

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



GENERAL PERMIT TO remove accumulated plant and animal nuisance deposits from beds of navigable waters

PERMITTEE: The General Public in Wisconsin

PERMIT NO.: GP5-2018-WI (WDNR-GP5-2018)

ISSUING OFFICE: Waterways & Wetland Protection Section, Bureau of Watershed Management, External Services Division, Wisconsin Department of Natural Resources (DNR)

ISSUANCE DATE: 09/18/2018

EXPIRATION DATE: 09/18/2023

GENERAL PERMIT AUTHORIZATIONS:

In compliance with the provision(s) of section 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 has been entered into with the department, authorization has been granted by the legislature, the removal is exempt by statute, or an individual or general permit has been issued by the department.

The Department has authority to issue general permits under ss. 30.20(1t) and 30.206, 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-GP5-2018.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP5-2018 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP5-2018 authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers permits are required for any removal or material from Section 10 Waters under the Rivers and Harbor Act of 1899. A list of these waters can be found on the U.S. Army Corps of Engineers website at:

<http://www2.mvp.usace.army.mil/docs/regulatory/navigable%20waters%20wi.pdf>

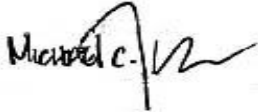
PROJECT DESCRIPTION AND LOCATION: WDNR-GP5-2018 applies to removal of accumulated plant and animal nuisance deposits from the bed of any lake, outlying water, or navigable stream of the State.

GENERAL PERMIT COVERAGE: Unless notified by the DNR to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete notification package has been received by the designated DNR office. A list of offices and addresses to send your complete notification package based on the county where the project is located can be found at

http://dnr.wi.gov/waterways/about_us/county_contacts.html . **WDNR-GP5-2018 permit**

coverage is valid for a period of 5 years from the date the department determines the activity is authorized by this general permit or until the authorized activity has been completed, whichever occurs first. Thereafter, permit coverage terminates unless another complete notification package is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources
For the Secretary



9/18/2018

Watershed Bureau Director

Dated

TABLE OF CONTENTS

Page(s)

SECTION 1	ELIGIBILITY STANDARDS	3-6
SECTION 2	APPLICATION REQUIREMENTS	6-7
SECTION 3	CERTIFICATION & RESPONSIBILITIES	7
SECTION 4	GENERAL PERMIT CONDITIONS	7-10
SECTION 5	FINDINGS OF FACT	10
SECTION 6	CONCLUSIONS OF LAW	11
SECTION 7	DEFINITION OF TERMS	11-12

WDNR-GP5-2018 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP5-2018. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP5-2018.

NOTE: The term "you" and its derivatives, as used in this general permit, means the person who submitted and signed the complete notification package for coverage under the General Permit or the person who removes accumulated plant and animal nuisance deposits from the bed of a water body under coverage of this General Permit. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (DNR) Service Center, DNR Region or Central Office headquarters of the Wisconsin DNR having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

SECTION 1 – WDNR-GP5-2018 ELIGIBILITY STANDARDS AUTHORIZATION

Any person who removes accumulated plant and animal nuisance deposits from the beds of any lake, outlying water, or navigable stream 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 are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP5-2018. For plant and animal nuisance removal projects that do not qualify for WDNR-GP5-2018, you may apply for an Individual Permit as outlined in s. 30.208(2), Stats. The department has authority under s. 30.206(3r), Stats. to require an individual permit 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), or material injury to the riparian rights of any riparian owner.

1. Project purpose is to remove accumulated plant and animal nuisance deposits if the removal does not interfere with public rights in navigable waters.

2. The applicant is the riparian owner or if the project location is in the riparian zone landward of the line of navigation (3 foot water depth), the applicant has obtained permission of the riparian owner to remove the accumulated plant and animal nuisance deposit. If the water is a navigable stream, the applicant also has obtained permission of the bed owner (who may be the riparian owner) to remove the accumulated plant and animal nuisance deposit.
3. The applicant is the riparian owner or if the project location is waterward of the line of navigation (3 foot water depth), the applicant has notified the riparian owner of the intention to remove the accumulated plant and animal nuisance deposit. If the water is a navigable stream, the applicant also has obtained permission of the bed owner (who may be the riparian owner) to remove the accumulated plant and animal nuisance deposit.
4. Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, the removal of accumulated plant and animal nuisance deposits **may not be removed** during the following time periods:
 - September 15th through May 15th for trout streams; and the Root River (Racine County), Kewaunee River (Kewaunee County), and Strawberry Creek (Door County) upstream to the first dam or barrier. To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>
 - March 1st through June 15th for ALL waters.The regional Department Fisheries Biologist may waive or modify timing restrictions in writing. To find your biologist and request in writing a waiver or modification of fish spawning timing restrictions for your project use the WDNR website at: <http://dnr.wi.gov/topic/fishing/people/fisheriesbiologists.html>
5. Plant and animal nuisance deposits removed from the waterbody may not be placed permanently or temporarily in a wetland, or floodway or re-deposited waterward of the ordinary high water mark (OHWM) of a navigable waterway.
6. 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 completely removed from the waterbody no more than 24 hours after the project is completed.
7. All temporary sediment control measures shall follow all state lighting requirements and cannot obstruct navigation.
8. 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.
9. Live, living or growing plants may not be removed unless the removal is exempt under 23.24 (4), stats., or complies with the provisions for waiver of the permit requirement under s. NR 109.06, Wis. Admin. Code.

10. Nuisance deposits may not be removed in areas where public rights features as described in s. NR 1.06, Wis. Admin. Code, are located. The location of public rights features can be found at the following website
<http://dnrmaps.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer.deswaters>
11. 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 found at the following website
<http://dnr.wi.gov/topic/wetlands/cw/> .
12. If the accumulated plant and animal nuisance deposits are located in Outlying Waters, removal shall be limited to locations within the swash zone. For all other locations, removal should be limited to locations below the ordinary high watermark.
13. Removal of accumulated plant and animal nuisance deposits above the ordinary high water mark is a land grading activity and is not authorized under this general permit.
14. The removal is limited to the accumulated plant and animal nuisance deposit only. The removal of bed material other than plant and animal nuisance deposits should be limited to the extent practicable and may not exceed a de minimus amount (2 cu. yds.). The removed material may contain trash which should be removed along with the accumulated plant and animal nuisance deposit.
15. This general permit does not authorize the redistribution 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.
16. Mechanized equipment used to remove the accumulated plant and animal nuisance deposit 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 the native bed material and surrounding vegetation.
17. Mechanized equipment used should be low ground pressure equipment, including wide-tire vehicles and tracked equipment to minimize rutting on the bed of the waterway.
18. If the accumulated plant and animal nuisance deposits will be removed from an area located in Outlying Waters, and within the swash zone of the waterway, the equipment shall remove the material along a path parallel to the shore.
19. If the removal is conducted within the swash zone on Outlying Waters or waterward of the ordinary high watermark (OHWM) on the exposed bed of other waterways, equipment operation shall cease when rutting occurs. The operator of the vehicle shall immediately restore any rutting of bed material within the swash zone or exposed bed material below the OHWM.

20. Unless using a developed boat launch, equipment used in the removal shall access the site along one path 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.
21. The amount or location of accumulated plant and animal nuisance deposit to be removed should warrant the use of mechanical equipment.

SECTION 2: WDNR-GP5-2018 APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed your project(s) meets the purpose and all the terms and conditions of this permit you must submit three (3) copies of a *complete application package*, outlined in item 5 below, to your designated DNR office. Your designated DNR office is based on the county location where the project will take place. The complete application package should be received a minimum of 30 calendar days before the desired project start date. DNR offices for application submittal can be found at http://dnr.wi.gov/waterways/about_us/county_contacts.html

NOTE: The Department will forward one copy of your application package to the U.S. Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete application package.
3. The Department may request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. The Department may make a request for additional information one time during the 30-day period. 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 on which the department receives the information, at which point the clock resumes from the point it was initially stopped.
4. 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 Chapter 30 Wis. Stats.
5. Application shall be submitted on forms supplied by the Department or electronically using an Internet-based application process. A complete application package must include all the following information.
 - a. Complete Application certifying project meets the terms and conditions of WDNR-GP5-2018 that can be found at <http://dnr.wi.gov/topic/waterways/> Keyword: "General Permits Dredging"
 - b. The appropriate application fee.
 - c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required by Section I, standards 2 and 3 of this General Permit.

- d. Project diagram that shows:
 - 1. The location of the plant and animal nuisance deposit relative to the OHWM, or swash zone (if applicable)
 - 2. The location of the mechanized equipment access point to the shoreline
 - 3. The location where any dredge material will be temporarily deposited
 - 4. The location of silt fences or any other sediment control devices
- e. A description of materials and equipment to be used for the nuisance deposit removal, and the purpose and need for the nuisance deposit removal.
- f. Maps of the project site that include:
 - 1. The location of the property lines for the property where the removal project will occur.
 - 2. The location of the nuisance deposit
- g. Photographs that represent existing site conditions where the project will occur.
- h. Three copies of the complete application package.

SECTION 3: WDNR-GP5-2018 CERTIFICATION AND RESPONSIBILITIES

The applicant certifies and agrees to the following:

- 1. You agree to be the responsible party that supervises and oversees all aspects of the project to ensure compliance with the terms and conditions of WDNR-GP5-2018.
- 2. Upon submittal of a complete application package to DNR, you have certified the project will be conducted in compliance with all the terms and conditions of WDNR-GP5-2018.
- 3. You certify the removal of accumulated plant and animal nuisance deposit will not result in adverse impacts to the riparian rights of other riparian owners and the public's interest in the waterway.

SECTION 4: WDNR-GP5-2018 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 Section 2 of this general permit. If requested, you shall furnish to the Department, within a reasonable timeframe, any information the Department needs to verify compliance with the terms and conditions of this permit.
- 2. **Certification.** Acceptance of general permit WDNR-GP5-2018 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 in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
- 3. **Project Plans.** This permit does not authorize any work other than the work that is

specifically described in the notification package and plans submitted to the Department and that you certified is in compliance with the terms and conditions of WDNR-GP5-2018

4. **Expiration.** This WDNR-GP5-2018 is valid for a period of 5 years. Any activity that the Department determines is authorized by this WDNR-GP5-2018 remains authorized under WDNR-GP5-2018 for a period of 5 years from the date of the Department's determination or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP5-2018 expired before the activity is completed.
5. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other state permits and by the U.S. Army Corps of Engineers before starting your project.
6. **Project Start.** You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any removal activity and again not more than 5 days after each removal activity.
7. **Permit Posting.** You must post a copy of this permit at a conspicuous location on the project site for at least five days prior to the project starting, and remaining at least five days after the project is complete. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. **Permit Compliance.** The department may modify or revoke coverage of this permit if removal of the accumulated nuisance deposit is not carried out in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
9. **Project Completion.** Within one week of project completion you shall submit to the Department a statement certifying that the project is in compliance with all the terms and conditions of this permit and photographs of the work authorized by this permit.
10. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or compliance with the terms and conditions of WDNR-GP5-2018 and applicable laws.
11. **Frequency, Area, and Volume.** Once work is authorized by this permit, there is no limit to:
 - the number of nuisance deposit removal activities in the project area,
 - the area of shoreline that can be included in the accumulated plant and animal nuisance deposit removal project area, or
 - the volume of accumulated plant and animal nuisance deposits removed from the project area during a single activity.

General permit coverage for nuisance deposit removal activities terminates after 5 years from the issuance date unless another application is submitted to retain coverage under this general permit or a reissued version of this general permit

12. **Erosion and Sediment Control Practices.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in s. NR 151.11(6m), Wis. Admin. Code. These standards can be found at the following website: http://dnr.wi.gov/topic/Stormwater/standards/const_standards.html 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.
13. **Invasive Species.** To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project, including tracked vehicles, barges, boats, silt or turbidity curtains, hoses, sheet piles, and pumps, shall be decontaminated for invasive species and viruses before and after use **or** prior to use within another navigable waterway. 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 NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: “equipment operator” or “invasive bmp” and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>
14. **Federal and State Threatened and Endangered Species.** WDNR-GP5-2018 does not affect the DNR’s responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats. and applicable State Laws. The project must avoid impacts to endangered or threatened species in accordance with s. 29.604, Wis. Stats., or the project must receive an incidental take authorization under s. 29.604, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. No activity is authorized that 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 that is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
15. **Historic Properties and Cultural Resources.** WDNR-GP5-2018 does not affect the DNR’s responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these Acts/laws. The project must avoid impacts to archaeological sites or historic structures and is subject to Departmental and Wisconsin Historical Society review and approval before authorization under this general permit is valid. 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 under this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
16. **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, may not be stored in the construction work

area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. In addition biodegradable hydraulic fluid should be used in equipment that is operated below the OHWM. 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**.

17. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.
18. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP5-2018.
19. **Reevaluation of Decision.** This office may reevaluate its decision on any authorization under WDNR-GP5-2018 at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity and may result in enforcement action. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. The applicant fails to comply with the terms and conditions of WDNR-GP5-2018.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate, or false
 - c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

SECTION 5: WDNR-GP5-2018 FINDINGS OF FACT

1. The Department has determined that the project site and project plans meet the standards in WDNR-GP5-2018 to qualify for this General Permit.
2. The proposed project 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, if completed in accordance with this permit.
3. The Department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of WDNR-GP5-2013 and Chapters NR 102, 103, 150, 299, and 310, Wis. Admin. Code.

SECTION 6: WDNR-GP5-2018 CONCLUSIONS OF LAW

1. The Department has authority under Ch. 30 Wis. Stats., to issue a permit for the completion of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

SECTION 7: WDNR-GP5-2018 DEFINITION OF TERMS

You accept the following definitions for use with this general permit:

1. "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). Note: Where the bed material is privately owned, the permission of the property owner is required.
2. "Department" means the department of natural resources.
3. "Dredged material" means any material removed below the Ordinary High Water Mark (OHWM) or from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
4. "Dredging" means any part of the process of the removal or disturbance of material from below the OHWM or from the bed of a navigable waterways, 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 purpose of Ch. 30, Stats., dredging does not include "de minimus" activities.
5. "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. Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under s. 30.13, Stats., the line of navigation is the municipal pierhead line.
6. "Navigable waterway" means any body of water with a defined bed and banks, that is navigable under Wisconsin laws. 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), 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).
7. "Ordinary high water mark" 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 characteristics.

8. "Outlying waters" has the meaning in ss. 30.01(4r) and 29.001(63), 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.
9. "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.
10. "Riparian" means an owner of land abutting a navigable waterway.
11. "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.
12. "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.
13. "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/>