

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
WATERWAY GENERAL PERMIT FOR PERMANENT BOAT  
SHELTERS**



**Permittee:** The General Public in Wisconsin

**Permit #:** WDNR-GP19-2026

**Issuing Office:** Waterways Program  
Wisconsin Department of Natural Resources (Department)

**Issuance Date:** May 21, 2026

**Expiration Date:** May 20, 2031

**GENERAL PERMIT AUTHORIZATIONS**

In compliance with the provision(s) of ss. 30.12(1) and (2m), Wis. Stats., no person may place any structure upon the bed of any navigable water unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature through an exemption.

The Department has authority to issue general permits under s. 30.206(1)(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. In addition, pursuant to s. 30.12(3)(a)(6), Wis. Stats., the Department is required to issue a general permit under s. 30.206, Wis. Stats., that authorizes riparian owners to place a permanent boat shelter adjacent to the riparian owner's property for the purpose of storing or protecting watercraft and associated materials. 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-GP19-2026.

**Note:** Coverage under this permit authorizes the permittee to undertake the specified activity/activities in compliance with the above statutes 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-GP19-2026 does not apply to tribal activities located within the exterior boundary of a reservation.

**Note:** Section 30.13(1), Wis. Stats., and s. NR 320.04(9), Wis. Adm. Code, exempt from permitting requirements certain piers and wharves, including seasonal boat shelters.

**Note:** Section 30.12(2m), Wis. Stats., allows the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed in ASNRI designated waters or at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats., may be authorized by this general permit.

## **OTHER AUTHORIZATIONS NECESSARY**

WDNR-GP19-2026 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP19-2026 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 Section 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, 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 or the property rights of any landowner. 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).

## **PROJECT DESCRIPTION AND LOCATION**

WDNR-GP19-2026 applies to the placement and maintenance of permanent boat shelters on the bed of an inland lake or impoundment. Structures placed in navigable waters are regulated under s. 30.12, Wis. Stats., and ch. NR 320, Wis. Adm. Code.

The following activities are eligible for coverage under WDNR-GP19-2026:

- Placement of permanent boat shelters on lakes more than 500 acres (Section 1)
- Placement of permanent boat shelters on lakes 500 acres or less (Section 1)

- Maintenance of existing permanent boat shelters (Section 2)

Any person that intends to do any of the following activities as part of this general permit must comply with all applicable provisions therein:

- Construct, place, or maintain a permanent boat shelter structure under this permit at a site where the Department requires a permit

**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-GP19-2026 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 you must obtain prior written approval from the Department before modifying the project and coverage exists 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-GP19-2026**.

State of Wisconsin Department of Natural Resources  
For the Secretary



May 21, 2026

---

Benjamin Callan – Director  
Waterways Program

---

Date

**Table of Contents**

SECTION 1. ELIGIBILITY CRITERIA FOR NEW PERMANENT BOAT SHELTERS..... 5

SECTION 2. ELIGIBILTY CRITERIA FOR MAINTENANCE OF PERMANENT BOAT SHELTERS  
IN INLAND LAKES OR IMPOUNDMENTS..... 7

SECTION 3. APPLICATION REQUIREMENTS ..... 8

SECTION 4. CERTIFICATION & RESPONSIBILITIES..... 10

SECTION 5. GENERAL PERMIT CONDITIONS ..... 10

SECTION 6. FINDINGS OF FACT..... 13

SECTION 7. CONCLUSIONS OF LAW ..... 13

SECTION 8. DEFINITION OF TERMS ..... 13

**WDNR-GP19-2026 TERMS AND CONDITIONS**

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP19-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP19-2026.

**Note:** The term "you" and its derivatives, as used in this general permit, means the permittee, which is the riparian landowner. The term "the Department" means the Wisconsin Department of Natural Resources and or "this office" refers to the Department Service Center, Region Office or Central Office headquarters and/or the appropriate official of that office evaluating the proposed project, acting under the authority of the Secretary of the Department.

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-GP19-2026. In these cases,

persons may apply for an Individual Permit as outlined in ss. 30.12(3m) and 30.208, Wis. Stats. The Department also has authority under s. 30.206(3r), Wis. Stats., to require an individual permit in lieu of a general permit if the Department has visited the site and determined that conditions specific to the site require additional 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.

## **SECTION 1. ELIGIBILITY CRITERIA FOR NEW PERMANENT BOAT SHELTERS**

1. The permanent boat shelter must be placed and maintained by the owner of the adjacent riparian land or their agent.
2. The permanent boat shelter must be placed and maintained entirely within the riparian zone as defined in s. 30.01(5r), Wis. Stats., and determined by one of the methods promulgated in s. NR 320.09, Wis. Adm. Code.
3. The permanent boat shelter may not interfere with public rights in navigable waters or the rights of other riparian owners.
4. The permanent boat shelter may not extend beyond the line of navigation or an approved pierhead line unless additional depth is necessary for mooring a boat or using a boat lift or hoist.
5. The permanent boat shelter may not be placed in a waterway designated by federal or state governments as having outstanding scenic value.

**Note:** The permanent boat shelter may be placed in a waterway designated as an *Area of Special Natural Resource Interest (ASNRI)*.

6. The permanent boat shelter shall be connected to adjacent uplands by a pier or wharf that is compliant with applicable county, state, tribal, and federal regulations.

**Note:** The framework that supports the roof of the permanent boat shelter may be placed adjacent to a pier or using pilings or posts of the pier to support the roof.

7. The permanent boat shelter must allow the free movement of water underneath and may not cause formation of land on the bed of the waterway.
8. The permanent boat shelter shall be designed and used exclusively for the berthing of a single watercraft.
9. The permanent boat shelter may not have sides, unless all the following conditions are met:
  - a. The boat being sheltered either has a wooden hull or is designed as a boat with significant historic or cultural value, as determined by the state, county, or local historical society.
  - b. The boat being sheltered is registered under s. 30, subch. V., Wis. Stats., or exempt from registration requirements under s. 30.51, Wis. Stats.

- c. The permanent boat shelter is no more than 30 feet in length unless the boat that will be sheltered is longer than 24 feet from bow to stern.
  - d. The sides are removed between December 1 and April 1 annually.
  - e. The sides are made of flexible material with a minimum openness factor of 5 percent.
  - f. The sides are placed no less than 36 inches above the water surface.
10. The permanent boat shelter may not include more than one sign as necessary to identify the upland riparian property and may only include lighting essential for safety and mooring.
  11. The permanent boat shelter may include a device for lifting a boat and a roof.
  12. The permanent boat shelter may only include storage facilities located above the eaves of the roof.
  13. The permanent boat shelter must be placed in one of the following locations:
    - a. An inland lake or impoundment at least 500 acres in size,
    - b. The Mississippi River, the Wolf River from Lake Butte des Morts to the upstream limits of the village of Fremont, or the Fox River from the De Pere dam to Lake Winnebago.
    - c. An inland lake or impoundment between 200 and 500 acres in size, with a maximum water depth of at least 35ft, having a mean water depth of at least 15ft, and located in a coastal county.
  14. The structure may not be placed on Great Lakes waters or on rivers or streams except for those identified above in criteria 1.13.
  15. The permanent boat shelter must meet the following dimensional criteria:
    - a. The length is no more than 30 feet as measured from bow to stern unless the boat that will be sheltered meets criteria in #9 above.
    - b. The width is no more than 12 feet on lakes up to 1000 acres, and no more than 14 on lakes greater than 1000 acres, as measured on the outside of the eaves.
  16. The permanent boat shelter roof shall be pitched at least 1 foot nor more than 2.5 feet from the roof peak to the bottom of the eaves.
  17. No more than 2 cubic yards of lakebed material may be removed to install the permanent boat shelter.
  18. No more than 1 permanent boat shelter may be placed per parcel. No more than 1 additional seasonal boat shelter may be placed for the first 100 feet of the riparian owner's shoreline frontage and no more than 1 additional seasonal boat shelter for each additional 50 feet of the riparian owner's shoreline frontage. Shoreline frontage is measured along a straight-line connecting point where property lines meet the ordinary high-water mark.

**Note:** The department generally considers a roof to be permanent when the roof is only capable of being removed by use of heavy equipment. Seasonal boat shelter roofs are generally capable of removal by hand without assistance from a crane or other motorized equipment.

19. The project avoids impacts to the endangered or threatened species in accordance with s. 29.604, Wis. Stats., or the project has received an incidental take authorization under s. 29.604, Wis. Stats. 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 and/or State Law.
20. 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.
21. The activity will not result in adverse impacts to historical or archaeological resources and will comply with s. 44.40, Wis. Stats., as determined by the Department.
22. The project will not occur in a mapped floodplain (official *Federal Emergency Management Agency* (FEMA) or local zoning map), or if the project is located 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.
23. 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 15<sup>th</sup> through May 15<sup>th</sup> 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 15<sup>th</sup> through June 15<sup>th</sup> on all Great Lakes tributaries upstream to the first dam or barrier.
  - c. November 1<sup>st</sup> through June 15<sup>th</sup> for Lake Michigan waters surrounding Door County, including Green Bay and all harbors and bays.
  - d. September 15<sup>th</sup> through July 1<sup>st</sup> for Lake Superior waters surrounding Douglas County, including St. Louis River and all harbors and bays.
  - e. March 1<sup>st</sup> through June 15<sup>th</sup> for all other waters.

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

## **SECTION 2. ELIGIBILITY CRITERIA FOR MAINTENANCE OF PERMANENT BOAT SHELTERS IN INLAND LAKES OR IMPOUNDMENTS.**

1. The applicant may not conduct repairs on an existing permanent boat shelter originally placed prior to September 1, 1991, unless the repairs are within the scope and three-dimensional footprint of the original structure and all of the following apply:
  - a. The boat shelter does not extend beyond the line of navigation or an approved

pierhead line.

- b. The boat shelter will be repaired in such a way that it is not visually intrusive as visualized from shore.
- c. The existing boat shelter continues to be functional for boat storage.
- d. The repairs do not have a significant adverse impact to fishery spawning or fishery spawning habitat.

**Note:** If full replacement of an existing shelter is required because the shelter has lost full functionality, the replaced shelter must meet all applicable eligibility criteria in 1A to be eligible for authorization under WDNR-GP19-2026.

2. Aesthetic features of the permanent boat shelter may not be modified unless they do not significantly decrease light penetration to the surface water and are within the original footprint of the structure.

### **SECTION 3. 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 6 below. Pursuant to s. 30.206(3), Wis. Stats., and s. NR 300.06(3), Wis. Adm. Code, 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. 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 meet eligibility criteria under this general permit or be reviewed through the individual permit process outlined in ss. 30.12(3m) and 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. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP19-2026. This form can be found at <https://dnr.wisconsin.gov/>, keyword “water permit”.
  - b. Permit fees as shown on the fee sheet at <https://dnr.wisconsin.gov/>, keyword

“Waterway Permit Fee” except as follows: Waterway projects authorized under s. 30, Wis. Stats., funded in whole or in part by a state or federal agency are exempt from permit fees under s. 30.28(3), Wis. Stats.

- c. A copy of the deed or similar proof of ownership of the riparian property adjacent to the site where the activity will occur.
- d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Sections 1 and 2.
- e. Project plans that include final project design and construction including a project diagram that shows all the following:
  - The final proposed project plans in relation to any *Ordinary High-Water Marks* (OHWM) of navigable waterways.
  - The methods, materials, and equipment that will be used to carry out the project.
  - Top, side, and cross section plan profiles with appropriate measurements for the proposed project.
  - The construction schedule and sequence of work.
  - Area impacted, including area of waterway impacted.
  - Maps of the project site with information that includes the most recent Soil Survey map, WI Wetland Inventory map, topographic map, floodplain information, and aerial photographs. All maps must show basic map elements (e.g., scale) and clear directions to the project site with project and property boundaries clearly labeled.
  - Current photographs that represent existing site conditions where the project will occur. Photos must show a clear and unobstructed view of the waterway within the project area. (i.e., not covered in snow/ice/thick vegetation, etc.)
- f. Documentation verifying the project will not result in an adverse impact to federal or state cultural/historical resources.
- g. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:
  - i. An ER Review Verification Form that shows that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
  - ii. 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”.
  - iii. 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. The request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords “ER review request”.

**Note:** A review for state threatened/endangered resources is completed by the

Department for all applications submitted in the ePermitting system.

#### **SECTION 4. CERTIFICATION & RESPONSIBILITIES**

You certify and agree that upon submittal of a complete application package to Department, the project will be conducted in compliance with all the terms and conditions of WDNR-GP19-2026.

#### **SECTION 5. 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 materials and application requirements section of this permit. If requested, within 30 calendar days after the Department receives the application, you shall furnish the Department any information it needs to verify compliance with the terms and conditions of this permit.
2. Certification. Acceptance of coverage under general permit WDNR-GP19-2026 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. The determination by this office that confirmation of authorization is not contrary to surface water quality standards will be based upon the information provided by the applicant and any other information reviewed by the Department.
4. Project Plans. This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and is certified by you to comply with the terms and conditions of WDNR-GP19-2026.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP19-2026 ends 5 years after the date on which the activity is authorized under WDNR-GP19-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP19-2026 expires before the activity is completed. The Department's use of general permit WDNR-GP19-2026 established under ss. 30.12 and 30.206, Wis. Stats., expires on May 20, 2031.
6. Written authorization for modification of scope. Any modification to the waterway impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in sections 1 and 2. Separate permitting is necessary if the modified project no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization 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 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 at a conspicuous location on the project site at least 5 days before beginning the permitted activity. The copy of the permit coverage letter 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 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 for good cause 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 is 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. During periods of inactivity, the site must be stabilized until the work is resumed and completed.
12. Construction. No other area of the waterway may be disturbed beyond the area designated in the submitted plans.
13. Project Completion. Within one week after 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-GP19-2026 in good condition and in conformance with the terms and conditions of this permit using best management practices. An authorized structure shall be properly maintained to ensure no additional impacts to waterways.
15. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee, representative, or contractor who is inspecting the project's construction, operation, maintenance, or permit compliance with the terms and conditions of WDNR-GP19-2026 and applicable laws.
16. Erosion and Siltation Controls. The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Adm. Code. These standards can be found online at <https://dnr.wisconsin.gov/>, keyword "storm water technical standards". Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
17. Equipment Use. Any equipment used in wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. Wetland Protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design.
19. 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”.

20. Federal and State Threatened and Endangered Species. WDNR-GP19-2026 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., and other applicable federal and state laws regarding threatened and endangered species. No activities are authorized that do not 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.
21. Special Concern Species. If the Wisconsin National Heritage Inventory (NHI) 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.
22. Historic Properties and Cultural Resources. WDNR-GP19-2026 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. No activities are authorized that do not 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.
23. 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.**
24. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
25. Re-evaluation 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-GP19-2026.
  - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.

## **SECTION 6. FINDINGS OF FACT**

1. The Department and the applicant have completed all procedural requirements under s. 30.206, Wis. Stats., and s. NR 300.06, Wis. Adm. Code, 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-GP19-2026, ss. 30.12 and 30.206, 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. 299.01(4), Wis. Stats., 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 7. CONCLUSIONS OF LAW**

1. The Department has authority under ss. 30.12 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 s. 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 it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

## **SECTION 8. 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 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.

- b. 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.
  - 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 . NR 1.05, Wis. Adm. Code.
2. "Boat shelter" means a structure in navigable waters with a roof but no walls and, except as provided below (in 2.a.), no sides, designed and constructed for the purpose of providing cover for a berth place for watercraft. Such a structure may include a device for lifting a boat.
- a. A boat shelter may have temporary sides made of flexible material with a minimum openness factor of 5 percent if all the following conditions are met:
    - i. The sides are placed and maintained by the owner or easement holder of adjacent riparian land or his or her agent.
    - ii. The boat is registered under s. 30, subch. V, Wis. Stats., or is exempt from registration requirements under s. 30.51, Wis. Stats., and either has a wooden hull or is designated as a boat with significant historic or cultural value, as determined by the state historical society or a local or county historical society established under s. 44.03, Wis. Stats.
    - iii. The sides are located entirely within the riparian owner's riparian zone.
    - iv. There are no more than 2 boat shelters for the first 100 feet of the riparian owner's shoreline footage and no more than one additional boat shelter for each additional 50 feet of the riparian owner's shoreline footage. For purposes of this subdivision, shoreline footage is measured along a straight-line connecting point where property lines meet the ordinary high-water mark.

- v. The sides are placed no less than 36 inches above the water surface.
  - vi. The structure is no more than 30 feet in length, unless the boat that will be sheltered is longer than 30 feet from bow to stern.
3. "Complete application package" means a completed and signed application, the information specified in Section 3 of this permit, and any other information which can reasonably be required from an applicant for the purposes of making a decision, including the information specified in s. NR 300.06(3), Wis. Adm. Code.
  4. "Department" means the Department of Natural Resources.
  5. "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.
  6. "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 s. 30, Wis. Stats., dredging does not include "de minimis" activities.
  7. "Floodplain" has the meaning in s. NR 116.03(16), Wis. Adm. Code, which means the 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".
  8. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth 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 s. 30.13, Wis. Stats., the line of navigation is the municipal pierhead line.
  9. "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 in 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).
  10. "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.
  11. "Repair" means minor repairs that do not involve replacing load-bearing structural components.

12. "Riparian" means an owner of land abutting a navigable waterway.
13. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement using practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.
14. "Watercraft" has the meaning in s. 30.01(7), Wis. Stats., and means any device used and designed for navigation on water.