



**WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
WATERWAY GENERAL PERMIT FOR MISCELLANEOUS STRUCTURES  
(BOAT LANDINGS, DRY FIRE HYDRANTS, INTAKE/OUTFALL STRUCTURES,  
PILINGS, PEA GRAVEL BLANKETS, AND WEED RAKES STRUCTURES)**

**Permittee:** The General Public in Wisconsin

**Permit #:** WDNR-GP28-2026

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

**Issuance Date:** April 28, 2026

**Expiration Date:** April 27, 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. A waterway general permit issued by the Department constitutes the water quality certification required by 33 USC 1341(a) (Clean Water Act section 401) for federal permits that authorize the discharge of dredged or fill material into waters regulated under 33 USC 1344(a) (Clean Water Act section 404) and have not already been certified through a previous Department action.

In compliance with s. 30.19(1g)(c), Wis. Stats., no person may grade or remove topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature.

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 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. 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-GP28-2026.

**Note:** Section 30.206(3r), Wis. Stats., allow the Department to require that individual permits be obtained in lieu of a general permit for activities at certain sites.

**Note:** WDNR-GP28-2026 does not apply to tribal activities located within the exterior boundary of a reservation.

## **OTHER AUTHORIZATIONS NECESSARY**

WDNR-GP28-2026 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP28-2026 authorizations do not supersede any other local, state, 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 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).

## **PROJECT DESCRIPTION AND LOCATION**

WDNR-GP28-2026 applies to the construction, placement, and maintenance of boat landings, dry fire hydrants, intake and outfall structures, pilings, pea gravel blankets, and weed rakes regulated under s. 30.12, Wis. Stats.

The following activities are eligible for coverage under WDNR-GP28-2026:

- Placement of a dry fire hydrant below the *ordinary high-water mark* (OHWM) of a

navigable waterbody.

- Place a layer of sand or similar material below the OHWM of a lake adjacent to the owner's property for the purpose of improving recreational use under s. 30.12(3)(a)(1), Wis. Stats.
- Place crushed rock or gravel, reinforced concrete planks, cast in place concrete, or similar material on the bed of navigable waters adjacent to the owner's property for the purpose of building a boat landing under s. 30.12(3)(a)(5), Wis. Stats.
- Placement of an intake or outfall structure below the OHWM of a navigable waterbody
- Placement of and operation of a weed rake on the bed below the OHWM of a navigable waterbody.
- Placement of pilings for the purpose of deflecting ice to protect existing or proposed structures or providing a pivot point for watercraft turning.

### 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-GP28-2026 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 or modify coverage 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-GP28-2026**.

State of Wisconsin Department of Natural Resources  
For the Secretary



April 28, 2026

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Benjamin Callan – Director  
Waterways Program

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Date

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### WDNR-GP28-2026 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP28-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP28-2026.

**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 "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 the activity.

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-GP28-2026. In these cases, persons may apply for an Individual Permit as outlined in s. 30.12(3m)(a), Wis. Stats. The Department also has authority under Further, 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

### A. GENERAL CRITERIA

1. The discharge will cause only minimal adverse environmental impacts.
2. Heavy equipment is not authorized for operation below the *ordinary high-water mark* (OHWM) during construction or for maintenance activities unless required to complete the permitted activity.
3. Any grading, excavation, and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.
4. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
5. A deposit of sand, gravel, or stone under s. 30.12(1g)(a), Wis. Stats., may be associated with the placement of piling provided the deposit is limited to the area underneath the piling and is less than 2 cubic yards.
6. Dredging under s. 30.12(1g)(b)1., Wis. Stats., may be associated with the placement of an intake or outfall structure provided the dredging does not exceed 2 cubic yards.
7. 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.
8. 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 disrupts 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.
9. The activity will not result in adverse impacts to historical or cultural resources and will comply with s. 44.40, Wis. Stats. as determined by the Department.
10. Follow 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 can be found on the at <https://dnr.wisconsin.gov/>, keyword “invasive species BMPs”.
11. The project will not occur in a regulated floodplain. If the project is located in a regulated floodplain, the applicant has certified that they are working to or have obtained a floodplain permit from the local zoning authority.
12. Activities eligible under this section may be located in an *Area of Special Natural Resource Interest* (ASNRI) or within a *Public Rights Feature* (PRF) as described in s. NR 1.06, Wis. Adm. Code.

13. Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.
14. The applicant or co-applicant is the riparian owner.
15. The project does not cause significant adverse impacts to a cold-water community, as described in s. NR 102, Wis. Adm. Code.
16. Any excavated material may not be temporarily or permanently placed in a wetland, floodplain or below the OHWM of a navigable waterway without regulatory approvals. All excavated materials shall be disposed of in an upland location.
17. The project may not cause significant adverse impacts to wetland water quality standards, as defined in s. NR 103.03, Wis. Adm. Code, including (but not limited to) the flow of groundwater through a wetland and water level elevations within wetlands.
18. 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.

19. This permit does not authorize impacts to wetlands.

**Note:** This does not preclude eligibility of waterway exemptions or eligibility of other general or individual permits. Wetland regulatory information is available [dnr.wisconsin.gov](http://dnr.wisconsin.gov) keyword "wetland permit".

## **B. ELIGIBILITY CRITERIA FOR PUBLIC BOAT LANDINGS**

**In addition to the general standards in Section 1A, the following standards apply to all boat landings.**

1. A boat landing shall be open to the general public.
2. A boat landing may be placed and maintained only by a riparian.
3. A boat landing shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in supporting administrative code promulgated by the department.
4. A boat landing shall be designed and constructed to prevent structural failure caused by wave, wind, or ice action and shall be maintained in good condition at all times.
5. Material removed or excavated to construct the boat landing may not be placed in a wetland, floodway, or below the OHWM of any navigable waterway.
6. A boat landing shall consist of a 6- to 24-inch layer of crushed rock, a 6- to 18-inch layer of crushed rock capped with a 4-inch minimum thickness pre-cast reinforced concrete planks or a cast-in-place reinforced concrete slab, each with a 6- to 18-inch crushed rock base. Pre-cast planks shall be connected to prevent displacement.
7. A boat landing shall have a slope no steeper than 7 foot horizontal to 1 foot vertical (7H:1V) and may not exceed 50 feet in length or beyond the line of navigation, whichever is less.
8. A boat landing may not be located in or across a wetland.
9. A boat landing shall have adequate rock riprap toe protection at the lakeward end of the landing which may not extend above the natural level of the bottom of the waterway.
10. The side slopes of the excavated banks on either side of the boat landing may not exceed 2 feet horizontal to 1 foot vertical (2H:1V).
11. Cofferdams used for site de-watering shall consist only of clean recoverable materials such as sandbags or plywood sheeting, and all materials shall be removed immediately following project completion.
12. Construction of the boat landing shall minimize the removal of trees, shrubs, and other shoreline vegetation above the OHWM.

**Note:** Local zoning ordinances may place restrictions on cutting trees in the shoreland zone. The riparian is responsible for ensuring that their project is in compliance with local zoning requirements.

### **C. ELIGIBILITY CRITERIA FOR DRY FIRE HYDRANTS**

**In addition to the general standards in Section 1A, the following standards apply to all dry fire hydrants.**

1. A dry fire hydrant may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian.
2. A dry fire hydrant shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in supporting administrative code promulgated by the department.
3. A dry fire hydrant may not be placed in a wetland or in a manner that adversely impedes surface or subsurface flow into or out of any wetland.
4. A dry fire hydrant shall have a perforated inlet screen with cap on the inlet end.
5. A dry fire hydrant shall be installed with the riser landward of the OHWM except where installed on a bridge or culvert.
6. A dry fire hydrant located in a lake, pond, or flowage shall be installed so that the inlet pipe is at least 3 feet below the surface water level during normal low water level conditions. A dry fire hydrant in rivers and streams shall be installed so that the inlet pipe is at least one foot below the surface water level during normal low water flow conditions.
7. A dry fire hydrant may not result in the permanent or temporary deposition of fill in any floodway or wetland.

**Note:** Installation of a dry fire hydrant does not authorize the placement of any fill material to access the hydrant.

8. A dry fire hydrant may not result in the waterward extension of the upland.

#### **D. ELIGIBILITY CRITERIA FOR INTAKE AND OUTFALL STRUCTURES**

**In addition to the general standards in Section 1A, the following standards apply to all intake and outfall structures.**

1. An intake or outfall structure may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian.
2. An intake or outfall structure shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in supporting administrative code promulgated by the Department.
3. An intake or outfall structure, including any wingwalls and rock riprap, shall be less than 6 feet from the water side of the OHWM and less than 25% of the width of the channel in which it is placed.
4. An intake or outfall structure may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

5. An intake or outfall structure may not result in the permanent or temporary deposition of fill in any floodway or wetland.
6. An intake or outfall structure may not result in the waterward extension of the upland.
7. Outfall structures may not exceed 24 inches in diameter, and in streams, may not result in a discharge of more than 50% of the stream's base flow (80% exceedance flow) at any given time.
8. Intake structures may not exceed 12 inches in diameter, and the invert of the culvert shall be located above the public rights stage elevation as determined by the department under s. 31.02, Wis. Stats.

#### **E. ELIGIBILITY CRITERIA FOR PILINGS**

**In addition to the general standards in Section 1A, the following standards apply to all pilings.**

1. A piling may be placed and maintained only by a riparian.
2. A piling shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in supporting administrative code promulgated by the Department.
3. A piling may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.
4. A piling may not result in the permanent or temporary deposition of fill in any floodway or wetland.
5. A piling shall be placed only for the purposes of deflecting ice to protect an existing or proposed structure or providing a pivot point for turning watercraft.

**Note:** A piling as described in this rule may not be used for the purpose of constructing, repairing, or maintaining a retaining wall, seawall, or similar structure, or for any purpose other than described above.

6. A piling may not be placed or used for mooring a watercraft, except in Lake Michigan, Lake Superior, or on the Mississippi River.
7. A piling may consist of a group of not more than 5 individual piles placed adjacent to each other and firmly bound together.
8. Pilings shall have a minimum side setback of 10 feet from the riparian zone.

## **F. ELIGIBILITY CRITERIA FOR BLANKETS CONSISTING OF SAND AND SIMILAR MATERIALS**

**In addition to the general standards in Section 1A, the following standards apply to all blankets consisting of sand and similar materials.**

1. A blanket shall only be placed in a lake, pond, or flowage, and only by a riparian.
2. A blanket shall be placed entirely within the riparian's zone of interest as determined by one of the methods outlined in supporting administrative code promulgated by the Department.
3. A blanket shall be less than 6 inches thick.
4. A blanket shall consist of clean large-grain sand, washed stone, or similar materials and may not contain any fine materials.
5. A blanket may not exceed 1,200 square feet in area.
6. A blanket shall only be placed in water depths not to exceed 3 feet under normal summer water level conditions.
7. A blanket may not include the placement of any fabric below the gravel.
8. A blanket may not be placed in an area where the muck depth is less than 6 inches.
9. A blanket may not be placed in an area of naturally occurring sand, rock, or gravel bottom.
10. A blanket may not be placed in an area where native aquatic plants are present or have been known to be present.
11. A blanket may not be in an area where sand, rock, or gravel has been placed in the past.
12. A permit is limited to only a one-time placement of the blanket materials. Additional blanket material placement requires an individual permit.

## **G. ELIGIBILITY CRITERIA FOR WEED RAKES**

**In addition to the general standards in Section 1A, the following standards apply to all weed rakes.**

1. A weed rake may not be located within a floating bog.
2. The weed rake shall be placed and maintained only by a riparian.
3. The weed rake shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in supporting administrative code promulgated by the Department.

4. The weed rake shall be attached, as an appurtenance to a pier or structure that has been authorized by the department or is otherwise exempt from the permit requirements of s. 30, Wis. Stats.
5. The weed rake boom radius may not exceed 24 feet in length, may not be operated in a manner as to alter the natural configuration of the bed of the waterway and may not disturb bottom sediments in water depths greater than 3 feet.
6. The weed rake may only be attached or operated on a single side of a pier or structure and may not be moved from side to side of a pier within the same open water season.
7. The weed rake may not be operated unattended for more than 5 days of continuous operation.
8. The riparian is responsible for removing vegetation that has been dislodged or cut within their riparian zone as required under s. NR 109.08(3), Wis. Adm. Code.
9. The weed rake may not result in the disturbance or removal of more than 1,200 square feet of native hydrophytic vegetation.

## **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 6 below. Pursuant to s. 30.206(3), 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. 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, Wis. Stats., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outlined in s. 30, 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-GP28-2026. 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 site where the activity will occur.
- d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
- e. Project plans that include final project design and construction including a project diagram that shows 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.
  - Top, side, and cross section plan profiles with appropriate measurements for the proposed project.
  - The construction schedule and sequence of work.
  - For disturbance or fill, a description of type, composition, and quality of materials.
  - Area impacted for projects that impact waterways.
  - The location of any disposal area for dredged or excavated materials, if applicable.
  - 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 showing 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/endorsed resources is completed by the Department for all applications submitted in the ePermitting system.

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

You certify and agree that upon submittal of a complete application package to Department, the waterway project will be conducted in compliance with all the terms and conditions of WDNR-GP28-2026.

### **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 materials and application requirements section of this permit. If requested, within a reasonable timeframe 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-GP28-2026 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 a 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 required 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-GP28-2026.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP28-2026 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP28-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP28-2026 expired before the activity is completed. The Department's use of general permit WDNR-GP28-2028 established under s. 30.206, Wis. Stats., expires on April 27, 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 Section 1. Separate permitting is necessary if the modified project scope 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 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 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. Once work begins, all construction activities must be continuous to the extent practicable. 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-GP28-2026 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 waterways.
15. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee who is inspecting the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP28-2026 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 waterways 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". 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. The 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.
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-GP28-2026 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 applicable state laws. No Department authorization under this permit will be granted 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.
21. 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.
22. Historic Properties and Cultural Resources. WDNR-GP28-2026 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 Department authorization under this permit will be granted 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.
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. Suitable Fill Material. All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Adm. Code, 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.

25. Standard for Coverage. Waterway impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. Transfers. Coverage under this permit is transferable to any person 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-GP28-2026.
  - 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-GP28-2026 and ss. 30 and 31, Wis. Stats., and chs. NR 102, 103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined pursuant to water quality standards under chs. NR 102 and NR 103, Wis. Adm. Code, and s. 30.206(ag), Wis. Stats., 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.
3. 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.
4. 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.
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. 30.12 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 we have complied with chs. NR 102 and 103, Wis. Adm. Code, and s. 1.11, Wis. Stats.

## SECTION 7. DEFINITION OF TERMS

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

1. "Affect wetlands" includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland. Secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reducing flood capacity, etc.).
2. "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 s. NR 1.05, Wis. Adm. Code.
3. "Associated feature" of an impoundment means connected surface water to the impoundment that is affected by the artificially raised water level such as individual lake basins, back bays, and channels.
  4. "Boreal rich fens" are a rare open peat land communities of northern Wisconsin that

are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.

5. "Bridge" means any private or public structure except municipal highway bridges constructed in or over a navigable waterway to provide a walkway or roadway for pedestrians, animals, or vehicles, and includes pipe arches and culverts.
6. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
7. "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.
8. "Contaminated sediments" has the meaning specified in the *Wisconsin Pollutant Discharge Elimination System (WPDES)* general permit to discharge carriage and/or interstitial water from dredging operations. (WPDES Permit No. WI-0046558-06-0).
9. "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.
10. "Department" means the Department of Natural Resources.
11. "De minimis" 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.
12. "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.
13. "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.
14. "Floodplain" has the meaning in ch. NR 116, 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".

15. "Hazardous substance" has the meaning specified in s. 292.01 (5), Wis. Stats.
16. "Human-made impoundment" has the meaning of a lake with artificially raised water levels created by a human-made dam or structure on a stream or river. Lake includes lakes, reservoirs, flowages, or millponds listed in the most current version of the Wisconsin Lakes, Publ-FH800.
17. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.

18. "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics, and synthetic polymers.
19. "Inland waters" has the meaning given in s. 29.001(45), Wis. Stats.
20. "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".
21. "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.

22. "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).
23. "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.
24. "Outlying waters" has the meaning given in s. 29.001(63), Wis. Stat., 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.
25. "Public rights feature" has the meaning in ch. NR 1.06, 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.

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

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

28. "Small dam" means a barrier in or across a watercourse that impounds water and has a structural height of less than or equal to 6 feet or a structural height of less than 25 feet provided that the maximum storage capacity is less than 50 acre-feet.

29. "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.

30. "Unconsolidated sediment" is defined as loose materials ranging in size from clay and silt to sand and muck. Unconsolidated sediment does not include bedrock, cobble, rock, or gravel.

31. "Watercourse" means a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.

32. "Watercraft" under s. 30.01(7), Wis. Stats., means any device used and designed for navigation on water.

33. "Wetland" has the meaning in s. 23.24., Wis. Stats., and 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.