

# WATERWAY AND WETLAND GENERAL PERMIT FOR DREDGING ACTIVITIES



Permittee: The General Public in Wisconsin

Permit: WDNR-GP05-2026

Issuing Office: Waterways, Wisconsin Department of Natural Resources (Department)

Issuance Date: June 26, 2026

Expiration Date: June 25, 2031

## GENERAL PERMIT AUTHORIZATIONS

In compliance with s. 30.20(1), Wis. Stats., no person may remove any material from the bed of any lake, outlying water, or navigable stream unless a contract or permit has been entered into with the Department, authorization has been granted by the legislature, or an individual or general permit has been issued by the Department.

The Department has authority to issue general permits under ss. 30.20 and 30.206(1)(a) and (am), Wis. Stats., that authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP05-2026.

- **Note:** Coverage under this permit authorizes the permittee to undertake specified activities in compliance with the above statutes and related rules and the terms of this permit but does not authorize a permittee to undertake any activity prohibited by other applicable federal, tribal, state, or local law.
- **Note:** WDNR-GP05-2026 does not apply to tribal activities located within the exterior boundary of a reservation.

## **OTHER AUTHORIZATIONS NECESSARY**

WDNR-GP05-2026 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP05-2026 authorizations do not supersede any other local, state, tribal, or federal authority so additional permits may be required before any work may proceed. U.S. Army Corps of Engineers Clean Water Act s. 404 permits are required for discharges of dredged or fill material to Waters of the United States, including discharges to federal wetlands. Rivers and Harbors Act Section 10 permits are required for work including the placement of structures and dredging in navigable waters of the United States. Floodplain permits (ch. NR 116, Wis. Adm. Code) or other local zoning permits may be required. Please contact your local zoning authority to determine whether any local approvals are required; county zoning administrator contact information is available at <https://www.wccadm.com/wcca-contacts>.

Additional waterway, dam, and wetland permitting may also be necessary depending on the project size, scope and purpose and need. Please visit <https://dnr.wisconsin.gov/>, keyword “water permitting” for more information.

This permit does not supersede any applicable easement(s) within the project boundary. It is the responsibility of the applicant to ensure that the proposed project does not conflict with existing land use or development restrictions, including easements, applicable to the property. This permit also does not authorize flooding or impeding drainage of the adjacent properties or upstream properties. It is the responsibility of the applicant to secure any necessary easements or other permissions from affected landowner(s) to conduct the activity.

## **PROJECT DESCRIPTION AND LOCATION**

WDNR-GP05-2026 applies to removal of bed materials for maintenance dredging (dredging of a previously dredged area), removal of bed materials for small scale dredging, removal of bed material for riparian navigational dredging within impoundments, removal of plant and animal nuisance deposits in a navigable waterway, installation of utility crossings under a navigable stream, aquatic plant harvest jetting by nursery growers, and operation of a motor vehicle for the purpose of invasive plant management on exposed lakebed on outlying waters, in accordance with ss. 30.20 and 30.206, Wis. Stats., and rules promulgated thereunder, including ch. NR 345, Wis. Adm. Code.

**GENERAL PERMIT COVERAGE**

Unless notified by the Department to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete application package has been received by the Department at the office designated in the permit application materials provided by the Department. **WDNR-GP05-2026 permit coverage is valid for 5 years after the date the coverage is granted by the Department.** If the project is not completed within 5 years after the date of coverage another application must be submitted. If the project scope changes within the valid period of the permit coverage the Department may require a new application and a project is covered under this general permit only if the project continues to meet all eligibility criteria. The 5-year timeline is based on the date coverage is granted by the Department, not the expiration date of **WDNR-GP05-2026**.

State of Wisconsin Department of Natural Resources

For the Secretary



06/26/2026

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Benjamin Callan – Bureau Director  
Waterways Program

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Date

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## TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP05-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP05-2026.

- **Note:** The term "you" and its derivatives, as used in this general permit, means the permittee. The term "the Department" means the Wisconsin Department of Natural Resources and "this office" refers to the appropriate Service Center, Region Office, Central Office headquarters and/or the appropriate official of that office acting under the authority of the Secretary of the Department reviewing the permit application for coverage under this general permit.

The project must meet all the following standards to be eligible for coverage and authorization under this general permit.

- **Note:** Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP05-2026. In these cases, persons may apply for an Individual Permit or Contract as outlined in ss. 30.20(2) and 30.208(2), Wis. Stats. The Department also has authority under s. 30.206(3r), Wis. Stats., to require an individual permit or contract in lieu of a general permit, if the Department has conducted an investigation and visited the site and has determined that conditions specific

to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution, as defined in s. 299.01(4), Wis. Stats., or material injury to the riparian rights of any riparian owner.

- **Note:** Projects that may impact tribal lands or a legally recognized treaty right may need additional coordination and/or Consultation.

## **SECTION 1. ELIGIBILITY CRITERIA**

### **A. PRE-SCREENING CRITERIA**

1. If the project is lakebed dredging and within the riparian zone as defined in ss. 30.01(5r) and 30.20(3)(a)3., Wis. Stats., the applicant is the riparian owner adjacent the project area or has the permission of the riparian owner. If the project is dredging in a navigable stream, the applicant also has obtained permission from the bed owner (who may be the riparian owner) to conduct the activities authorized under this permit.
2. The dredging may not be associated with any metallic or nonmetallic mining project.
3. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project is in a regulated floodplain, the applicant has certified that they are working to or have obtained applicable floodplain permits or approvals from the local zoning authority.
4. The project will not occur in a mapped Department Sensitive Area as defined in s. NR 107.05 (3)(i)1., Wis. Adm. Code.
5. Unless expressly prohibited by this general permit, dredging projects may occur in an *Area of Special Natural Resource Interest (ASNRI)*.
6. The dredging may not occur in navigable waters having self-sustaining populations of walleye located in the ceded territory of the state where resource allocation rights are shared by sovereign tribes as provided in s. NR 1.07(4)(d), Wis. Adm. Code. These waterways can be found at the Storm Water, Waterway and Wetland Permit Viewer (SW4P) at <https://dnrm.wi.gov/H5/?viewer=SW4P>, by selecting the “Fisheries Waters” layer, then turn on the “Walleye Waters” layer.
7. Projects may not occur in known populations of wild rice or identified wild rice habitat.

## **B. STANDARD CRITERIA**

8. The discharge will cause only minimal adverse environmental effects.
9. The activity shall not jeopardize the continued existence of a threatened or endangered species, or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
10. The activity shall not result in significant adverse impacts to fishery spawning habitat, including obstruction of fish passage, or adversely affect bird breeding areas or substantially disrupt the movement of species that normally migrate from open water to upland or vice versa (i.e., amphibians, reptiles and mammals) as determined by the Department.
11. The activity shall not result in adverse impacts to historical or cultural resources and shall comply with s. 44.40, Wis. Stats., as determined by the Department.
12. A project is not eligible for this general permit if it has the potential to negatively impact a cold-water community as described in s. NR 102.04(3)(a), Wis. Adm. Code, or the project is proposed in an area with evidence of spring activity.
13. The project will not flood or impede drainage of the adjacent properties or upstream properties unless appropriate signed agreements have been made with affected landowners.
14. No impacts to wetlands will occur unless authorized by law or a wetland permit.
  - This permit does not authorize any impacts to wetlands; however, wetland impacts may occur if authorized under a wetland exemption or a wetland permit. Wetland regulatory information is available at <https://dnr.wisconsin.gov/>, keyword "wetland permit".
15. Projects proposed in locations with existing recorded deed restrictions within the project area, including easements limiting construction and land use activities, are not eligible for this general permit.
  - Department chs. 30 and 281, Wis. Stats., permits do not supersede any legal restrictions on the use of land.

### **C. CRITERIA FOR ALL DREDGING PROJECTS**

16. This general permit does not authorize the redistribution of greater than 2 cubic yards of native bed and bottom material which includes sand, cobble, silt, detritus, and other organic material or the placement of additional material which includes sand, stone, etc. below the OHWM.
17. Projects involving the removal of material where a sediment cap, cover, installed barrier, or where other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment are ineligible for this general permit. Examples of environmental remediation programs are the Comprehensive Environmental Resource, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), Great Lakes Legacy Act, and a Spill Response under ch. 292, Wis. Stats., and chs. NR 700-799, Wis. Adm. Code. For sediment cap or cover information see the RR Sites map <https://dnrmaps.wi.gov/H5/?viewer=rrsites>.
18. Projects that involve the removal of material from waters that were ammunition fall areas for gun ranges or projects that involve the removal of hazardous substances that do not comply with NR 347, Wis. Adm. Code are ineligible for this general permit.
19. Native aquatic vegetation may not be removed incidental to the dredging event under this general permit unless it is for the exclusive purpose of improving navigation and any aquatic plant management permit required by ch. NR 109, Wis. Adm. Code is obtained, or all of the following apply:
  - a Removal of native aquatic vegetation is limited to a single area with a maximum width of 30 feet measured along the shoreline.
  - b Any aids to navigation (e.g., piers, boatlifts) are located within that 30-foot-wide zone or immediately adjacent to the zone.
  - c The area of removal is not within a sensitive area or in an area known to contain threatened or endangered resources or bogs (this should be here even if the standard and pre-screening criteria are changed)
  - d There is no wild rice in the area.

#### **D. ADDITIONAL CRITERIA FOR PREVIOUSLY DREDGED NAVIGABLE WATERWAYS**

1. The project purpose is maintenance dredging of material from an area from which material has previously been removed.
2. The dredging may not exceed the volume of, nor extend beyond the dimensions of, the previous dredging project.
3. The project purpose is not to harvest bait such as mayfly nymphs.
4. The total amount of material removed from the area shall be less than 3000 cubic yards, unless the dredging project is for the removal of material associated with the maintenance of a municipal harbor, a municipal or commercial marina, or an access channel that is located on an Outlying Water or the Mississippi River, in which case the amount of material removed shall be less than 50,000 cubic yards.
5. The dredged material may not contain any hazardous substances or result in the exposure or release of hazardous substances.
6. Dredging shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable. Turbidity curtains are required for in-water work in accordance with NR 151 Subsection III.
  - **Note:** Re-deposition of dredged material may require additional WPDES permitting.
  - **Note:** U.S. Army Corps of Engineers wetland permits may be required to place dredged material in federal wetlands. The applicant is responsible for obtaining any required permits from the U.S. Army Corps of Engineers.

#### **E. ADDITIONAL CRITERIA FOR SMALL SCALE DREDGING CRITERIA**

1. The removal of bottom material is for the purpose of improving navigation or recreation.
2. For small scale dredging in streams:
  - a. The dredging may not result in water depth greater than 5 feet as measured from the OHWM.
  - b. The total amount of bed material that may be dredged over the 5 years valid by the permit may not exceed 25 cubic yards (CY). The total removed material of 25 CY may be dredged in a single or multiple events. Once the 25 CY volume has been removed, no further dredging within the 5 yr time period may be completed. If multiple dredging

events are planned, each dredging event must adhere to the terms and conditions, including eligibility standards, of this general permit.

- c. The dredging shall not be associated with the straightening or realignment of the stream or the removal of instream habitat such as riffles or pools.
3. For small scale dredging in lakes, connected ponds, and impoundments:
    - a. For each riparian property, the amount of bottom material dredged from a Great Lakes waterbody may not exceed 100 CY during the time that coverage under this general permit remains in effect (i.e., 5 years after coverage is granted by the Department).
    - b. Multiple dredging events may be conducted under this general permit as long as each dredging event is completed during the 5 years while coverage remains in effect and does not exceed 25 CY for inland waters and 100 CY for Great Lakes. Each dredging event must adhere to the terms and conditions, including eligibility standards, of this general permit.

#### **F. ADDITIONAL CRITERIA FOR RIPARIAN NAVIGATIONAL DREDGING OF HUMAN-MADE IMPOUNDMENTS**

1. The dredging purpose is to allow the riparian owner(s) to navigate from the shoreline of their property to the line of navigation.
2. The project is located on an “inland impounded waterbody” that is a “man-made impoundment” or an “associated feature,” with a watershed comprised of more than 30% combined agricultural and urban land use development based upon the Department's WiscLand dataset.
3. The dredging may not occur on an impoundment that is identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats. These waterways can be found on the Department's Storm Water, Waterway and Wetland Permit Viewer (SW4P) at <https://dnrm.wi.gov/H5/?viewer=SW4P>
4. For each riparian property, the area of dredging must be within the riparian zone as defined in s. 30.20(3)(a)3., Wis. Stats., is limited to a navigation channel not exceeding 30 feet wide and may not exceed the "line of navigation" as defined in s. 30.20(3)(a)2., Wis. Stats., as measured during summertime low water levels.

5. For each riparian property, the amount of "dredged material" may not exceed 50 cubic yards (CY) annually and may not exceed 250 CY during the 5-year coverage period under this general permit.
  - **Note:** There is no limit to the number of times dredging can occur over the course of this general permit if the sum of each event during a calendar year does not exceed 50 CY per year and does not exceed 250 CY during the 5-year authorization. Each dredging event must adhere to the terms and conditions, including the eligibility standards, of this general permit.
6. The dredging is for the removal of "unconsolidated sediment" comprised of clay, silt, sand, or muck from an area abutting the riparian owner's riparian zone and the unconsolidated sediment material to be removed was deposited after the navigable water was affected by the impoundment. Dredging may not occur in an area of primarily bedrock, cobble, rock or gravel.
7. The project will not result in removal of coarse woody debris, trees, and other fish and wildlife habitat structures authorized by the Department.
8. If applicable, the applicant has permission from the flowage bed owner to dredge the bottom material.
9. Projects that propose in-water disposal of dredged materials are ineligible for this general permit.
10. Projects involving the lease or sale of any dredged material are not eligible for this general permit. The lease or sale of dredged material from a navigable lake or outlying water requires a dredging contract from the Department under s. 30.20(2)(a), Wis. Stats.

#### **G. ADDITIONAL CRITERIA FOR CRITERIA FOR REMOVING PLANT AND ANIMAL NUISANCE DEPOSITS**

1. The amount or location of accumulated plant and animal nuisance deposit to be removed requires the use of mechanical equipment.
2. Mechanized equipment used to remove the accumulated plant and animal nuisance deposits shall be designed to remove only nuisance deposits from the bed of the waterway. This includes skimming, scraping, sweeping, sucking, raking, etc. The equipment should be used

in a manner that minimizes impacts to and removal of the native bed material and surrounding aquatic vegetation.

3. Nuisance deposits may not be removed in areas where *public rights features* (PRF), as described in s. NR 1.06, Wis. Adm. Code, are located. The location of PRF can be found at [SW4P - Wisconsin DNR](#).
4. Nuisance deposits may not be removed in waters in coastal wetlands along Lakes Michigan and Superior that are identified as ecologically significant in “The Coastal Wetlands of Wisconsin’s Great Lakes” (DNR–CMP project). The Coastal Wetlands of Wisconsin’s Great Lakes can be viewed at <https://dnr.wisconsin.gov/>, keyword “surface water data viewer”.
5. Only accumulated plant and animal nuisance deposits may be removed. Nuisance deposits do not include aquatic vegetation that is attached or rooted to the bed or is growing and alive and normally present as naturally occurring vegetation. Nuisance deposits do not include the natural deposition of the native lakebed material like sand, cobble, silt, detritus, and other organic material.
  - Properly dispose of any other materials (such as debris or litter) that may be removed along with the accumulated plant and animal nuisance deposit.
6. The removal of bed material *other than* plant and animal nuisance deposits must be limited to the extent practicable and may not exceed a *de minimus* amount (not to exceed 2 cubic yards).
7. The removal of accumulated plant and animal nuisance deposits shall be conducted in a manner that prevents the collection, removal, or dispersal of sediment away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be in place at least 48 hours after disturbance and completely removed from the waterbody after the activity is complete and the site is stabilized.
8. Plant and animal nuisance deposits removed from the waterbody may not be placed permanently or temporarily in any wetland, floodway, or re-deposited waterward of the *ordinary high-water mark* (OHWM) of a navigable waterway.
9. No removal of accumulated plant and animal nuisance deposits above the OHWM is authorized under this general permit. Land grading in excess of 10,000 square feet requires a permit under s. 30.19(1g)(c), Wis. Stats.

10. If the accumulated plant and animal nuisance deposits are located in Outlying (Coastal) Waters, the project must meet the following criteria:

- The project area to which this general permit applies shall be under the same ownership as the applicant.
- The nuisance deposit removal shall be limited to locations within the **swash zone** and the area of removal is parallel along the shoreline (not perpendicular, to the shore).
- Equipment to operate above the OHWM unless the department has approved a request to operate equipment below the OHWM as part of the authorized project.
- If rutting occurs, equipment shall cease operations and immediately restore any rutting of bed material within the swash zone on Outlying Waters or exposed bed material below the OHWM on other waterways. The depth of the rut is measured from the original lakebed surface to the bottom of the depression. If individual lug depressions are visible, the depth would be measured to the lesser of the two depths (e.g., the top of the lug). Measurements are not cumulative.
- The nuisance deposit removal authorization is for a one-time removal event. Multiple dredging events to remove nuisance deposits on Outlying shorelines is not eligible under this general permit.
- The total amount of material removed shall be less than 3000 cubic yards.
- Only three (3) General Permit authorizations for plant and animal nuisance deposits may be issued for any area of an Outlying waterbody on an annual basis. For the purpose of this criteria, an “area of an Outlying waterbody” is the geographical location of the project that abuts the property’s shoreline on a navigable waterbody.

11. Unless using a developed boat launch, equipment used in the removal shall access the site along one path above the OHWM and perpendicular to the shore to the extent practicable. Any chosen route to access the site shall minimize the impact to the shoreline and the bed of the waterway.

- For a project that meets eligibility criteria, there is no limit to:
  1. the number of nuisance deposit removal activities in the project area,
  2. the area of shoreline that can be included in the accumulated plant and animal nuisance deposit removal project area, or

3. the volume of accumulated plant and animal nuisance deposits removed from the project area during a single activity.

#### **H. ADDITIONAL CRITERIA FOR INSTALLING UTILITY CROSSINGS UNDER STREAMS UP TO 35 FEET WIDE**

1. The site of the utility crossing shall be intentionally designed and located to minimize the disturbance of the following: adjacent wetland corridors, banks with steep slopes, and fish and wildlife habitat within the waterway channel.
2. The utility crossing will not occur where the stream channel is wider than 35 feet across (as measured from bank-to-bank at the ordinary high-water mark).
3. A single project authorized under this general permit may include up to 10 waterway crossings.
4. The width of the open trench or plowed channel may not exceed 48 inches in perennial streams. For intermittent streams with no flow present during construction, the width of the open trench or plowed channel may not exceed 72 inches.
5. During excavation of the trench, dredged material may be temporarily stockpiled in an upland area provided it is separated from the stream by an installed silt fence or a protective, vegetated buffer strip not less than 20 feet in width.
6. The trench excavation, filling, and installation of utility crossing the below the OHWM shall be completed within an 8-hour period.
7. In perennial streams, clean, washed gravel or crushed stone or clean river stone removed from the utility trench or plowed channel shall be used as backfill material to replace the excavated material to restore stream channel integrity and function. In intermittent streams with no flow present, the removed material may be used as backfill material for the dredged trench if the disturbed site is immediately stabilized.
8. When the dredging is complete, the streambed contours shall be restored to the pre-construction contours. The restored streambed at the trench site shall match the upstream and downstream bed elevations to prevent mounding (over-placement) or ponding (under-placement) at the project site within the stream channel.

## I. ADDITIONAL CRITERIA FOR AQUATIC PLANT HARVEST JETTING BY NURSERY GROWERS

1. The applicant shall be licensed by the *Department of Agriculture, Trade and Consumer Protection* (DATCP) as a nursery grower under s. 94.10, Wis. Stats.
2. The project shall be in a location where the bed of the waterway is privately owned, or where the bed of the waterway is publicly owned the Department has determined that the project is consistent with the aquatic plant management activities authorized under chs. NR 107 and 109, Wis. Adm. Code.
  - **Note:** Under Wisconsin law, the bed of natural lakes is publicly owned, and the bed of rivers and streams is owned by the adjacent riparian to the center of the river or stream. For impoundments or raised lakes, the bed is privately owned to the edge of the natural lakebed.
3. All dislodged aquatic plants and floating debris shall be removed from the waterbody at the end of each day.
4. The equipment and motors used for jetting loose aquatic plants shall conform to the following specifications:
  1. The pumps may not exceed 6 ½ horsepower.
  2. The hoses may not exceed 3 inches inside diameter.
  3. The intake strainer may not exceed 3/8-inch mesh.
5. To provide for re-growth of aquatic plants, the area dredged may not exceed 50 feet by 15 feet. Additionally, an area 5 feet in width shall be left undisturbed around all dredge sites regardless of its size. Multiple areas that do not exceed 50 feet by 15 feet may be dredged within a waterbody if consistent with Criterion G.6. immediately below.
6. The applicant shall not remove more than 50% of the aquatic vegetation from the waterbody and jetting is limited to no more than 5 acres.
7. The applicant may conduct jetting on no more than one area of a waterbody on an annual basis.

## **J. ADDITIONAL CRITERIA FOR MOTOR VEHICLE OPERATION FOR INVASIVE PLANT MANAGEMENT ON EXPOSED LAKEBED OF OUTLYING WATERS**

1. The project shall be located on the exposed lakebed of Outlying (coastal) Waters.
2. The project shall be conducted when the lakebed at the project site is exposed with dredging to be conducted during dry conditions.
3. The project area to which this general permit applies shall be under the same ownership as the applicant.
4. The use of the motor vehicle below the *ordinary high-water mark* (OHWM) is only for the purpose of controlling emergent invasive or nonnative aquatic plant species as designated by the Department under s. 23.24, Wis. Stats., and s. NR 109.07, Wis. Adm. Code.
5. The use of the motor vehicle is for mowing or spreading herbicide in conformance with a written invasive or nonnative aquatic plant species control plan approved by the Department.
  - **Note:** An invasive or nonnative aquatic plant species control plan, as required under s. NR 109.04 (3), Wis Adm. Code, and described in s. NR 109.09, Wis. Adm. Code, must contain the following items: a description of the existing condition including the types of plants present and their abundance; a strategy for the control of the invasive or nonnative aquatic plant species; a plan for the re-establishment of the native plant community; and a monitoring plan to assess the success or failure of the control plan. See s. NR 109.09, Wis. Adm. Code, for additional items that must be included in a plan.
6. The motor vehicle may only be operated in the specific area that is detailed in the approved invasive species control plan or permit. This permit does not authorize the operation of any motor vehicle in areas outside of those designated in the approved plan or permit.
7. Equipment used shall be low ground pressure equipment, including wide-tire vehicles, and tracked equipment, to minimize rutting of the exposed lakebed. Equipment operation shall cease when rutting occurs. Any rutting of the lakebed shall be immediately restored by the operator of the vehicle.

- **Note:** The depth of the rut is measured from the original lakebed surface to the bottom of the depression. If individual lug depressions are visible, the depth would be measured to the lesser of the 2 depths (e.g., the top of the lug). Measurements are not cumulative.
8. The motor vehicle shall be used in a manner that minimizes the impacts to the native lakebed material and any surrounding native vegetation.
  9. To minimize impacts to small animals and native plants, and to prevent soil disruption and rhizome spread, the mowing deck shall be set no lower than 4 inches above the ground when operating equipment.
  10. To protect wildlife habitat during nesting seasons, the use of a motor vehicle to control emergent invasive or nonnative aquatic plant species may only occur between August 1st and March 15th of the subsequent year.
    - **Note:** The applicant may request that this wildlife nesting timeout window be waived by the Department on a case-by-case basis, by submitting a written statement signed by the local Department Wildlife Biologist, documenting consultation about the proposed control plan, and that the local Department Wildlife Biologist has determined the restriction is not necessary to protect wildlife habitat during the nesting season for the proposed project.

## **SECTION 2. APPLICATION REQUIREMENTS**

1. After you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 5 below. Pursuant to s. 30.206(3)(a), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keyword “water permit”.
2. In accordance with s. 30.206(3)(b), Wis. Stats, and s. NR 300.06(4), Wis. Adm. Code, unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the Department receives a complete application package.

3. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated Department office, at which point the clock resumes from the point it was initially stopped.
4. As provided under s. 30.206(3r), Wis. Stats., and s. NR 300.06(4)(i), Wis. Adm. Code, the Department may determine the project is not eligible for this general permit and require the project to be modified to qualify for coverage under the general permit or be reviewed through the individual permit process outlined in s. 30.208, Wis. Stats. If the Department determines your project is not eligible for this permit, you will be notified within 30 calendar days after your complete application package is received by Department.
5. A complete application package must include all of the following information:
  - a. **Application form** - A complete, signed application form “Water Resources Application for Project Permits (WRAPP)” (Form 3500-053). The WRAPP is part of the ePermitting process and will be completed automatically with an online application.
  - b. **Application checklist** - A signed permit application checklist certifying that the applicant agrees to meet the eligibility criteria and permit conditions established in WDNR-GP05-2026.
  - c. **Application fee** - Payment must be submitted through the ePermitting System as part of the application process. The fee for a waterway dredging general permit is \$350. Don’t forget to sign and submit the application after you complete the payment.
  - d. **Ownership documentation** - A copy of the deed, land contract, current property tax statement or receipt sufficient to verify ownership or legal authorization to proceed as required by Section 1.A.1. of this permit
  - e. **Photographs**- Clearly depict the present on-the-ground conditions of the project areas. Color images are preferred and remember that snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference.

- f. **Site maps-** Clearly illustrate the project location, perimeter, and surrounding area, including nearby water resources (e.g., lakes, rivers, streams, wetlands), major landmarks and roads. Use the DNR Storm Water, Waterway, and Wetland Permit Viewer or a similar app to show the project area, all proposed disturbance, and all waterway and wetland resources on one or more maps, including:
- Recent aerial photos of the site and surrounding area (Imagery)
  - Topographic map including the site and surrounding area (Topo and LiDAR-based elevation and contours)
  - Wetland indicators and soils (wetland indicators)
  - Wisconsin Wetland Inventory (WWI) map (WI wetland inventory)
  - Waterways on the site (surface water)
  - Designated waterways, such as ASNRI, PRF, other PNW (designated waterways)
  - Regulated floodplain (dams and floodplains, FEMA NFHIL)
- g. **Plans and specifications-** Clearly and accurately show the proposed project to scale. Plans must be detailed and represent a single and complete project that include all of the following:
- The methods, materials, and equipment that will be used to carry out the project.
  - The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
  - The location of the project relative to the OHWM, or swash zone (if applicable).
  - The riparian lines on both sides of the property extending from the OHWM to the line of navigation, and the riparian zone area from the OHWM to the line of navigation.
  - The proposed locations where any dredged material will be temporarily deposited and/or disposed.
  - The location of the mechanized equipment access point to the shoreline.
- h. **Narrative description-** Describe your proposal on a separate page including:
- What the project is, purpose of project, and need for the project.
  - How you intend to carry out the project, including methods, materials, and equipment.
  - The proposed construction schedule and sequence of work.

- The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
- The location of any disposal area for dredged or excavated materials.
- For disturbances or fill, provide a description of type, composition, and quality of materials.
- How you plan to avoid, minimize, and mitigate impacts to wetlands.
- Area (e.g., linear feet, square feet, cubic yards) impacted.

i. **Cultural and Historic Resource Documentation** verifying the project will not result in an adverse impact on federal or state cultural/historical resources.

- If the Department determines that the proposed project has the potential to impact an archaeological site or historic structure in accordance with s. 44.40, Wis. Stats., the application shall be deemed incomplete. The department may not consider the application complete or issue a general permit until the applicant submits documentation to demonstrate that the project avoids impacts to the archaeological site or historic structure or completes and documents requested investigations of archaeological sites or historic structures in accordance with s. 44.40, Wis. Stats. Reports of completed archaeological or historic structures investigations for projects are subject to departmental and Wisconsin Historical Society review and approval in advance of permit issuance.

j. **Threatened and Endangered Resource Documentation** verifying the project will not result in an adverse impact on federal or state threatened/endangered resources. Documentation options include:

- An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
- An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword "NHI public portal".
- If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit a Department or Certified ER Review letter. This request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords "ER review request".

k. **Lake Management Plan Documentation** to ensure no conflict exists, that the proposed dredging will not conflict with any Department approved lake management plan. complete all of the following:

1. Search <https://dnr.wisconsin.gov/> with keywords “surface water grants”. Go to the Lake Protection and Classification Grants awarded link and select the Lake Management Plan in the Activity Section.
2. Review the DNR Lakes page at <https://dnr.wisconsin.gov/topic/Lakes>
3. If there is a lake management plan that includes the project site, contact the DNR Regional Lakes Biologist.

<https://apps.dnr.wi.gov/lakes/contacts/ContactsByCounty.aspx?Location=ANY>

l. **Sediment Sampling Documentation** of a preliminary application review and compliance with any additional sediment sampling and analysis requirements pursuant to ch. NR 347, Wis. Adm Code.

m. **Statement of Consent** consistent with s. NR 300.06(3)(e), Wis. Adm. Code, that allows the Department and its representatives to inspect the project site.

n. **Invasive or nonnative aquatic plant species control plan** for dredging activities that include the use of a motor vehicle for mowing or spreading herbicide. A written plan that is approved by the Department must be submitted with the application.

➤ If multiple dredging occurrences are proposed, the applicant must describe this in their initial application submittal. Once permit coverage is obtained, the general permit holder shall notify the department at least 5 business days prior to each dredging event, with the following information:

- a. Existing General Permit Docket or Identification number verifying existing coverage
- b. Proposed volume amount
- c. Proposed dimensional dredging area
- d. Location of Dredging
- e. Dredged material disposal location

### **SECTION 3. CERTIFICATION & RESPONSIBILITIES**

You certify and agree by submitting a complete application package to the Department that the project will be conducted in compliance with all the terms and conditions of WDNR-GP05-2026.

## SECTION 4. GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. Application. You shall submit a complete application package to the Department as outlined in the Application Requirements section of this permit. The department may request additional information within 30 days from the date of receipt of the application. The applicant shall provide the Department any information necessary to verify compliance with the terms and conditions of this permit, including the information required under s. NR 300.06(3), Wis. Adm. Code.
2. Certification. Acceptance of coverage under general permit WDNR-GP05-2026 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined above and that you have read, understood, and agreed to follow all terms and conditions of this general permit.
3. Reliance on Applicant's Data. Coverage under this general permit is based on the information submitted by the applicant. The applicant must inform the Department if the project scope changes or information becomes known that may result in the project no longer qualifying for coverage under this general permit
4. Project Plans.
  - a This permit does not authorize any work other than what is specifically described in the application package and plans submitted to the Department and is certified by you to comply with the terms and conditions of WDNR-GP05-2026. The dredging shall conform to the dimensions and elevations shown on the application.
  - b All equipment used for the project shall be designed and properly sized to minimize, to the extent practicable, the amount of sediment that is resuspended into the water.
  - c Any area of exposed topsoil within 75 feet of the *ordinary high-water mark* (OWHM) shall be stabilized within 24 hours to prevent soil from being eroded and washed into the waterway during construction.
  - d During construction and installation of a utility crossing, the entire volume of the stream flow shall be maintained downstream from the project site.

- e All temporary sediment control measures installed below the ordinary high-water mark (OHWM) shall follow all state lighting requirements and cannot obstruct navigation.
5. Expiration. The time limit for completing an activity authorized under WDNR-GP05-2026 ends 5 years from the date on which the activity is authorized under WDNR-GP05-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP05-2026 has expired before the activity is completed. The Department general permit WDNR-GP05-2026 established under ss. 30.20 and 30.206(1)(am), Wis. Stats., expires on **June 25, 2031**.
  6. Written authorization for modification of scope. A permittee shall obtain prior written approval of modifications from the department before modifying a project. Separate or additional permitting may be necessary if the modified project scope no longer meets general permit eligibility.
  7. Authorization Distribution. You must supply a copy of the authorized plans, permit coverage authorization, and this permit to every contractor working on the project.
  8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive at least 5 days before starting any activity and again not more than 5 days after each activity is completed.
  9. Permit Posting. You must post a copy of this permit coverage letter and permit at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter and permit must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter, permit and the approved plan available at the project site at all times until the project is complete.
  10. Permit Compliance. The Department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and may be grounds for enforcement action.

11. Construction Timing. Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed, and the site is stabilized.
12. Construction Area. No other area of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
13. Project Completion. Within five (5) days of completing the regulated activity, you shall submit to the Department a statement certifying the project complies with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
14. Proper Maintenance. You must maintain the activity authorized by WDNR-GP05-2026 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.
15. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee, representative, or consultant who is inspecting the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP05-2026 and applicable laws.
16. Erosion and Siltation Controls. The project site shall implement erosion and sediment control measures that control or prevent erosion, as outlined in subch. III of ch. NR 151, Wis. Adm. Code. The technical standards to implement these performance standards can be found at <https://dnr.wisconsin.gov/>, keyword "stormwater technical standards". Final stabilization activity shall commence when land disturbing activities cease, and final grade has been reached on any portion of the project site. Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
17. Sedimentation: Dredging and dewatering activities shall be conducted to minimize objectionable deposits of sediment, to the maximum extent practicable, consistent with s. NR 102.04(1), Wis. Adm. Code.

18. Spoils Placement. Dredged materials may not be placed in a wetland, floodway, or re-deposited below the OHWM of a navigable waterway unless a plan is submitted and approved by the Department. The plan shall identify the duration of placement, potential impacts to flood flows, and erosion control measures utilized to protect the wetland or navigable waterway. Re-deposition of dredged material below the OHWM of a navigable waterway must comply with the standards in ch. NR 347, Wis. Adm. Code.

- **Note:** The placement of dredged material into a wetland will require a state wetland permit unless the project qualifies for a wetland permitting exemption pursuant to s. 281.36, Wis. Stats.

19. Fish Time Out Periods. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-water work may not occur during any of the following time periods unless timing restrictions have been waived by the department:

A. September 15th through May 15th for all trout streams identified on DNR published maps.

- **Note:** To determine if a waterway is a trout stream, you may use the department trout stream maps at <https://dnr.wisconsin.gov>, keyword “trout stream maps.”

B. September 15th through June 15th on all Great Lakes including tributaries upstream to the first dam or barrier.

C. November 1st through June 15th for Lake Michigan waters surrounding Door County, including Green Bay and all harbors and bays.

D. September 15th through July 1st for Lake Superior waters surrounding Douglas County, including St. Louis River and all harbors and bays.

E. March 1st through June 15th for all other waters.

- **Note:** The Department Fisheries Biologist may waive or reduce timing restrictions in writing. To request a waiver of fish spawning timing restrictions, please include a request in the narrative portion of your permit application.

20. Invasive Species. All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by following the most recent Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in ch. NR 40,

Wis. Adm. Code. These protocols and practices along with a factsheet for equipment operators can be found at <https://dnr.wisconsin.gov/>, keyword “invasive species BMPs”.

21. Federal and State Threatened and Endangered Species. WDNR-GP05-2026 does not affect the Department’s responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats., or other applicable state laws. This general permit does not provide coverage for projects found not to comply with these acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or state law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
22. Special Concern Species. If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.
23. Historic Properties and Cultural Resources. WDNR-GP05-2026 does not affect the Department’s responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. This general permit does not provide coverage for projects found not to comply with these acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately, and the State Historic Preservation Officer must be contacted for further instruction.
24. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. **If a spill of any potential pollutant should occur**, it is the responsibility of

the permittee to remove such material, to minimize any contamination resulting from this spill, and to **immediately notify the State Duty Officer at 1-800-943-0003**.

25. Suitable Fill Material. All fill authorized under this permit must consist of soil, as defined by s. NR 500.03(214), Wis. Adm. Code, that is clean and suitable to be used as fill material, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.
26. Transfers. Coverage under this permit is not transferable to any person, except upon prior written approval of the transfer by the Department.
27. Reevaluation of Decision. The Department may suspend or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:
  - a. The applicant fails to comply with the terms and conditions of WDNR-GP05-2026.
  - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.

## **SECTION 5. FINDINGS OF FACT**

1. The Department and the applicant have completed all procedural requirements, and projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will comply with all applicable requirements of WDNR-GP05-2026, ch. 30, Wis. Stats, and chs. NR 102, 103, 299, and 300, Wis. Adm. Code.
2. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution as defined in s. NR 299.01(4), Wis. Adm. Code, or result in material injury to the rights of any riparian owner.
3. The Department has determined that activities subject to this permit, with conditions, will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners.
4. The Department has determined pursuant to water quality standards under ch. NR 102, Wis. Adm. Code, that projects that meet the eligibility criteria and conditions and are granted

coverage under this general permit individually and cumulatively will only result in minimal adverse environmental effects.

5. Pursuant to s. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.

## **SECTION 6. CONCLUSIONS OF LAW**

1. The Department has authority under ss. 30.20 and 30.206, Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under ch. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.
3. Issuance of coverage under this general permit constitutes Water Quality Certification under 33 U.S.C. s. 1341, if the project has not already been certified through a separate action.

## **SECTION 7. DEFINITION OF TERMS**

For the purposes of this general permit, you accept the following definitions:

1. "Area of special natural resource interest" means only the areas listed in s. 30.01 (1am), Wis. Stats., and identified by the Department in s. NR 1.05, Wis. Adm. Code.
  - **Note:** "Area of special natural resource interest" means any of the following:
    - a) A surface water identified as a trout stream by the Department in s. NR 1.02(7), Wis. Adm. Code, and shown on a map published on the Department's Internet site.
    - b) A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., and shown on a map published on the Department's Internet site.
    - c) A surface water identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats., and shown on a map published on the Department's Internet site.

d) A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.

e) A body of water in a wetland along Lake Michigan or Lake Superior that the - Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.

f) A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26, Wis. Stats., and shown on a map published on the Department's Internet site.

g) The portion of a body of water that contains a sensitive area and shown on a map published on the Department's Internet site.

h) A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the Department's website.

i) An area that possesses significant scientific value as identified by the Department in s. NR 1.05, Wis. Adm. Code.

2. "Complete application package" means a completed and signed application, the information specified in Section 2 of this permit, and any other information which can reasonably be required from an applicant that the Department needs to make a decision.
3. "Dam" means any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse.
4. "Department" means the Department of Natural Resources.
5. "De minimus" activity means the dredging of less than 2 cubic yards in a calendar year from a specific waterbody or disturbance of bottom material during the manual removal of aquatic plants that meet the requirements of s. NR 109.06(2), Wis. Adm. Code.
6. "Dredged material" means any material removed from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
7. "Dredging" means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling or

treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purposes of ch. 30, Wis. Stats., dredging does not include "de minimis" activities.

8. "Floodplain" has the meaning in s. NR 116.03(16), Wis. Adm. Code, which is land which has been or may be hereafter covered by flood water during the regional flood.

➤ **Note:** Information for floodplain regulations and ordinances is available online at <https://dnr.wisconsin.gov/>, keywords "floodplain regulations".

9. "Inland water" means all waters not classified as outlying waters, including the bays, bayous, and sloughs of the Mississippi River bottoms (pursuant to s. 29.001(45), Wis. Stats.).

10. "Invasive plants" are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin, visit <https://dnr.wisconsin.gov/>, keyword "invasive plants".

11. "Jetting" means the action of dredging bottom sediments, including disturbing or resuspending sediment, while using water or air forced through a hose by means of a pump or vacuum to dislodge and collect aquatic plants, tubers or seeds.

12. "Line of navigation" means the depth of a navigable water required to operate a boat on the navigable water (generally considered the 3ft water depth contour based on the normal summertime low levels on the waterway or summer minimum levels where established by Department order).

➤ **Note:** Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under Wis. Stats. s. 30.13, the line of navigation is the municipal pierhead line.

13. "Manual dredging" means removal or disturbance of bottom material by hand or using a hand-held device without the aid of external or auxiliary power. Manual dredging is often associated with the collection of aquatic insects for bait, removal of nuisance vegetation or debris, and the panning for gold or other material. For the purpose of ch. 30.20, Wis. Stats., manual dredging does not include "de minimus" activities.

14. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin a body of water is navigable if it is capable of floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at s. 30.01(4m), Wis. Stats., and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).
15. "Ordinary high-water mark" (OHWM) means the point on the banks or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognizable characteristic.
16. "Outlying waters" has the meaning in ss. 30.01(4r) and 29.001(63), Wis. Stats., and means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at De Pere.
17. "Plant and animal nuisance deposit" or "nuisance deposit" means a recent and natural deposit of dead or dying plant and animal material within the swash zone or below the OHWM of a waterway that may occur as a result of drift and deposition. Plant and animal material can include mussel shells, dead fish, Cladophora or similar natural, biological-based material. The deposit can be caused by wave action due to wind or other causes and is in a quantity that is causing an annoyance, damage, or health issue to the public or waterway. Plant and animal nuisance deposit does not include aquatic vegetation that is attached or rooted to the bed or is growing and alive and normally present as naturally occurring vegetation, nor does plant and animal nuisance deposit include the natural deposition of the native lakebed material like sand, cobble, silt, detritus, and other organic material or substrate that may contain seasonally dormant native plant propagules.
18. "Previously dredged area" means an area below the OHWM of a navigable waterway from which material was historically removed.
19. "Public rights feature" has the meaning in s. NR 1.06(5), Wis. Adm. Code.

➤ **Note:** "Public Rights Feature" means any of the following:

a) Fish and wildlife habitat, including specific sites necessary for breeding, nesting, nursery and feeding. Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated above; areas of lake or streambed where fish nests are visible; large woody cover.

b) Physical features of lakes and streams that ensure protection of water quality. Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).

c) Reaches of bank, shore or bed that is predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features. Reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.

d) Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty. Physical features indicative of navigation thoroughfares includes shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows.

23. "Riparian" means an owner of land abutting a navigable waterway.

24. "Riparian Zone" has the meaning given in ss. 30.01(5r) and 30.20(3)(a)3., Wis. Stats.

25. "Rutting" is defined as an elongated depression 6 inches deep or more that is caused by wheels or tracks of machinery, equipment or other vehicles. The depth of the rut is measured from the original lakebed surface to the bottom of the depression. If individual lug depressions are visible, the depth would be measured to the lesser of the two depths (e.g., the top of the lug). Measurements are not cumulative.

26. "Small scale dredging" means dredging in an amount that is not more than 25 cubic yards for streams, inland lakes, connected ponds and impoundments. In Great Lakes, small scale dredging is no greater than 100 cubic yards.

27. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.
28. "Swash zone" as defined by the United States Army Corps of Engineers Coastal Engineering Manual, means the zone of wave action on the beach, which moves as water levels vary, extending from the limit of run-down to the limit of run-up.  
Note: The "swash zone" does not typically include areas that are stabilized with vegetation. The United States Army Corps of Engineers Coastal Engineering Manual can be found at: <http://www.usace.army.mil/publications/eng-manuals/>
29. "Utility crossing" means dredging by plow, vibratory plow or open trench methods, below the ordinary high-water mark of a navigable waterway for the installation of cables, conduits or pipelines by an entity providing service for conveying any fluids, gases, electricity and communications or other public or private utility functions.
30. "Wetland" has the meaning in s. NR 103.02(5), Wis. Adm. Code, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.