

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY GENERAL PERMIT TO MAINTAIN TEMPORARY WATERWAY CROSSINGS FOR
FOREST MANAGEMENT ACTIVITIES

Permittee: The General Public in Wisconsin

Permit No. WDNR-GP12-2021

Issuing Office: Waterways and Wetlands Section, Bureau of Waterways, Wisconsin Department of Natural Resources (Department)

ISSUANCE DATE: 06/01/2021

EXPIRATION DATE: 05/31/2026

GENERAL PERMIT AUTHORIZATIONS:

In compliance with the provision(s) of Wis. Stat. sections 30.12(1) and (2m) and sections 30.123 (2) and (6m), no person may place any structure or construct or maintain a bridge or culvert in, on, or over any navigable waterway unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature through an exemption.

Note: Wis. Stat. ss. 30.123(6) and 30.12(1g) and Wis. Admin. Code chs. NR 320 and NR 329 allow for the placement, construction, and maintenance of certain culverts, bridges, and temporary instream crossings that are exempt from permitting requirements. However, Wis. Stat. ss. 30.12 (2m) and 30.123(6m) allow 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 to place, construct, or maintain temporary structures that meet the requirements of this general permit at sites designated as Areas of Special Natural Resources Interest (ASNRI) under Wis. Admin. Code s. NR 1.05, or at a site where the Department otherwise requires a permit under Wis. Stat. ss. 30.12(1) or (2m) or 30.123(2) or (6m) may be authorized by this general permit unless explicitly prohibited by this general permit.

The Department has authority to issue general permits under Wis. Stat. s. 30.206(1)(am) 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- GP12-2021.

Note: WDNR GP12-2021 does not apply to proposed tribal activities located on Federal Indian Trust lands within the exterior boundary of a reservation.

Note: Coverage under this permit authorizes the permittee to undertake 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, state, or local law.

OTHER AUTHORIZATIONS NECESSARY: WDNR GP12-2021 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR GP12-2021 authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work may proceed.

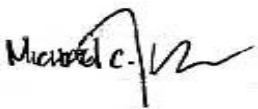
U.S. Army Corps of Engineers wetland and waterway permits are required for discharges to federal wetlands and any deposit or removal of material from waters of the United States.

PROJECT DESCRIPTION AND LOCATION: WDNR GP12-2021 applies to placement, construction, and maintenance of a temporary bridge, temporary culvert, or similar temporary waterway crossing structure placed in, on or over a navigable waterway for the primary purpose of forest management activities. The placement, construction, and maintenance of culverts, bridges, and other similar waterway crossings structures is regulated under Wis. Stat. ss. 30.12(1) or 30.123(2). Any person that intends to place, construct, or maintain a structure at a site where the Department requires a permit under Wis. Stat. ss. 30.12(2m) or 30.123(6m) must comply with all applicable provisions of this general permit or apply for an individual permit under Wis. Stat. ss. 30.12(3m) or 30.123(8).

There is no limit to the number of waterway crossings that can be authorized as part of this general permit and placed as part of a project. A project as defined in section 7 is an “an activity that involves the placement of temporary water crossing structures for the primary purpose of accessing a location for forest management activities that affects any navigable waterway within the property boundaries of a single riparian property owner. This may include multiple properties if the landowner is the same and the properties are contiguous to each other.” This means **multiple waterway crossings can be authorized on multiple navigable waterways under this general 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 GP12-2021 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 GP12-2021.

State of Wisconsin Department of Natural Resources
For the Secretary



05/26/2021

Mike Thompson – Director
Bureau of Waterways

Date

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WDNR-GP1 WDNR GP12-2021 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR GP12-2021. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR GP12-2021.

NOTE: The term "you" and its derivatives, as used in this general permit, means the person(s) who submitted and signed the complete notification package for coverage under the General Permit or the person who places temporary waterway crossing structures 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 GP12-2021 ELIGIBILITY STANDARDS AUTHORIZATION

Any person who places a temporary bridge or similar temporary water crossing structure in, on, or over any navigable waterway for the primary purpose of forest management activities in an area that is designated as an area of special natural resource interest (ASNRI), or at a site where the Department requires a permit under Wis. Stat. ss. 30.12(1) or ((2m) or 30.123(2) or (6m), must meet all of the following standards to be eligible for coverage and authorization under this general permit.

NOTE: Projects that do not meet all standards in this general permit are not eligible for this general permit and are therefore excluded from coverage under WDNR GP12-2021. For waterway crossing structures that do not qualify for WDNR GP12-2021, you may apply for an Individual Permit as outlined in Wis. Stat. s. 30.208(2). The department has authority under Wis. Stat. s. 30.206(3r) to require an individual permit in lieu of a general permit if the department has determined that the proposed activity is not authorized under WDNR GP12-2021 **OR** has conducted an investigation, 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 Wis. Stat. s. 299.01(4), or material injury to the riparian rights of any riparian owner.

NOTE: WDNR GP12-2021 eligibility is limited to temporary water crossing structures for forest management activities that could impact navigable waters.

A. GENERAL STANDARDS APPLICABLE TO TEMPORARY WATERWAY CROSSINGS FOR FOREST MANAGEMENT ACTIVITIES

1. The applicant or co-applicant is the riparian owner or has obtained permission of the riparian owner to place a temporary waterway crossing.
2. Projects proposed in locations with existing recorded deed restrictions within the project area, including easements limiting construction and land use activities, are not eligible for this general permit.

Note: Department Chs. 30 and 281 Wis. Stats. permits do not supersede any legal restrictions on the use of land

3. The temporary waterway crossing shall be used to provide temporary access to an area for the primary purpose of engaging in normal forest management activities, including but not limited to those activities that are undertaken on forest land to establish, maintain or enhance a forest. These activities include planting trees, thinning and trimming trees, and harvesting timber and other forest products. These activities do not include cutting firewood exclusively for personal use.

4. The temporary waterway crossing shall be removed after the forest management project requiring access is completed or 160 days after installation, whichever occurs first, unless:
 - a. If the temporary crossing is located on the bed of the stream **(as described in Section 1C)**, after the structure is removed it may be reinstalled according to the standards listed in Section 1D., or the applicant may request a one-time extension of the 160 day limit described above for a period not to exceed 60 days. The extension request must be based on site conditions or other site-specific issues that preclude access to the site (e.g., saturated soils, rutting hazards on trails or roads, etc.) and must be made to the Department Water Management Specialist before removal. Please use the WDNR website at: <http://dnr.wi.gov/topic/Waterways/contacts.html> to find the county contact for your project to whom you must send the extension request.
 - b. If the temporary crossing **is a clearspan bridge as described in sections 1B**, after the structure is removed it may be reinstalled according to the standards listed in Section 1D, **OR** it may be left in place longer than 160 days provided it is removed before the earlier of **5 years from the date the department determines the activity is authorized by this general permit or 7 days after the forest management project requiring access for which the structure was placed or maintained has been completed, whichever occurs first.**
5. Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement or removal of a temporary waterway crossing below the ordinary high watermark (OHWM) may not occur during the following time periods unless timing restrictions have been waived by the Department:
 - September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <https://dnr.wisconsin.gov/topic/Fishing/trout/streammaps.html>
 - September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
 - November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 - September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 - March 1st through June 15th for ALL OTHER waters
6. The bridge, culvert, or similar waterway crossing structure **may not** be located on a wild river designated under ch. 30.26 Wis. Stats, and NR 102.10 Wis. Admin. Code or where similar federal, state or local regulations prohibit the construction of such structures, unless expressly allowed under NR 302.03 Wis. Adm. Code
7. The structures must be placed in a manner that prevents the collection or transport of sediment within or away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the project site after the structure installation activity is completed and the site is stabilized, unless they are part of a Wisconsin Forestry Best Management Practice for Water Quality found in the [Wisconsin Forestry Best Management Practices for Water Quality Field Manual](#)
8. The applicant is working to obtain a local shoreland zoning authorization for the project or the local shoreland zoning requirements have been waived. (Documentation required). If local zoning permits are not required, the project vegetation and bank disturbance is limited to the amount necessary for

project placement and erosion control practices are adequate to prevent sedimentation to surface waters.

9. If the project is located in a regulatory floodplain, the applicant is working to obtain a floodplain permit (NR 116 Wis. Adm. Code) from the local floodplain zoning department.

Note: Contact your local floodplain zoning department to determine whether your project is located in a regulatory floodplain. For general floodplain mapping information, you may review the floodplain themed surface water data viewer at <https://dnrm.wisconsin.gov/H5/?Viewer=SWDV&layerTheme=1>

10. Dredging and deposition of sand, gravel or stone on the streambed in order to install a stream crossing structure, to the extent practicable, is permitted under this general permit provided the removal or deposit is located within 2 feet of the structure or is limited to the volume necessary to properly install the structure.

B. STANDARDS APPLICABLE TO TEMPORARY PLACEMENT OF CLEARSPAN BRIDGES AS WATERWAY CROSSINGS FOR FOREST MANAGEMENT ACTIVITIES

In addition to the standards listed in Section 1A, clearspan bridges, as defined in Section 7, may be placed for forest management activities according to the following standards:

1. Temporary bridges over streams known to be utilized recreationally will provide at least 5 feet navigational clearance above the Ordinary High Water Mark (OHWM) unless a temporary signed portage route around the bridge is provided for the duration of bridge placement.
2. The bridge shall completely span the navigable waterway from OHWM to OHWM with no support pilings in the stream.
3. At least one end of the bridge shall be firmly anchored in a manner that the bridge will not be transported downstream during flood conditions.

C. STANDARDS APPLICABLE TO TEMPORARY PLACEMENT OF POLE FORDS, TIMBER MATS, OR SIMILAR STRUCTURES LOCATED ON THE STREAM BED AS WATERWAY CROSSINGS FOR FOREST MANAGEMENT ACTIVITIES

In addition to the standards listed in Section 1A, pole fords, timber mats, or similar structures intended to protect the bed and/or bank of a navigable waterway may be placed for forest management activities according to the following standards. **WDNR GP12-2021 does not authorize the placement of a ford or any structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.**

1. If the temporary waterway crossing is not a clearspan bridge as defined in Section 7, the temporary waterway crossing shall consist of timber mats, poles, small logs, culverts, pipes, or similar structures that are placed side by side in or on the stream channel parallel to the stream flow. **Note:** If the intended use of the structure is to span the waterway from OHWM to OHWM please place the structure under the clearspan bridge standards listed in Section 1B.
2. For trout streams or tributaries of trout streams as identified under Wis. Admin. Code s. NR 1.02 (7), the temporary waterway crossing shall not obstruct fish passage.

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>.

3. The timber mats, poles, small logs, pipes, or similar structures shall be cabled, chained or banded together to the extent practicable prior to installation to facilitate complete removal.
4. The timber mats, poles, small logs, pipes, or similar structures cannot be placed in a manner that results in creating a dam or an impoundment upstream of the structure.
5. To the extent practicable, the temporary waterway crossing shall be placed and removed during frozen or low flow conditions if any portion of the structure is placed below the Ordinary High Water Mark (OHWM).

D. STANDARDS APPLICABLE WHEN REINSTALLING A TEMPORARY STRUCTURE PREVIOUSLY AUTHORIZED UNDER THIS GENERAL PERMIT AS A WATERWAY CROSSING FOR FOREST MANAGEMENT ACTIVITIES

Permit fees are required under Wis. Stats. s. 30.28 for authorization to proceed under a general permit. However, to facilitate partnership efforts to enhance forestry management practices and to encourage forestry management practices that are consistent with existing state forestry management plans for sustainable forestry management, the standards in this part of the general permit allow persons who receive general permit authorization to place a temporary waterway crossing in, on, or over a navigable waterway to reinstall the structure again once it is removed. In certain circumstances no additional permit fees apply.

1. Eligibility standards apply to persons who:
 - a. paid a permit fee,
 - b. were granted coverage under this general permit, removed the structure as required under Section 1A, and now want to either:
 - i. reinstall the temporary structure again under their initial general permit coverage authorization OR
 - ii. reinstall a temporary structure again under their initial general permit coverage authorization **and** add additional temporary structures at sites not identified under the initial general permit coverage authorization, hereby referred to as “add on” sites.
2. Temporary waterway crossings that were removed under Section 1A must be reinstalled according to the applicable standards listed under WDNR GP12-2021. All general permit terms and conditions will apply. General permit standards are found in Section 1. General permit conditions are found in Section 4.
3. Add on sites must be installed according to the applicable standards listed under WDNR GP12-2021. All general permit terms and conditions will apply. General permit standards are found in Section 1. General permit conditions are found in Section 4.
4. There is no limit to the number of reinstallations after coverage for the initial installation is granted under this general permit, but, the temporary crossing must be removed before the earliest of these 3 dates:
 - a. 5 years from the date the department determines the activity is authorized by this general permit.
 - b. 7 days after the forest management project requiring access is complete.
 - c. the applicable date the temporary crossing is required to be removed under this general permit (Section 1A)

Note: When reinstalling a temporary waterway crossing after coverage for the initial installation was granted the time limits described in Section 1A, Standard 6 still apply to the structure.

5. A person seeking to reinstall a temporary waterway crossing that was initially placed under WDNR GP12-2021 must notify the Department of the docket or identification number of the initial general permit coverage each time a structure is reinstalled. **Note:** Please use the WDNR website at: <http://dnr.wi.gov/topic/Waterways/contacts.html> to find the county contact for your project to provide the reinstallation notice.
6. If there is a change to the type of structure to be reinstalled or the location of the structure to be reinstalled, the following information must also be provided to the Department in addition to the information described in Section 1F, Standard 5.
 - a. A project diagram that shows all of the following:
 - i. Project location.
 - ii. The location of silt fences or any other sediment control devices.
 - iii. The type of structure originally placed and the type of structure now proposed to be placed relative to the Ordinary High Water Mark (OHWM).
 - b. Photographs that represent existing project site conditions.
7. Any additional stream crossing structures not identified in the original permit coverage and which do not meet criteria in 1D8, must complete a new application and receive permit coverage before the new structure(s) may be placed.
8. An additional permit application **is not** required for any of the following:
 - a. Temporary crossings required to be moved to a different location under the direction of the Department after initial placement
 - b. Temporary crossings placed in the identical location that was previously authorized under general permit coverage.
 - c. Temporary crossings placed within 100 linear yds. upstream or downstream of a location that was previously authorized under general permit coverage.

SECTION 2: WDNR GP12-2021 APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed that your project(s) meet(s) the purpose and all the terms and conditions of this permit, you must submit a *complete application package*, outlined in item 5 below, to the Department. The complete application package should be received at least 30 calendar days before the desired project start date. Information about submitting an application can be found at <http://dnr.wi.gov/permits/water>.

NOTE: The Department will forward a 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 Department receives and acknowledges a complete application package.
3. Permit fees are required under s. 30.28 Wis. Stats., for authorization to proceed under a general permit. However, to encourage projects, as defined in Section 7, to place temporary structures in a way that protects water quality (i.e. placed higher in the watershed) and to minimize the number of crossings needed for a project while acknowledging the review needed for multiple waterway crossings, the following fee requirements apply to this general permit:

- a. If the project requires a single navigable waterway crossing that waterway crossing requires a fee.
- b. If the project requires multiple waterway crossings on a single navigable waterway, only one waterway crossing requires a fee
- c. If the project requires multiple waterway crossings on multiple navigable waterways a fee is required for one crossing.

NOTE: Section 2, requirement 3 applies to the initial general permit coverage authorization for the placement of a temporary crossing and does not apply to the reinstatement of temporary crossings previously authorized under WDNR GP12-2021. Those fees are outlined in Section 1D.

4. 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 DNR office, at which point the clock resumes from the point it was initially stopped (§ 30.206 (3)(a), Wis. Stats.)

5. As provided under ch. 30 and § 281.36 (3g)(i), 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 ch. 30 and § 281.36(3m), 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 DNR..

6. 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 GP12-2021. This form can be found at <http://dnr.wi.gov/permits/water>.
- B. Permit fees except as follows:
 - o Waterway projects authorized under ch. 30, Wis. Stats., funded in whole or in part by a state or federal agency are exempt from permit fees under § 30.28(3), Wis. Stats.
- 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 under Section 1A 1.
- D. Project plans that include final project design and construction including a project diagram that shows all of the following:
 - o The location of the completed project relative to any Ordinary High Water Mark (OHWM) or wetland boundaries with the location and size of all proposed wetland impacts (if applicable).
 - o The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - o Top, side, and cross section plan profiles with appropriate measurements for the proposed project.
 - o The location of, and calculation of the total surface area impacted within the waterway
 - o The location of any disposal area for dredged or excavated materials, if applicable.

- E. A narrative description of the project, including: Identification of project purpose, the methods, materials, and equipment that will be used to carry out the project, the construction schedule and sequence of work, a description of type, composition, and quality of materials proposed to be utilized, any request for a navigational clearance waiver or request for waiver to standard fishery protection construction timing restrictions using Appendix A, and supporting documentation from local shoreland and/or floodplain zoning regulatory authorities
- F. Maps of the project site with information that includes: 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. The aerial photo shall also show the locations of all proposed wetland fill or discharge clearly labeled, if applicable.
- G. Current photographs that represent existing site conditions where the project will occur.
- H. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources.
- I. If applicable, detailed documentation that clearly demonstrates why any proposed wetland impacts cannot be avoided, the practicable alternatives that were considered, and how the impact to the wetland will be minimized as required by § 281.36(3g)(h)1, Wis. Stats.

SECTION 3: WDNR GP12-2021 CERTIFICATION AND RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to DNR, the wetland project will be conducted in compliance with all the terms and conditions of WDNR GP12-2021.

SECTION 4: WDNR GP12-2021 GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. **Application.** You must submit a complete application package to the Department as outlined in Section 2 of this general permit. If requested, you must 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 GP12-2021 and efforts to begin work on the activities authorized by this general permit signify that you have certified the project meets all eligibility standards outlined in Section 1 of this permit 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 wetland 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 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 GP12-2021.
5. **Expiration.** This WDNR GP12-2021 is valid for a period of 5 years from the date of issuance. Any activity that the Department determines is authorized by this WDNR GP12-2021 remains authorized

under WDNR-GP12-2021 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 GP12-2021 expired before the activity is completed.

6. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
7. **Other Permit Requirements.** You are responsible for obtaining any other state permits and any other permits or approvals that may be required for your project by local zoning ordinances (e.g., shoreland zoning, floodplain zoning, etc.) and the U.S. Army Corps of Engineers (USACE) before starting your project.

To locate the USACE staff responsible for reviewing projects in Wisconsin please visit <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>

To locate the local zoning staff responsible for your county please visit <http://buckyman00.wix.com/wcca#!contacts/cuy0>

8. **Project Start.** You must 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. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
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 wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. **Construction.** No other area of the wetland or waterway may be disturbed except 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-GP12-2021 in good condition and in conformance with the terms and conditions of this permit using best management

practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.

15. **Project site restoration after removal of temporary structure.** Immediately upon removal of a waterway crossing structure, the disturbed bed and bank area must be restored as close as possible to pre-installation conditions. Disturbed areas should be stabilized with vegetative cover that is sufficient to provide for bank stability and filtering of pollutants from upslope overland flow areas under sheet flow conditions.
16. **Site Access.** Upon reasonable notice, you must 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 GP12-2021 and applicable laws.
17. **Erosion and Sediment Control Practices.** The project site must implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands in accordance with the [Wisconsin Forestry Best Management Practices for Water Quality Field Manual](#).
18. **Wetland Protection.** You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex, if applicable.
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 using best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>. Keyword: "equipment operator" or "invasive bmp".
20. **Federal and State Threatened and Endangered Species.** Federal and State Threatened and Endangered Species. WDNR GP12-2021 does not affect the Department's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, § 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. Documentation options include:
 - a. 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.
 - b. 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 here: <http://dnr.wi.gov/topic/erreview/publicportal.html>.
 - c. If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit one of the following:
 - J. A Department ER Review letter. This request form for an ER Review letter is located here: <http://dnr.wi.gov/topic/erreview/review.html>.
 - K. A Certified ER Review letter. The list of Certified Reviewers is located here: <http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf>.

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 GP12-2021 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and Wis. Stat. s. 44.40. No Department authorization under this permit will be granted for projects found not to comply with these 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.
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, 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. A spill kit is required to be on site during any installation or removal activities. **If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material immediately upon seeing a release, minimize any contamination resulting from this spill, and 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 § NR 500.03(214), Wis. Adm. Code, free from hazardous substances as defined by § 289.01(11), Wis. Stats., and free from solid waste as defined by §. 289.01(33), Wis. Stats.
25. **Standard for Coverage.** Wetland 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.
28. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:
- i. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - ii. 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.
 - iii. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - iv. Design or construction deficiencies associated with the permitted work.
 - v. Damage claims associated with any future modification, suspension, or revocation of this General Permit WDNR-GP12-2021.

29. Reevaluation of Decision. The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:

- i. The applicant fails to comply with the terms and conditions of WDNR GP12-2021.
- ii. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- iii. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

SECTION 5: WDNR GP12-2021 FINDINGS OF FACT

1. The Department has determined that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit 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 pursuant to § 30.206(1)(am), Wis. Stats., nor result in significant adverse impacts to the public rights and interest, cause environmental pollution as defined § 299.01(4), Wis. Stats., or result in material injury to the riparian rights of any riparian owner pursuant to § 30.206(3r)(a)2., Wis. Stats., if completed in accordance with this permit.
2. Pursuant to § 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.
3. The Department has determined pursuant to wetland water quality standards under § NR 103.03, Wis. Adm. Code, and § 281.36(3g)(d), Wis. Stats., that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will only result in minimal adverse environmental effects.
4. For activities authorized under this general permit, the Department has determined that projects that meet all eligibility criteria, for which all information required in the application requirements section above, and for which the Department has not required a wetland individual permit pursuant to § 281.36(3g)(i), Wis. Stats, have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted in accordance with the application requirements listed above and the fact that the project scope is confined to the project area, which is limited to the minimum area needed to place, replace, or maintain the project.
5. Projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will not injure public rights or interests, or cause environmental pollution as defined in § 299.01(4), Wis. Stats.
6. 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-GP12-2021, § 281.36(3g) and ch. 31, Wis. Stats., and chs. NR 102,103,150, 299, and 310, Wis. Adm. Code.

SECTION 6: WDNR GP12-2021 CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.12, 20.123, 30.206, and 281.36 Wis. Stats. to issue a general permit for the completion of this project.

2. The Department has determined that issuance of this general permit is a prior compliance action under § 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 ch. NR 105, Wis. Adm. Code, and § 1.11, Wis. Stats.

SECTION 7: WDNR GP12-2021 DEFINITION OF TERMS

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

1. "Add-on site" means a temporary waterway crossing that was not identified under the initial general permit coverage authorization
2. "Area of special natural resource interest" has the meaning in Wis. Stat. s. 30.01 (1am) and as identified by the department in Wis. Admin. Code s. NR 1.05.
Note: "Area of special natural resource interest" means any of the following:
 - a. A state natural area designated or dedicated under Wis. Stat. ss. 23.27 to 23.29.
 - b. A surface water identified as a trout stream by the department pursuant to Wis. Admin. Code s. NR 1.02(7).
 - c. A surface water identified as an outstanding or exceptional resource water under Wis. Stat. s. 281.15.
 - d. An area that possesses significant scientific value as identified by the department in Wis. Admin. Code s. NR 1.05.**Note:** Wis. Admin. Code s. NR 1.05 (4) includes wild rice waters as identified in a written agreement between the department and the Great Lakes Indian Fish and Wildlife Commission.
5. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
6. "Clearance" means the vertical distance between the lowest member of the bridge span and the ordinary high water mark of the waterway.
7. "Clearspan bridge" means a continuous span of which no portion of the bridge has pilings or other supporting structures located within the channel except for abutment protection.
8. "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 Wis. Admin. Code s. NR 109.06 (2). **Note:** Where the bed material is privately owned, the permission of the property owner is required.
9. "Department" means the Department of Natural Resources.
10. "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 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 purpose of Ch. 30, Stats., dredging does not include "de minimus" activities.
11. "Forest Management" means activities that are taken on forest land to establish, maintain or enhance a forest including planting trees, thinning and trimming trees, and harvesting timber and other forest products. This does not include the cutting of firewood for exclusive personal use.
12. "Frozen Conditions" means when the stream is covered with ice.
13. "Low flow conditions" means when there is little or no water in the streambed.

14. "Maintain" means to repair, replace, own, or possess all or a portion of a structure
15. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin, a body of water is navigable if it is capable of floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at Wis. Stats. s. 30.01(4m), 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).
16. "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 characteristic.
17. "Project" means an activity that involves the placement of temporary water crossing structures for the primary purpose of accessing a location for forest management activities and that affects any navigable waterway within the property boundaries of a single riparian property owner. This may include multiple properties if the landowner is the same and the properties are contiguous to each other.
18. "Replacement" means the removal and reinstallation of an authorized structure.
19. "Riparian" or "Riparian Landowner" means an owner of land abutting a navigable waterway.
20. "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, or other appropriate measures.
21. "Timber Mats" as used in the phrase "timber mats, poles, small logs, pipes, or similar structures" in WDNR GP12-2021, means a structure placed on the bed of a waterway (below the ordinary high water mark) or a structure placed above the OHWM and completely across a waterway, that allows vehicles, equipment or people to safely cross from one side of a waterway to the other. These structures can include poles, timber mats, composite mats, brush/slash bundles, or other commonly available material used to construct a stream crossing.

APPENDIX 1

Request for Waiver of Construction Season Limits in Waterway General Permits

This checklist shall be used to request a waiver from the time period restrictions and/or fish passage requirements for applicable projects that qualify for WDNR GP12-2021. The completed waiver request may be submitted with the application where the applicant seeks a waiver from the applicable statewide general permit conditions that place fisheries based restrictions on the project. The signature of the Department Fisheries Biologist on this checklist only waives the time period and/or fish passage restrictions and does not constitute a permit, approval, or other concurrence with the proposed project.

Applicant Name: _____

Proposed Project: _____

Project Location: ____ ¼, ____ ¼, Section ____, Town ____ N, Range ____ E/W

Name of Waterbody: _____

County of Waterbody: _____

FOR DNR USE ONLY

The applicant listed above has consulted with me about their proposed project in navigable waters. Based on their project description, plans and other existing information available to me, I find that:

there is suitable habitat at or near the proposed project, or there may be an impact on spawning fish or spawning activities.

Or

there is no suitable habitat at or near the proposed project, or there will be no impact on spawning fish or spawning activities.

Consequently, the time period restrictions of the applicable statewide general permit are/are not (circle one) necessary to protect fish spawning for the proposed project and I approve/disapprove (circle one) this waiver.

Signed by:

Department Fisheries Biologist

Date