for structure at and below OHWM. May trigger permit for work above OHWM related to: filling/grading, access to OHWM, vegetation removal.**

### Floodplain Zoning

**Since this is development in the floodplain there should be a local permit and that permit approval should meet the standards in your ordinance.**

# *Shoreline Stabilization*

## Timelines

### Waterway/Wetlands

Exemption reviews ~15 days  
GP reviews ~ 30 days  
IP reviews ~ 90-120 days +/-

### Shoreland Zoning

If permit triggered,  
ZA reviews, **2+ weeks.** **If county require CUP, 1- 2 months.** County processes may differ.

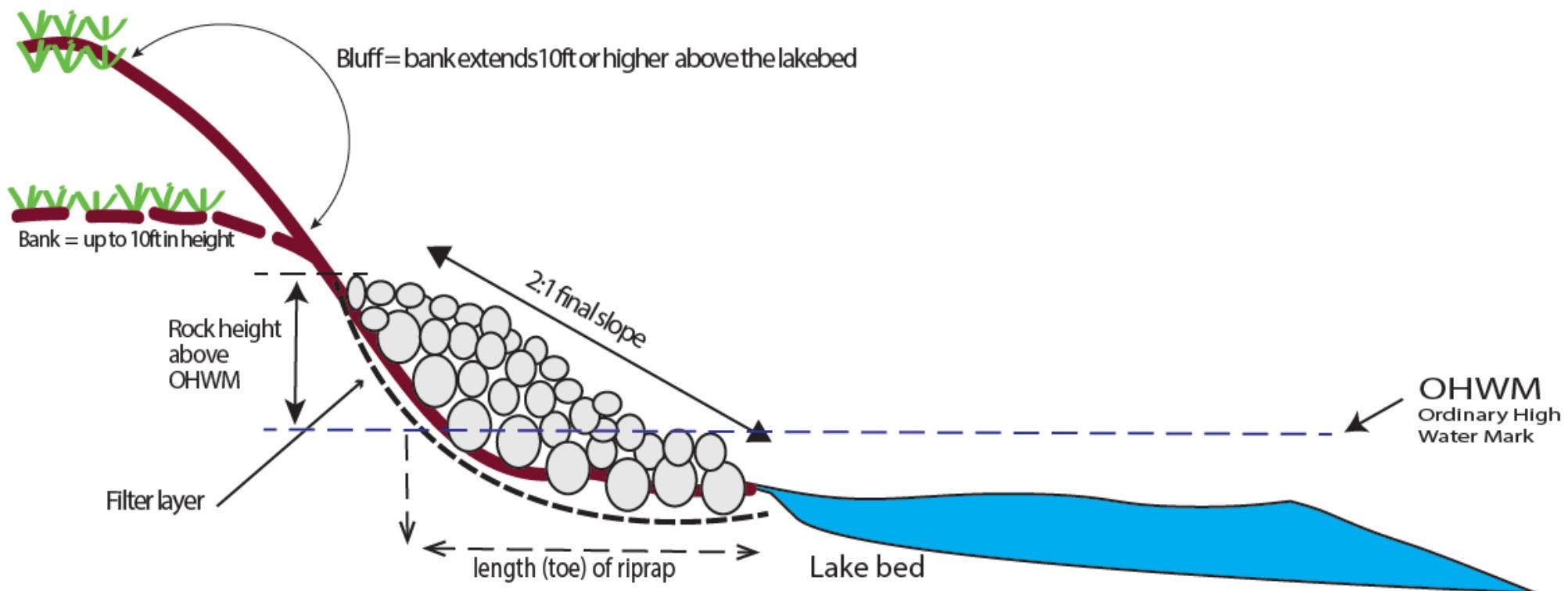
### Floodplain Zoning

ZA reviews permit.  
If an H&H is required, could take up 1-3 months for WME to review and provide concurrence.

# Waterways – Process Overview

- Permit types:
  - Exemptions – projects designed and constructed to meet all exemption criteria do not need to obtain a permit
  - General Permit (GP) - projects designed and constructed to meet all GP criteria are eligible for the GP issuance
  - Individual Permit (IP) - projects not able to be designed and constructed to meet exemption or GP must obtain IP with conditions individualized and relevant to project and site location
- Waterbody designation of *Area of Special Natural Resource Interest* (ASNRI) often removes project from being eligible for exemption
- Access and Veg Removal to reach construction site is key design element for prompting other permits/approvals required.

# Example: Plan drawings - Side View



# Shoreline Type: Inland vs Coastal

- Armoring project criteria differ depending on Inland or Coastal shoreline location.
- Storm Wave Height Calculator is for *inland* lakeshore designs only.
- Coastal shorelines often require coastal engineer for design plans

# Shoreline Stabilization Design Success!



# Inappropriate Shoreline Stabilization Design



# See something? When to contact the WMS....

## Considerations:

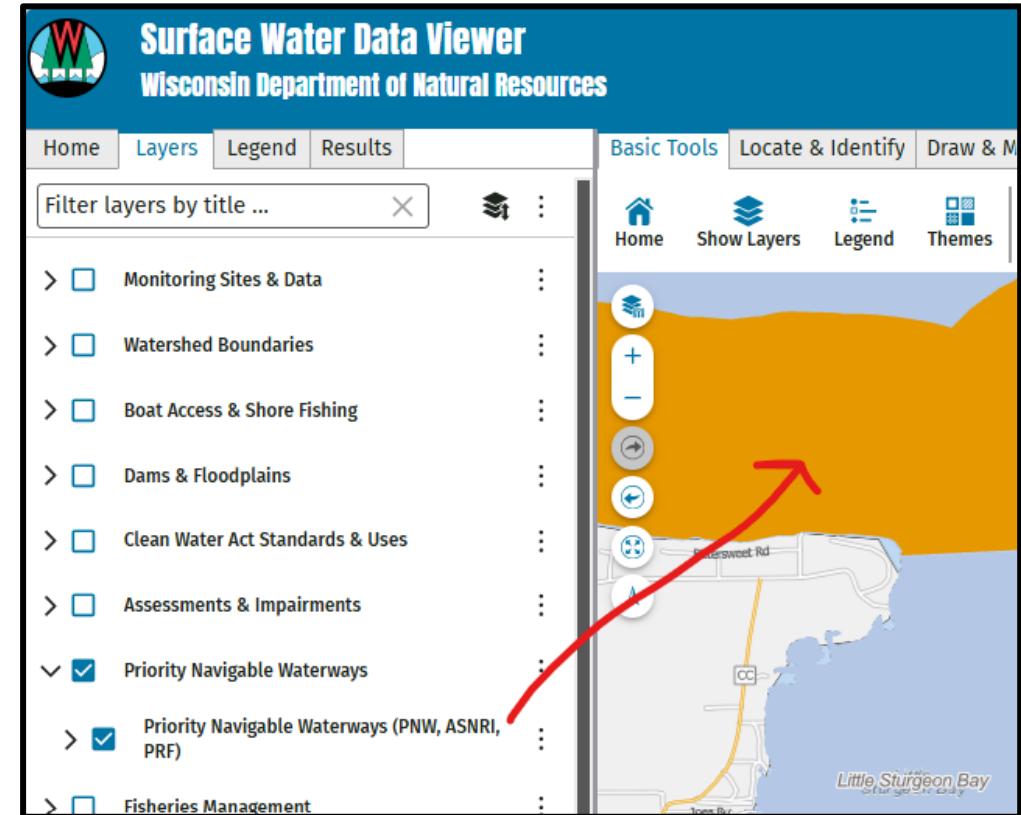
- Verify waterbody designation: non-ASNRI locations are likely exempt.
- Remember: If even a portion of the structure is below the OHWM, DNR regulates the entire structure.
  - Creating a defined separation between a riprap wall and a retaining wall can separate structures and provide limits to DNR's jurisdiction (involvement).

## Issues:

- Rocks with flat surfaces ≠ riprap materials
  - Flat stones, blocks/bricks, dimension stone, etc. Are not eligible riprap materials
- Armoring materials extending above ground elevation (as mounded or berm design)

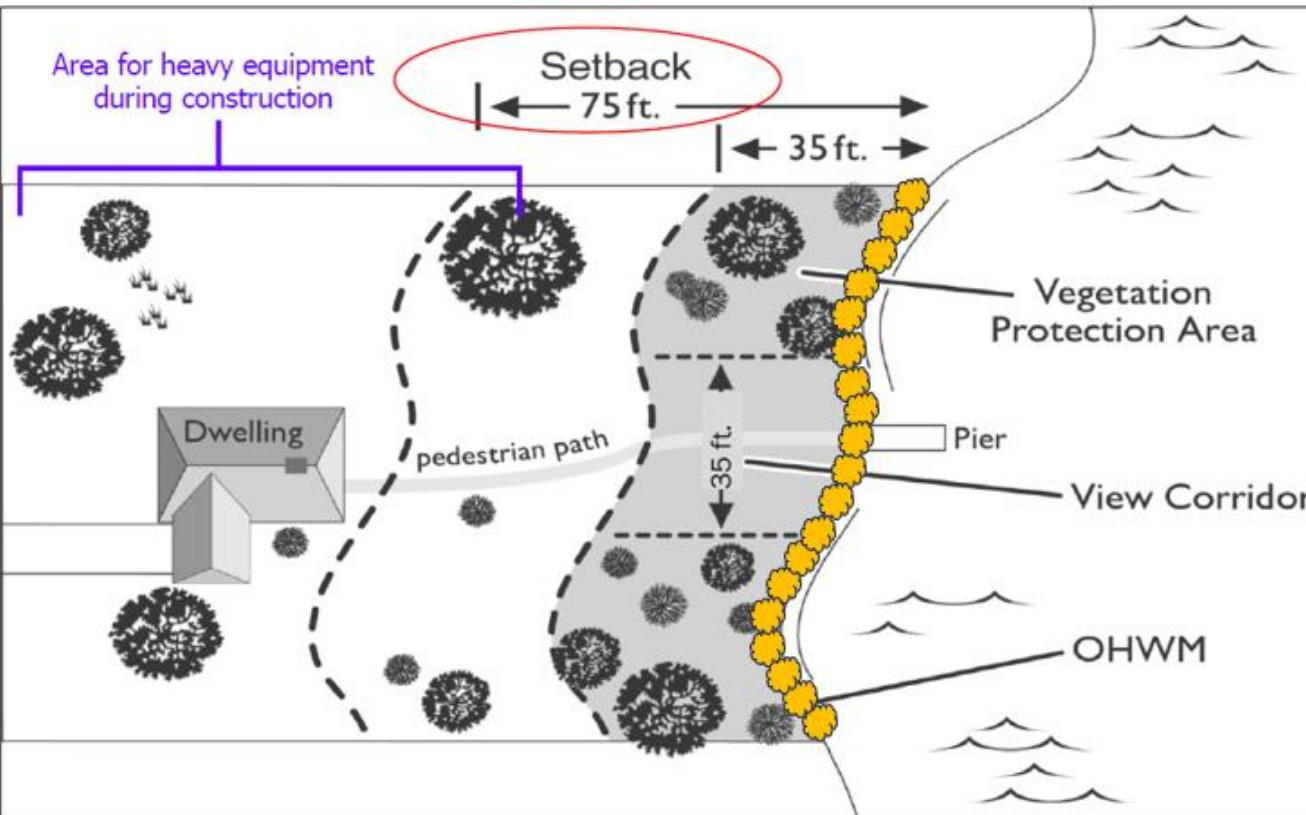
## Contact WMS:

- Start with a few top priority sites to investigate.
- If possible, include photos describe your question/concern about a certain structure.
- Share copy of County permit file (if applicable)



# No Shoreland Permit Needed For Riprap

## Shoreland authority above the OHWM



## Shoreland Standards

- Filling and grading
- Vegetative Buffer Zone
  - Limited removal
- Access & Viewing Corridor
  - 35% shoreline frontage
- Water setback: 75' from OHWM
  - $\leq 5'$  wide pedestrian access to shore.

# Installation May Trigger Shoreland Permit.



- Filling and grading: depending on proposed/actual disturbance.



- Additional vegetation management: if vegetation needs to be removed to install rip rap (excess of allowed) .

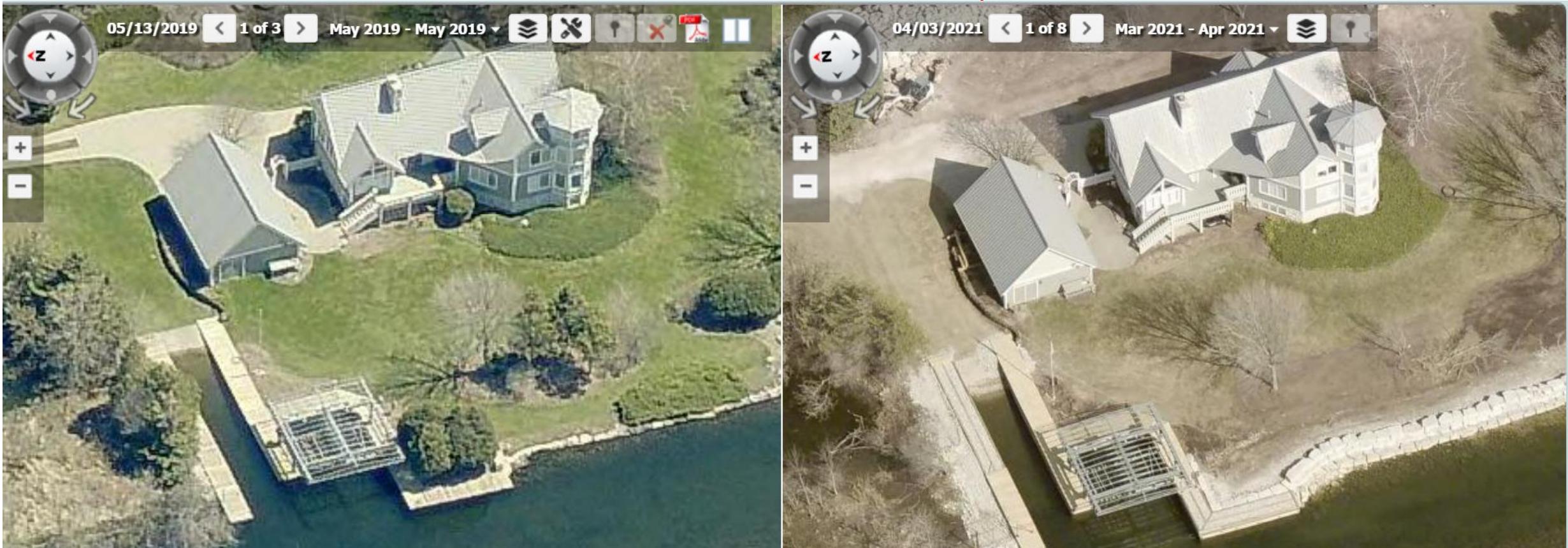


- Pedestrian access to shore Max. 5' wide.

# Example: Shoreland Zoning Problems

Violations: removal of vegetation to install rip rap.

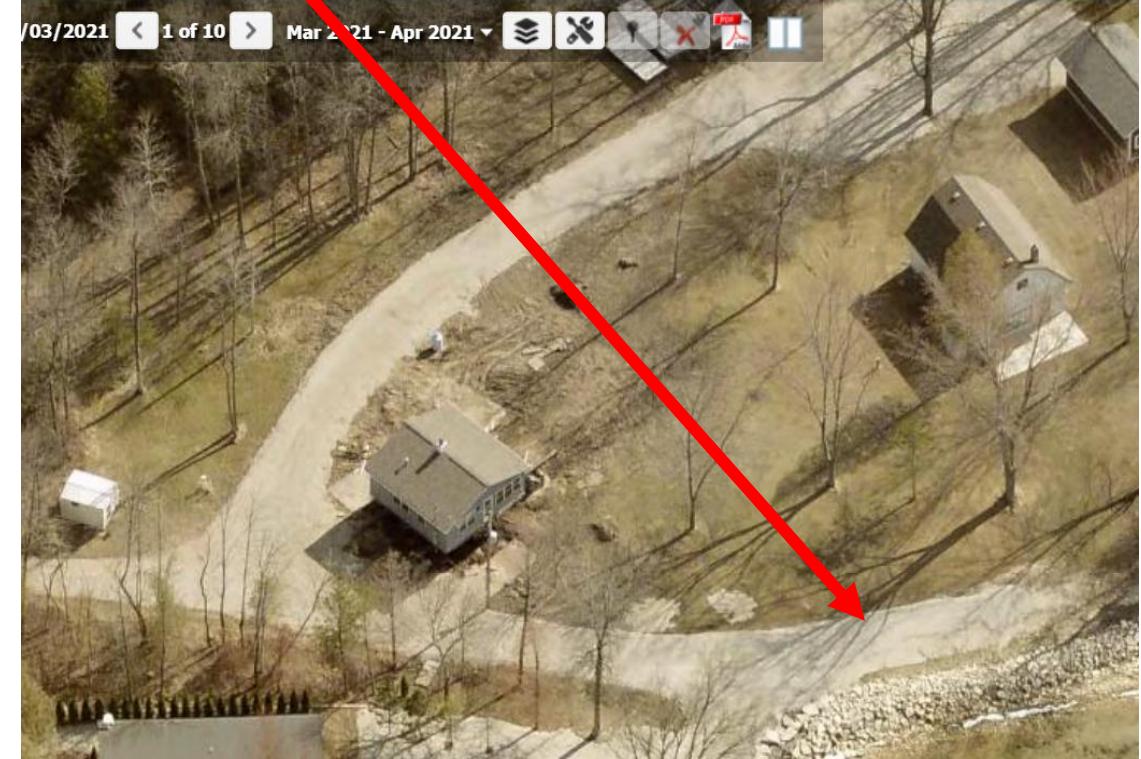
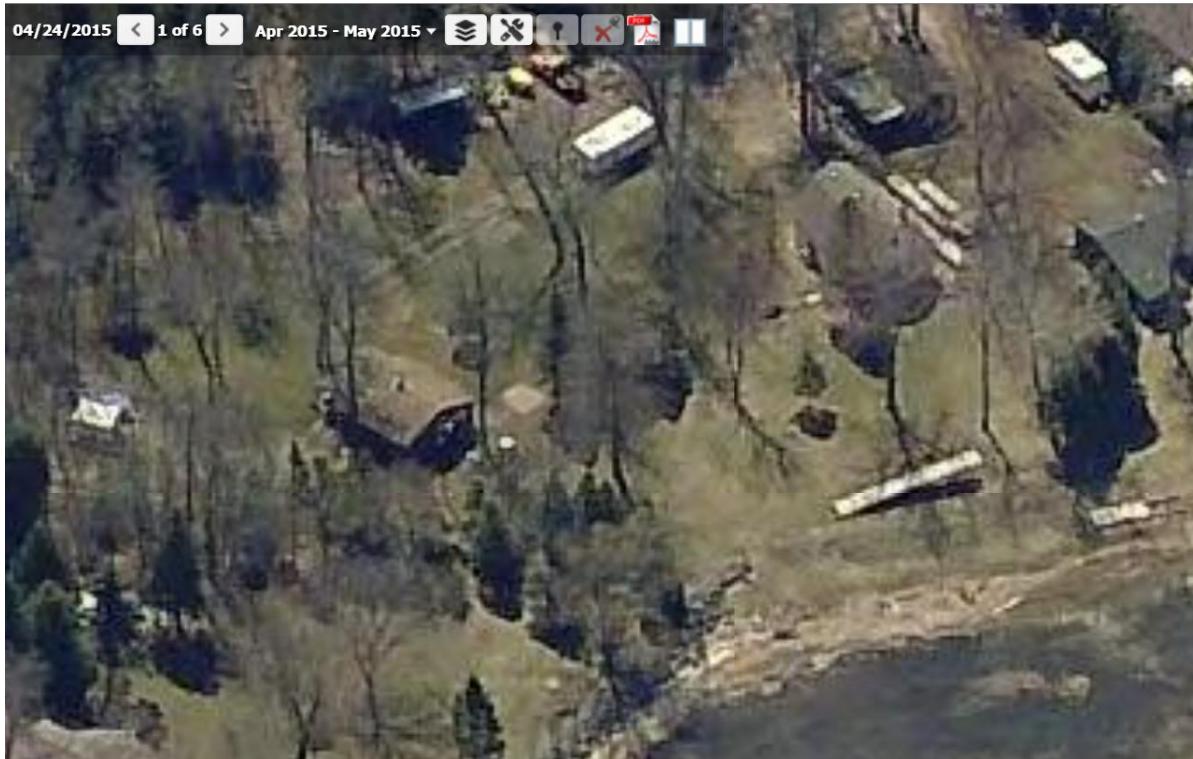
Result: A-T-F filling & grading permit & additional vegetation management.



# Example: Shoreland Zoning Problems

Violations: contractors constructed driveway to install rip rap.

Result: A-T-F filling & grading permit & removal of driveway within the 75' setback.



# Options?

Access driveway not allowed.

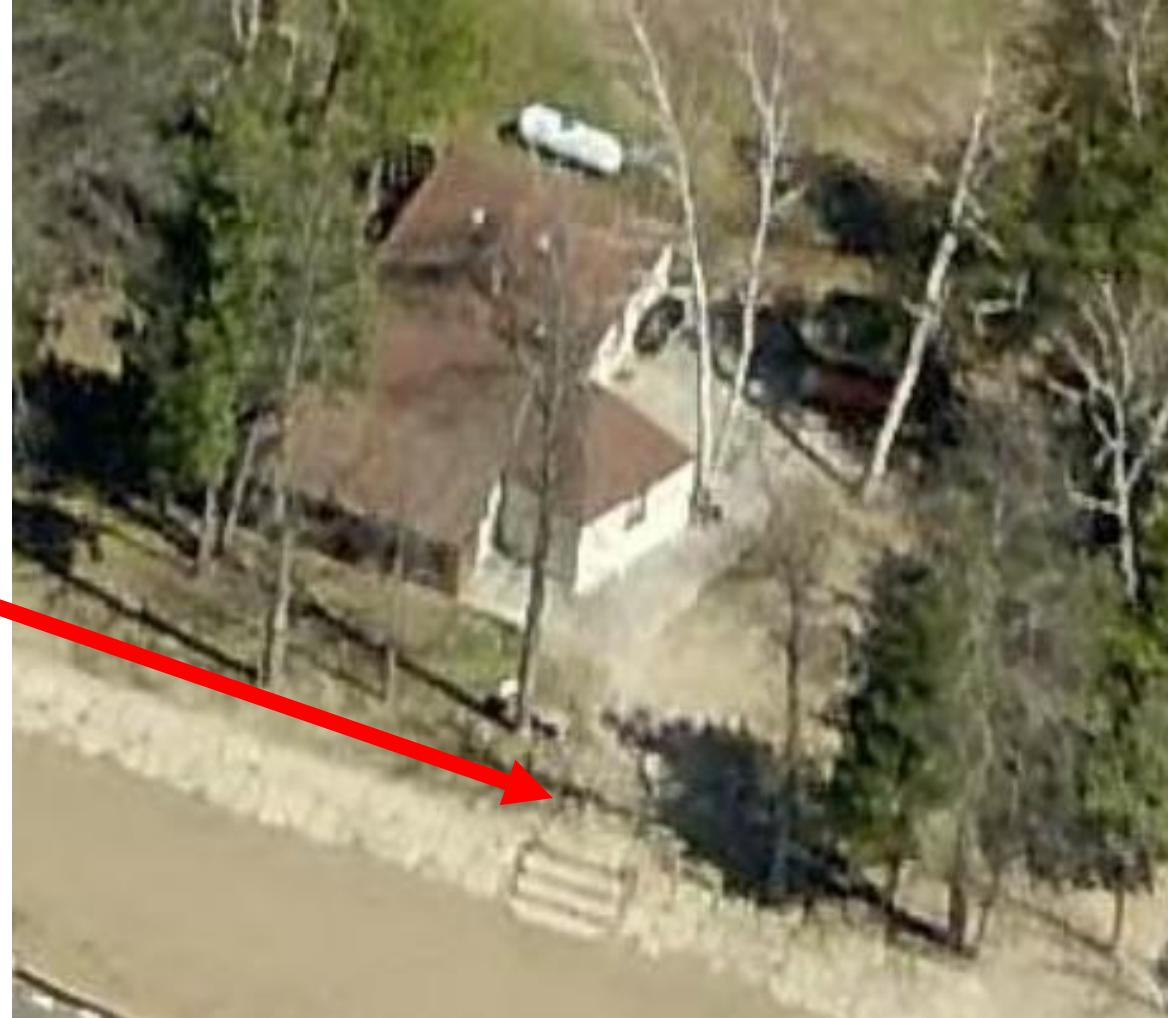
Alternative: swamp mats



# Example: Shoreland Zoning Problem

Pedestrian access  
too large.

- 10' Wide



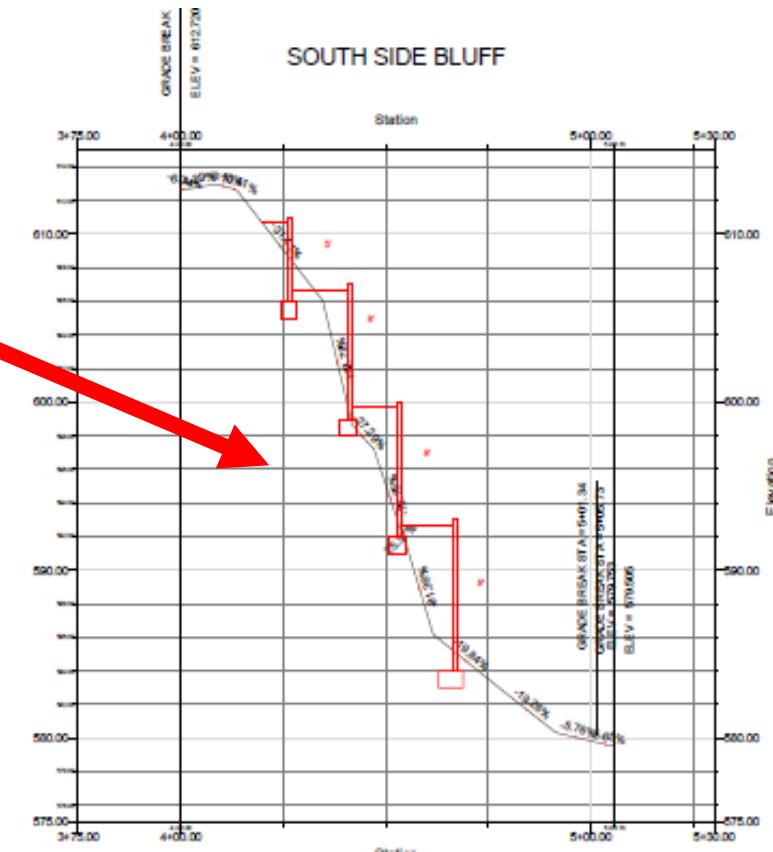
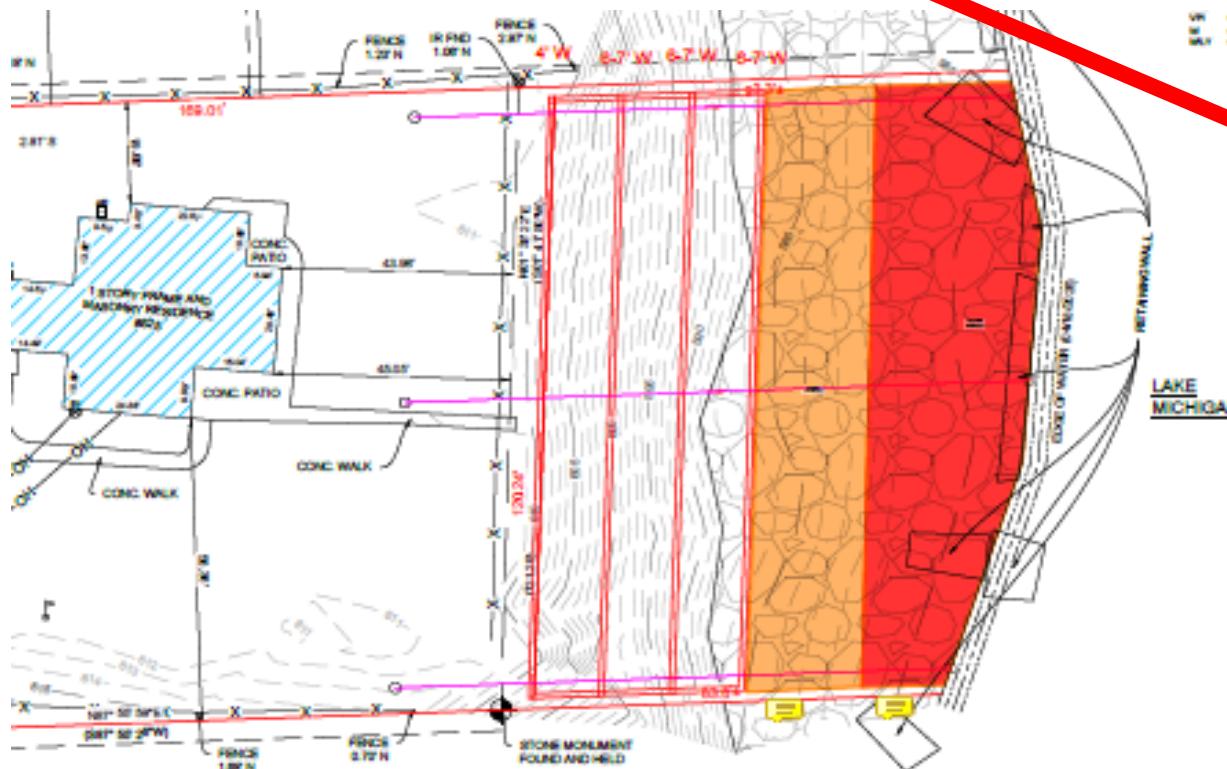
# Shoreland Zoning Problem

Horizontal extent:  
rock installed too far  
landward (above  
OHWM).



# Shoreland Zoning Problems

Retaining Walls: Not Exempt from 75' setback from OHWM.



# *Shoreline Stabilization*

## Let's dive into Floodplain Zoning

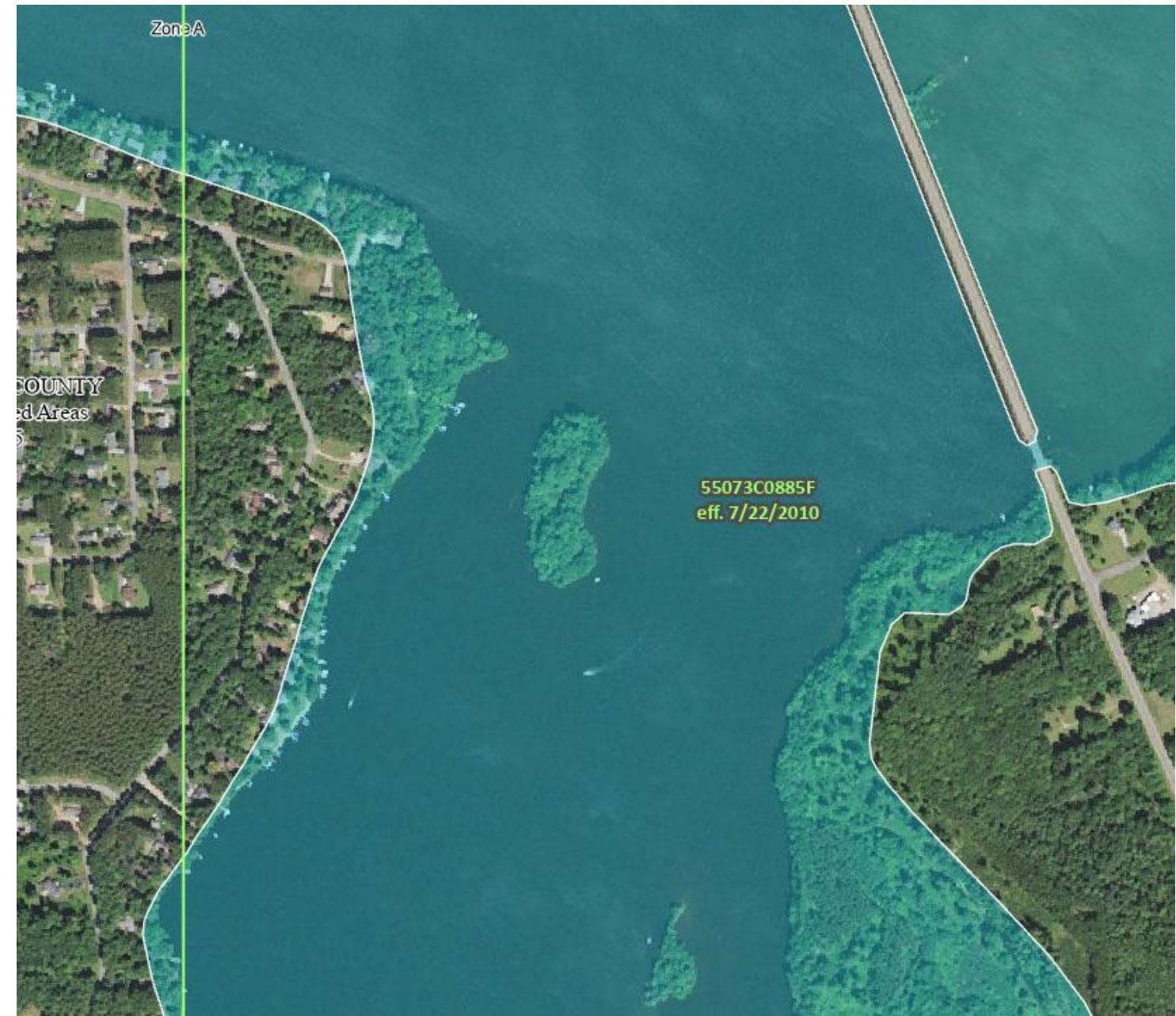
- Local permit should always be issued for any development in the floodplain
- DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

# *Shoreline Stabilization*

- Is this practical with these types of projects?
- Challenges for local regulation:
  - "Anything below the ordinary high is DNR's jurisdiction."
  - DNR Waterways does not consider floodplain regulations when they issue a permit.
  - Smaller projects in waterways are exempt from DNR permits – how do you catch these?
  - Are we really going to require an H&H for riprap?

**"Anything below the  
ordinary high is  
DNR's jurisdiction."**

**Where's the OHWM  
here?**



**DNR Waterways does not consider floodplain regulations when they issue a permit.**

I see this going 3 different ways at the local level:

- Community enforces their ordinance to the fullest extent and requires a local permit and an analysis for work in the floodway, if deemed necessary by the WME.
- Community uses the permit issued by DNR as documentation and creates a local permit or files in that property's records.
- Community changes nothing and waits for a project to be identified as a violation by FEMA or DNR and addresses it then.

# Violations: let's talk about it

- Is it likely that this type of project will be identified as a violation? No...
- Could it happen? Yes...
- We have one current riprap violation that was identified in a CAV.
  - This was brought to the WME from the WMS.
  - Municipality owned property and project
  - No permit, not even the DNR riprap permit
  - No excavation
  - No filter layer
  - Several truckloads of rock dumped along the shoreline in the floodway
- When else might this type of violation be identified?

# Smaller projects in waterways are exempt from DNR permits – how do you catch these?

Is this the only kind of "development" that gets missed in floodplain management? No...

- Nonconforming structures
- Accessory Structures
- Fences
- Grading/Fill in floodfringe

# We can't catch 'em all...



Even in the most stringent of regulatory environments, not everything gets permitted, caught, or mitigated.

# Are we really going to require an H&H for riprap?

If you get the chance to weigh in on these projects before they begin, tell the owner/contractor to design them where they don't need an H&H.

- Engineering justification – owner hires an engineer to provide an explanation why an H&H is unnecessary or contact WME
- Pre- and Post-Project Surveys
- Evidence of erosion

# *Filling and Grading on the Banks/Shoreline*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.19 permit if: >10,000 sq ft of disturbance and less than 1 acre disturbance unless a County Shoreland Zoning permit is issued;  
Wetland permit if in wetland

### Shoreland Zoning

NR 115.05(1)(d): At and above OHWM.

NR 115.04: Prohibited in a wetland unless specifically listed as an allowed use.

### Floodplain Zoning

NR 116.12(1)(a): Except as provided in sub. (2), any development which will cause an obstruction to flood flows or an increase in regional flood discharge or will adversely affect the existing drainage courses or facilities.

## *Filling and Grading on the Banks/Shoreline*

### Criteria/ Standards

#### Waterway/Wetlands

Erosion control permit reviews for stabilization during and post land-disturbing activities near or along shoreline.

#### Shoreland Zoning

**Permit required land disturbance within 300' OHWM.  
Designed & done to minimize erosion, sedimentation & impairment of fish & wildlife habitat.**

#### Floodplain Zoning

Local permit will always be required for this kind of work in the regulatory floodplain.

# *Filling and Grading on the Banks/Shoreline*

## Timelines

### Waterway/Wetlands

Grading activities not falling under County Shoreland or DNR Stormwater authorities require waterway Ch 30 GP or IP.

### Shoreland Zoning

ZA reviews permit,  
**2+ weeks. CUP 1- 2 months.** County processes may differ.

### Floodplain Zoning

ZA reviews permit. If an H&H is required, could take up 1-3 months for WME to review and provide concurrence. Longer if there is an increase/decrease to the BFE and will require a CLOMR/LOMR.

# Waterways: About Grading/Filling

- “Grading” = land disturbance that exposes or results in unstable ground anywhere between 75ft to 300ft or more of the OHWM on a navigable waterbody
- Grading permit is primarily an ***erosion control permit*** review.
- Waterways (Ch 30.19 grading) permit is required when project disturbs 10,000 sq ft or more of land within the “bank” of a waterway.
  - “Bank” is the term to describe a distance or buffer as measured from the OHWM
  - The “bank” is 75ft or ASNRI waterbodies have a “bank” of 300ft.

# Waterways: More about Grading/Filling

- Good news!! State Statute is designed to eliminate duplicative permitting:
  - For grading projects disturbing 1 acre or more, the erosion control permit is required through the state Stormwater Runoff Management program.
    - Regulated as “construction site runoff management” requiring WPDES Permit coverage
    - Submit application through Notice of Intent (NOI) process
  - For grading projects authorized by a permit issued by a county under a shoreland zoning ordinance enacted under s. 59.692, Wis. Stats., the project is exempt from Ch 30 grading permit authority.

# Shoreland Zoning: Filling & Grading

Filling and grading **may** be allowed and authorized only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

- Permit required land disturbance within 300' OHWM.
- Not within 35' of OHWM unless: establish vegetation, exempt structures, necessary for shore protection.
- Designed & done to minimize erosion, sedimentation & impairment of fish & wildlife habitat.
- Protect against erosion with use of vegetative cover/ or other acceptable & approved manner.
- Use of BMPs.
- Meets specific requirements within Shoreland-Wetland Zoning District.

# Floodplain Zoning: More about Grading/Filling

- Same as Shoreline Stabilization

# *Recreational Structures: Boat Shelters/Piers & Pilings*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.12 structures and NR 326 Boat Shelters;  
Ch 30.19 if construction creates >10,000 sq ft of disturbance on bank  
Wetland permit if construction discharges to wetland

### Shoreland Zoning

NR 115.02: At & above OHWM.  
NR 115.04: Prohibited in a wetland unless specifically listed as an allowed use.

### Floodplain Zoning

NR 116.12(1)(a): Except as provided in sub. (2), any development which will cause an obstruction to flood flows or an increase in regional flood discharge or will adversely affect the existing drainage courses or facilities.

# *Recreational Structures: Boat Shelters/Piers & Pilings*

Criteria/  
Standards

## Waterway/Wetlands

Seasonal Shelters  
and Piers often  
eligible for exemption  
(see Pier Planner);  
Pilings may be eligible  
for exemption or  
require an IP

## Shoreland Zoning

No permit for structure at and  
below OHWM. May  
trigger permit for work above  
OHWM  
related to: filling/grading, access  
to OHWM, vegetation removal.

## Floodplain Zoning

**Should be permitted  
according to  
ordinance for the  
flood zone it is  
located in.**

# Recreational Structures: Boat Shelters/Piers & Pilings

## Timelines

### Waterway/Wetlands

Exemption reviews ~15 days  
GP reviews~ 30 days  
IP reviews ~ 90-120 days +/-

### Shoreland Zoning

If permit triggered, ZA reviews **2+ weeks**.  
**County** processes may differ.

### Floodplain Zoning

ZA reviews permit. **If an H&H is needed**, could take up 1-3 months for WME to review and provide concurrence. Longer if there is an increase/decrease to the BFE and will require a CLOMR/LOMR which can take at least 60 days for FEMA to even provide initial comment on.

# Recreational Structures – Ch 30

- The *Pier Planner* is a reader-friendly summary of the state exemption requirements for piers, wharfs, boat lifts, and seasonal (temporary) boat shelters.
  - [https://dnr.Wisconsin.gov/sites/default/files/topic/Waterways/pier\\_planner\\_082012.pdf](https://dnr.Wisconsin.gov/sites/default/files/topic/Waterways/pier_planner_082012.pdf)
- “Oversized” structures larger than what is eligible by exemption require a Ch 30 Individual Permit for Piers.

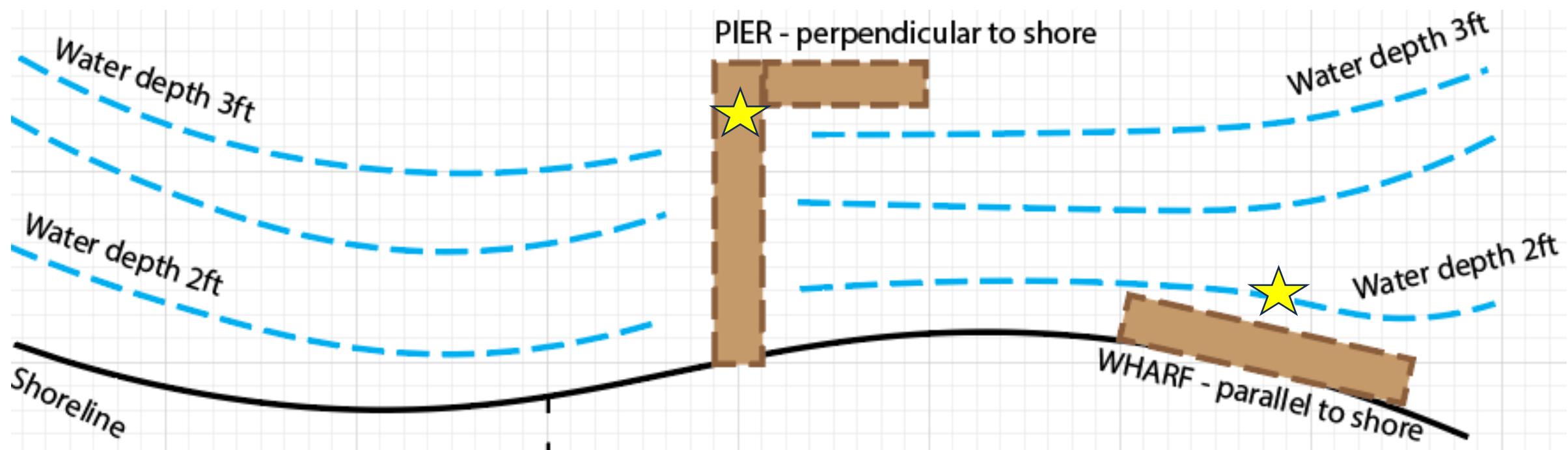
# Pier vs Wharf

Piers are constructed with main stem perpendicular to shore.

A wharf is a pier stem placed parallel along the shoreline.

Pier/wharf to be 6ft wide or less (where over the water/below OHWM).

Length of structure is based on allotted number of exempt mooring slips (based on feet of frontage).



# Recreational Structures – No Shoreland Permit Shoreland authority above the OHWM

**Potential Issue:** deck  
NOT allowed above  
OHWM adjacent to  
Wharf.

**Violation:** remove  
portion above OHWM



# Recreational Structures – Floodplain Zoning

- Same as Shoreline Stabilization for permanent structures
- If the rec structure floats, no floodplain regulations apply even when fixed.

# *Dry Boathouse*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.19 if construction disturbs >10,000 sq ft on bank;  
Wetland permit if construction discharges to wetland

### Shoreland Zoning

NR 115.05(1)(b)1m & s. 59.692(1o), Stats:  
At & above OHWM.  
NR 115.04: Prohibited in a wetland.

### Floodplain Zoning

NR 116.12(1)(a) & (b)  
floodway rise;  
NR 116.12(2)(a)  
Floodway Structures;  
NR 116.13(3) Flood Fringe Accessory Uses

## *Dry Boathouse*

### Criteria/ Standards

#### Waterway/Wetlands

Erosion control practices during construction of structure near shoreline.

#### Shoreland Zoning

Shall be above OHWM and entirely w/in access & viewing corridor.

Shall not contain plumbing & shall not be used for human habitation.

Shall meet county design standards.

#### Floodplain Zoning

Regulations would require building to meet the standards for the flood zone it is located in.

# *Dry Boathouse*

## Timelines

### Waterway/Wetlands

GP reviews~ 30 days  
IP reviews ~ 90-120 days +/-

### Shoreland Zoning

ZA reviews permit, 2+ weeks. County processes may differ.

### Floodplain Zoning

ZA reviews permit. Might need an H&H, could take up 1-3 months for WME to review and provide concurrence. Longer if there is an increase/decrease to the BFE and will require a CLOMR/LOMR which can take at least 60 days for FEMA to even provide initial comment on.

# Dry Boathouses

Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.



- ✓ Located entirely:
  - ✓ above OHWM,
  - ✓ within the access & viewing corridor,
- ✓ Does NOT contain plumbing
- ✓ Not used for human habitation

(s. 59.692(1o), Stats) The roof of a boathouse may be used as a deck provided that:

- (a) The boathouse has a flat roof.
- (b) The roof has no side walls or screens.
- (c) The roof may have a railing that meets the DSPS standards.

***NOTE 1: A county may create requirements for the construction of new boathouses provided they do not effectively prohibit the exemption in section 7.5(1).***

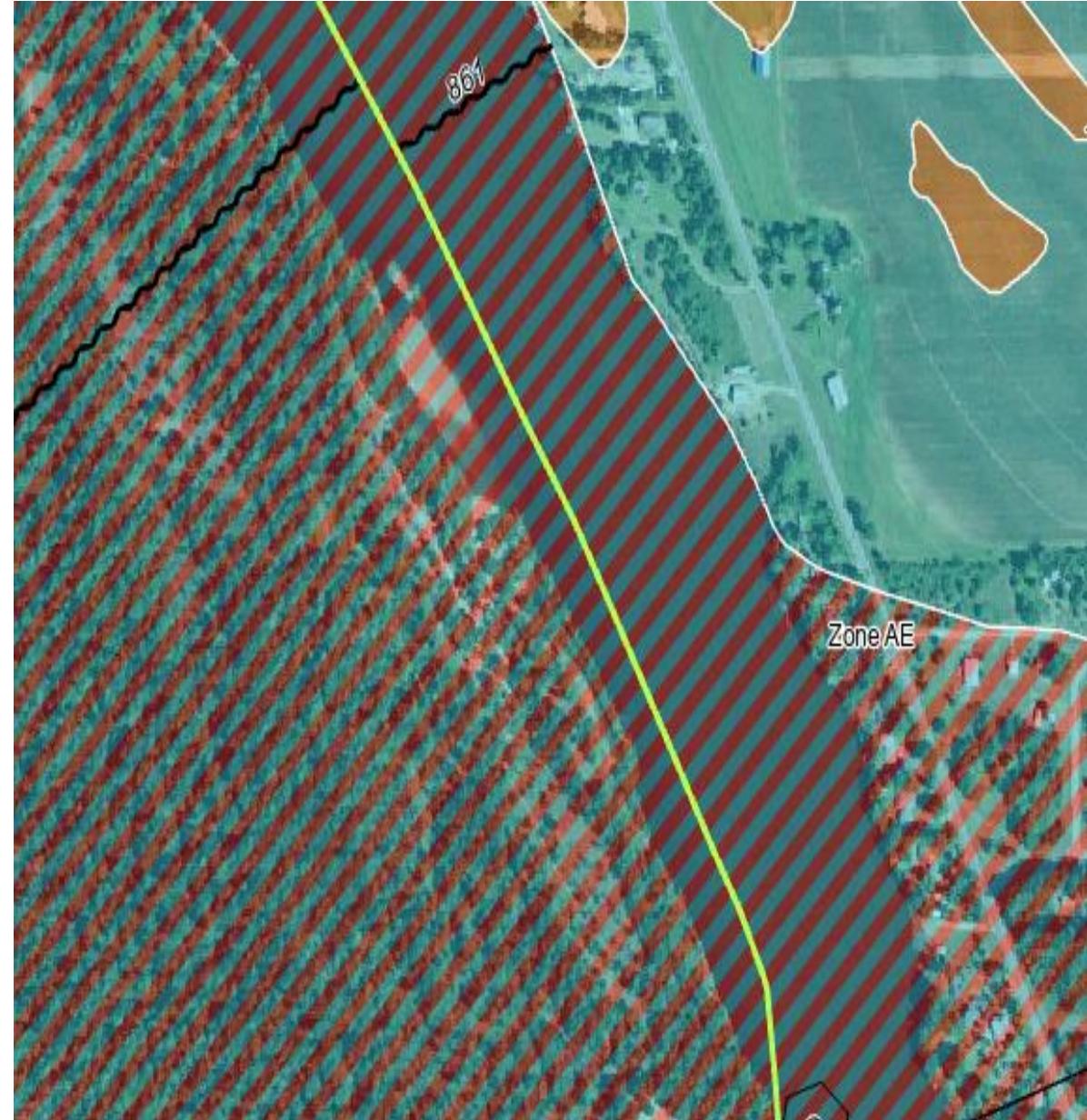
# Floodplain: More about Dry Boathouses

Floodway:

- If new, needs to show no rise
- If existing, needs to remain in the same footprint or would need to show no rise
- Wet/Dry Floodproofed to the FPE

Floodfringe:

- If new, needs to be built on fill to the BFE (accessory structure)
- If existing, subject to the 50% rule



# *Wet Boathouse/Fixed Houseboats*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.121, Wis Stats.,  
boathouse/houseboat  
repair certification;  
NR 325, Adm Code

### Shoreland Zoning

NR 115.02: At & above OHWM  
NR 115.04: Prohibited in a wetland.

### Floodplain Zoning

NR 116.15(2) Floodway areas.

**(a)** No modifications or addition to any nonconforming building or any building with a nonconforming use in a floodway area may be allowed, unless such modification or addition has been granted by permit, special exception, conditional use or variance and meets all of the requirements of sub. (1) and the following criteria:

1. The modification or addition to a building may not increase the amount of obstruction to flood flows; and
2. Any addition to a building shall be floodproofed in accordance with the requirements of s. NR 116.16, by means other than the use of fill, to the flood protection elevation.

# *Wet Boathouse/Fixed Houseboats*

Criteria/  
Standards

## Waterway/Wetlands

50% Rule required to limit  
maintenance/repair  
unless structure qualifies  
for one of the statutory  
exceptions

## Shoreland Zoning

No permit for structure at and  
below OHWM. May trigger permit  
for work above OHWM  
related to: filling/grading, access to  
OHWM, vegetation removal.

## Floodplain Zoning

No permit for fixed  
houseboats. Wet Boathouse  
would need local floodplain  
permits

# *Wet Boathouse/Fixed Houseboats*

## Timelines

### Waterway/Wetlands

Boathouse Repair  
Certification - up to 60-day  
review for certification

### Shoreland Zoning

If permit triggered,  
ZA reviews 2+  
weeks. **County**  
processes may  
differ.

### Floodplain Zoning

**Wet Boathouse**  
subject to 50%  
rule and would  
require flood  
resistant  
materials and  
elevation of  
utilities once in  
excess of 50%  
rule. No  
habitation.

# Boathouse vs. Houseboat?

## Wet Boathouse

- All or part of structure is below the OHWM
- Permanent “garage”-type structure over the water for storage of watercrafts and associated materials
- The structure is totally enclosed, has roof or walls or any combination of structural parts.



## Fixed Houseboat

- Floating structure that is attached to shoreline (by means of a pier, for example) or to the bed (by anchor or spudpoles)
- Structure not actually used for navigation (primary use is not navigation)



# More about Wet Boathouses – Ch 30

- Ch 30.121(1), Wis. Stats., Prohibition: No wet boathouse or fixed houseboat may be constructed or placed (including relocation) below the OHWM after December 16, 1979.
- 50% Rule limits repair/maintenance for life of structure to no more than 50% of assessed value (pre-maintenance)
  - If structure meets one of the 5 statutory ***exceptions***, repair/maintenance does not have a 50% maximum.
  - This is the scenario when a wet boathouse could be ***entirely rebuilt*** to the original dimensions and design (3-dimensional envelope) at the same location.
- Any repairs proposed require a Certification. If the structure meets an exception, the Certification application is to include documentation requesting review of and demonstrating eligibility for an exception.

# Shoreland zoning regulates above the OHWM.

- Wet Boathouses are NOT nonconforming structures related to the OHWM setback. Boathouses are exempt from the water setback.
- **Big picture:** wet boathouse projects may be ~1% of your zoning workload but take time & effort. No shoreland zoning rules specifically designed to address wet boathouses. So, this is where collecting all the information and sets of regulations is IMPARATIVE.
- **Discuss owner's needs & provide options:** will today's boat fit into the 1950's wet boathouse made for a 14' rowboat?
- **Many cases:** floodplain will be the key to figuring out how to proceed.

# Can a Wet Boathouse be converted to a dry boathouse? Depends...

## Where is OHWM?



# Is there a viable option?



- Call WMS: Ask if the connected enlargement (dredged boat slip) can be filled?
- A DNR permit may be required to install rip rap along original OHWM (points A & B).
- Then owner can apply for a shoreland permit to build a new boathouse fully above OHWM & complies with county boathouse requirements.

# Wet Boathouses are Challenging Nuance Requires Case-by-Case Review

- Can be located fully below or partially above & partially below the OHWM.
- Range in how the structure has been used: boat storage, living space
- Is the structure a boathouse or dwelling unit?



# Nuance Requires Case-by-Case



## Questions:

- How do I figure out what to do?
- What information do I need to know?
- What questions should I ask?
- How do I legally defend my decision?



## Action: Collect as much information as possible:

- Size & location with respect to OHWM
- History
- Photos
- Sanitary & water connections
- Owner's goal
- Consult your Corporation Counselor on these decisions.



**Brainstorm:** DNR & Zoning (shoreland & floodplain) discuss all the requirements to determine best path forward & provide owner with all requirements and options.

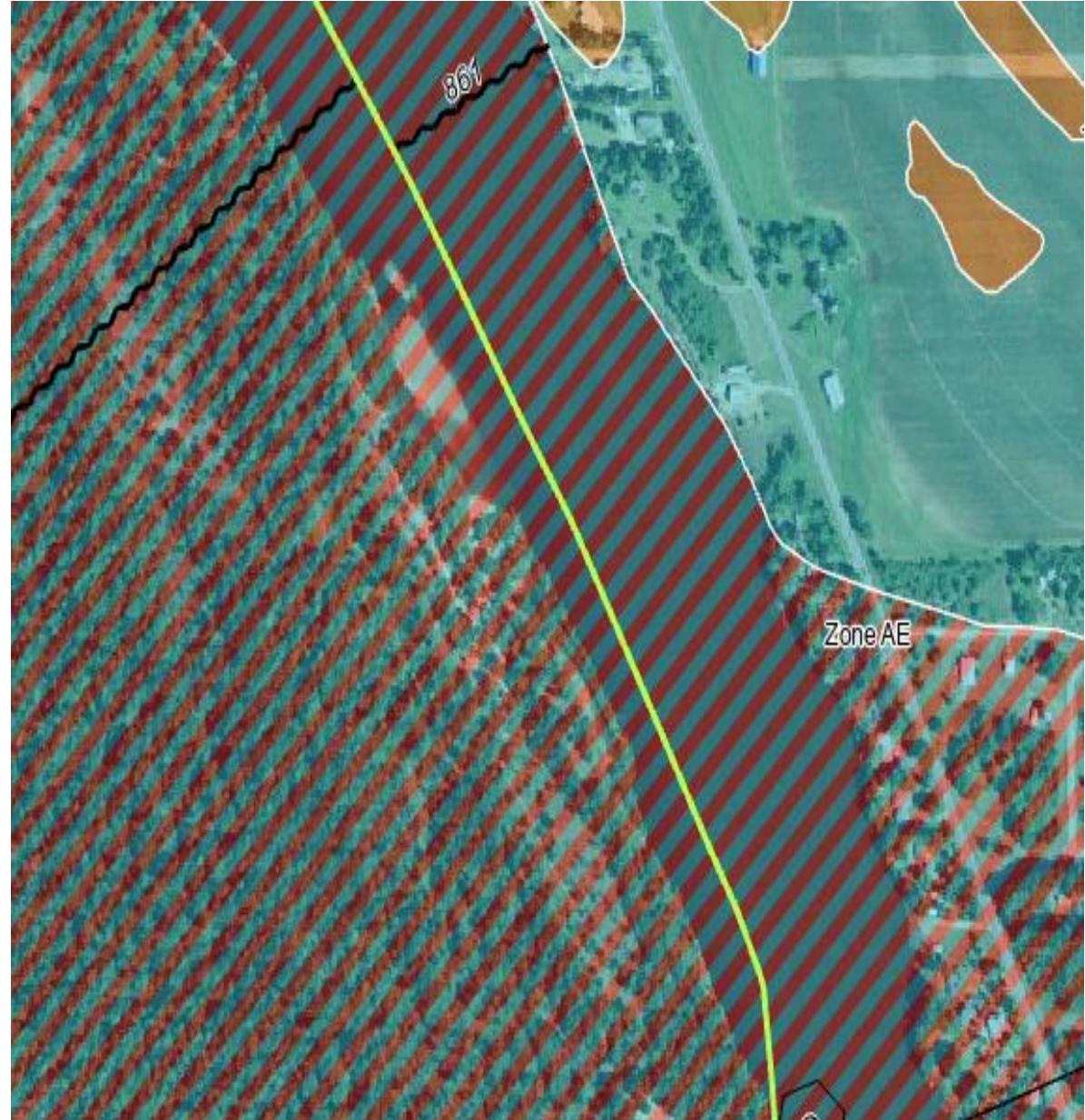
# Floodplain: Wet Boat houses

Floodway:

- Needs to remain in the same footprint or would need to show no rise and subject to 50% rule
- Wet Floodproofed to the FPE

Floodfringe:

- If substantially improved, needs to be wet floodproofed to the FPE
- If existing, subject to the 50% rule and must wet floodproof to the FPE once met



# *Shoreline Access Structures (Boat ramp, stairs, etc.)*

## Roles/ Authorities

### Waterway/Wetlands

Ch 30.12 structures permit  
Ch 30.19 if construction creates >10,000 sq ft of disturbance on bank  
Wetland permit if construction discharges to wetland

### Shoreland Zoning

NR 115.05(1)(b)1m : At & above OHWM.  
NR 115.04(3): Allowed in wetland with a permit.

### Floodplain Zoning

NR 116.12: Floodway Development Standards; NR 116.13: Floodfringe Development Standards; NR 116.15 Nonconforming Uses/Buildings

# *Shoreline Access Structures (Boat ramp, stairs, etc.)*

## Criteria/ Standards

### Waterway/Wetlands

GP eligibility criteria listed in application checklist; IP requirements for public trust review.

### Shoreland Zoning

If necessary for pedestrian access & no greater than 60-inches wide.

In wetland: walkway built on pilings & no greater than 60-inches wide, requires a permit and no filling, flooding, draining, dredging, ditching, tiling or excavating.

### Floodplain Zoning

Since this is development in the floodplain, there should be a local permit and that permit approval should meet the standards in your ordinance for the flood zone it is in.

# Shoreline Access Structures (Boat ramp, stairs, etc.)

## Timelines

### Waterway/Wetlands

GP reviews~ 30 days  
IP reviews ~ 90-120 days +/-

### Shoreland Zoning

Exempt structure:  
ZA reviews  
permit, 2+  
weeks. **Not  
exempt (boat  
ramp) variance  
takes 1-2  
months.** County  
processes may  
differ.

### Floodplain Zoning

ZA reviews  
permit. If an H&H  
is required, could  
take up 1-3  
months for WME  
to review and  
provide  
concurrence.

# Waterways: Common Access Structures

## Boat Ramps

- Ch 30 General Permit (GP) option available for public boat ramps
  - Boat ramps on private property are limited to an Individual Permit (IP) process.
- Cannot be located in wetlands

## Stairs

- May be incorporated into a shoreline riprap structure as steps (follow riprap exemption or permit process)
- Limit stairs structure to 6ft wide to align with maximum width requirement for piers

# Shoreland: access to shoreline

**Walkway, stairway, or rail system** necessary to provide pedestrian access to the shoreline (max. 60" wide). Exempt from shoreland setback.

**Boat Ramps:** Not exempt from shoreland setback; therefore, a variance is required.



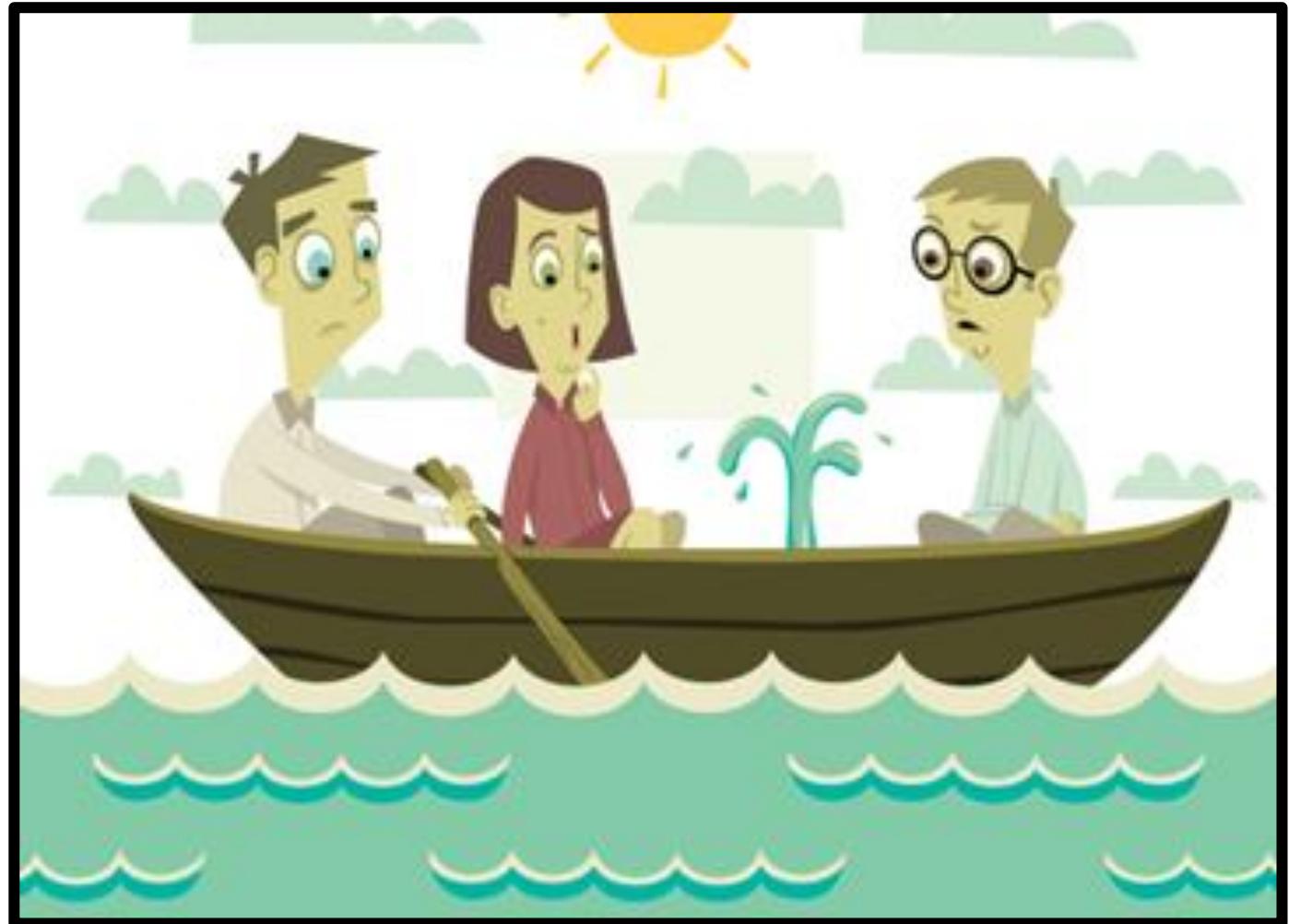
*Note: permits not required for project on state land for public purpose (should attempt to comply as much as possible). City, village, town and county projects shall obtain permits and variances.*

# Floodplain Zoning: Walkway, Stairway, or Boat Ramps

- Local permit required.
- If within the regulatory floodway, may require an H&H to determine impact on BFE. Check with your regional WME.
- If there is an impact to the BFE, increase or decrease, it will require a CLOMR/LOMR, unless in Zone A which would only require a CLOMR/LOMR for an increase greater than 1 foot.

# We are all in the same boat.

- Can't do it all
- Need to prioritize
- Help each other
- Find efficiencies for ALL



# WMS Coverage

\* Changes due to retirement are not shown.



# Refer Owners & Applicants to:

[Waterway Permit Frequently Asked Questions](#) | Wisconsin DNR

Answer not found... submit questions here

## WATERWAY PERMIT FREQUENTLY ASKED QUESTIONS

Find answers to questions about permitting for activities that may impact navigable waterways below.

The DNR Waterways Program regulates several activities, including:

- Boathouse repair and maintenance.
- Construction of ponds within 500 ft. of a navigable waterway
- Dredging, meaning removal of material from the bed of a lake or stream.
- Grading on the bank of a navigable waterway.
- Placing structures, such as piers, boat shelters, riprap, seawalls, fish habitat structures, pilings, intake/outfall pipes, etc.
- Placing crossings, including bridges, culverts, and fords

Activities proposed above the ordinary high water mark of a lake, river, or stream, are regulated by your local or [county zoning authority](#) under floodplain or shoreland zoning authority.

- ▼ [Beach Construction and Maintenance](#)
- ▼ [Beavers](#)
- ▼ [Bluffs](#)
- ▼ [Boat ramps](#)
- ▼ [Boat shelters](#)
- ▼ [Bridge crossings](#)
- ▼ [Culvert](#)



### Contact DNR Waterways:

Submit a general question about permitting for in-water projects that may impact streams, rivers, lakes and projects that may impact wetlands.

### [Submit a question](#)

Submit a complaint for a potential waterway or wetland violation.

### [Submit a complaint](#)

## Waterways

### Related Links

[Water Permit Applications](#)

[Crossings Projects](#)

[Waterway and Wetland Recreation Projects](#)

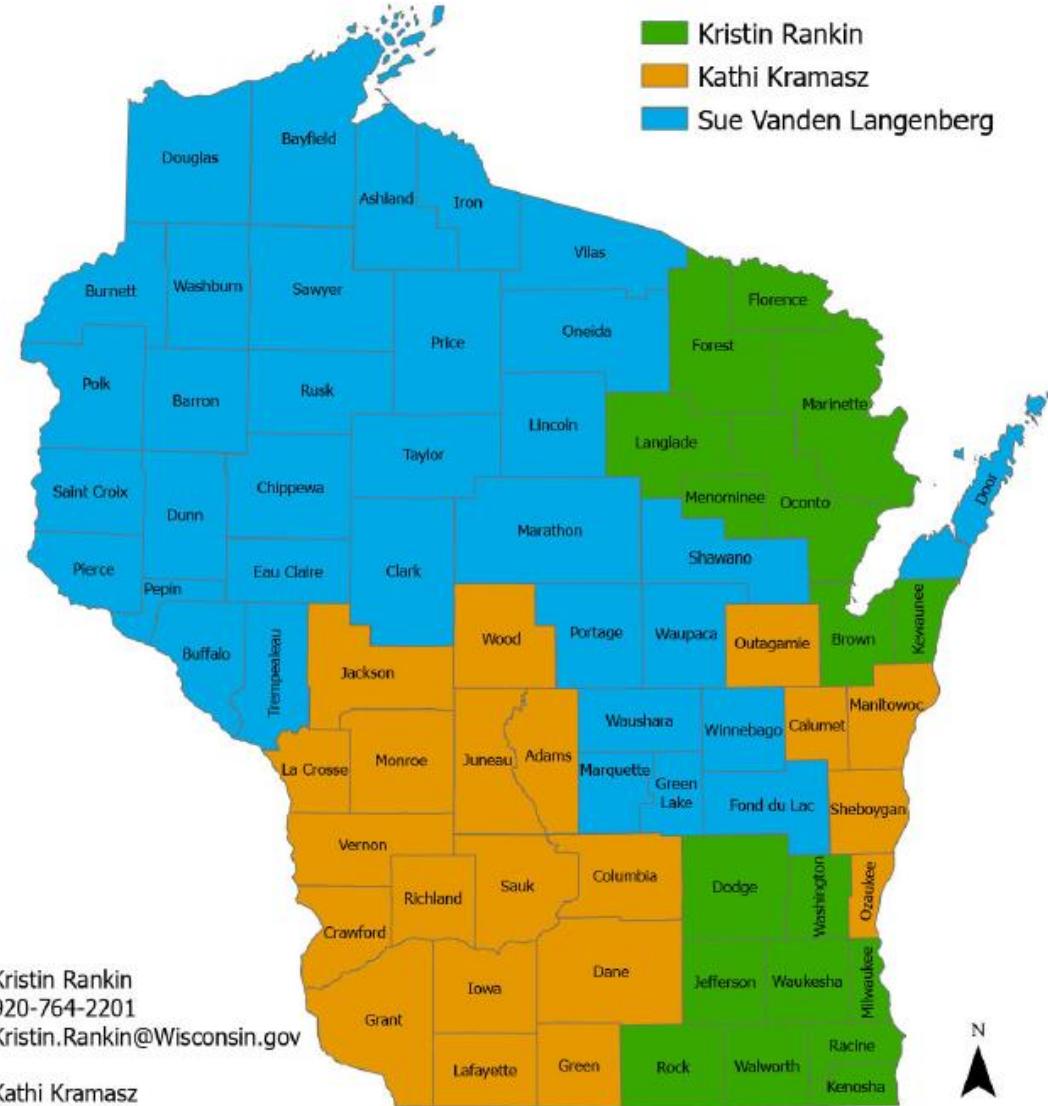
[Waterways Permit Process](#)

# Shoreland Zoning Team Coverage

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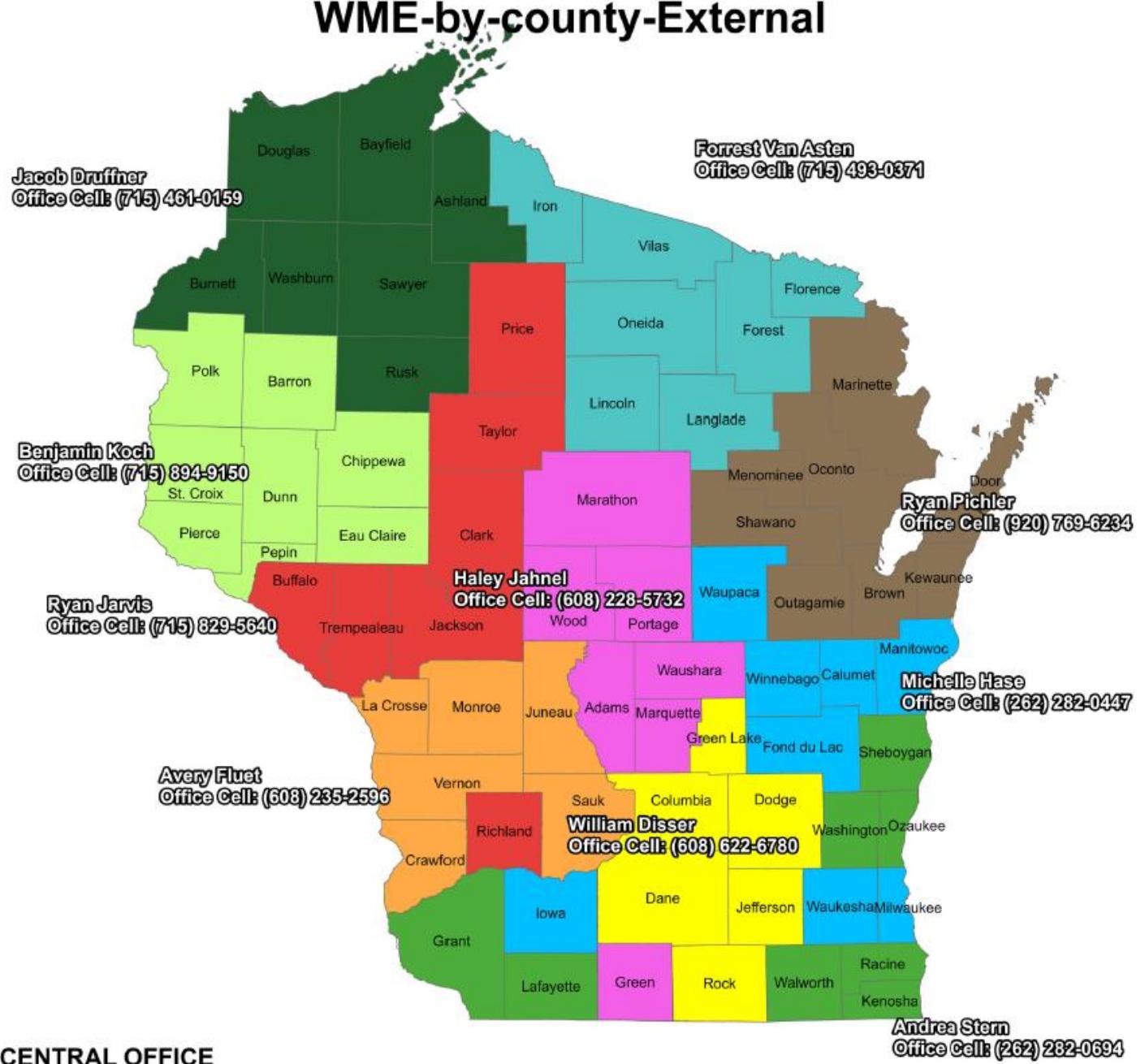


June 2025

# DNR Floodplain Contacts by County: Water Management Engineer Contact Information ||| Wisconsin DNR

CENTRAL OFFICE

WME-by-county-External



# CONNECT WITH US

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OFF THE RECORD"