

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY AND WETLAND GENERAL PERMIT
AQUATIC CONNECTIVITY, FISH/WILDLIFE HABITAT,
STREAM CROSSINGS, AND PUBLIC INFRASTRUCTURE PROJECTS
RESULTING IN DREDGING OR PLACEMENT OF MATERIAL ON THE BED OF NAVIGABLE
WATERS AND DISCHARGE RELATED FILL INTO WETLANDS OF WISCONSIN**



Permittee: USDA Forest Service, Chequamegon-Nicolet National Forest (USFS)

Permit #: WDNR-GP14-2024

Issuing Office: Environmental Analysis & Sustainability and Waterways Programs,
Wisconsin Department of Natural Resources (Department)

Issuance Date: **Date**

Expiration Date: **Date**

GENERAL PERMIT AUTHORIZATIONS

In compliance with the provision(s) of s. 281.36 (3b)(b), Wis. Stats., no person may discharge/place dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department or the discharge is exempt under s. 281.36, Wis. Stats.

In compliance with the provision(s) of s. 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 wetlands 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 the provision(s) of s. 30.123(2), Wis. Stats., “unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature, no person may construct or maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable waters”.

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) and s. 281.36 (3g)(c), 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-GP14-2024.

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.

Note: WDNR GP14-2024 does not apply to tribal activities located within the exterior boundary of a reservation.

Note: Sections 30.12(1g) and 30.123(6)(d), Wis. Stats., and ch. NR 320, Wis. Adm. Code exempt from permitting requirements certain structures that are placed for specific purposes and replacement culverts in waters that are **not** designated as Areas of Special Natural Resource Interest (ASNRI).

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

In compliance with the Memorandum of Understanding (MOU) between the State of Wisconsin and Forest Service for Cooperation in Watershed Management (State Agreement No. 16-MU-11091300) the Department shall streamline regulatory permitting processes and the USFS shall meet Federal, State, interstate, and local substantive and procedural requirements addressing control and abatement of water pollution in the same manner and to the same extent as a non-governmental entity, a municipality, or the Department.

USFS shall remain in good standing with the commitments identified in the Memorandum of Understanding between the State of Wisconsin and Forest Service for Cooperation in Watershed Management (State Agreement No. 16-MU-11091300).

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP14-2024 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP14-2024 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 s. 404 permits are required for discharges of dredged or fill material to Waters of the United States, including discharges to federal wetlands. Rivers and Harbors Act Section 10 permits are required for work including the placement of structures and dredging in navigable waters of the United States. Floodplain permits (ch. NR 116, Wis. Adm. Code) or other local zoning permits may be required. Please contact your local zoning authority; county zoning administrator contact information is available at <https://www.wccadm.com/wcca-contacts>.

WDNR-GP14-2024 authorizations are subject to all applicable terms and conditions specified in this permit and is contingent on the USFS being in good standing with all commitments identified in the State of Wisconsin and Forest Service MOU for Cooperation in Watershed Management (State Agreement No. 16-MU-11091300).

Additional waterway, dam, and wetland permitting may also be necessary depending on the project size, scope and purpose and need. Please visit <https://dnr.wi.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 and municipal road maintenance agreements, 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-GP14-2024 applies to certain waterway and wetland activities undertaken by USFS on one of the following:

- Federally owned lands within the Chequamegon and Nicolet National Forest.
- Lands within, and classified U.S. Forest System roads adjacent to, the Chequamegon-Nicolet National Forest proclamation boundary that are owned or co-managed by other public or private entities with whom the USFS is providing evaluation, funding, design, resource impact assessment, alternative(s), and construction quality assurance of the project.

The following activities are eligible for coverage under WDNR-GP14-2024:

- Construction, placement and maintenance of a fish or wildlife habitat structure on the bed of a navigable water for the purpose of improving fish, wildlife habitat and aquatic connectivity. Fish and wildlife habitat structures are regulated under s. 30.12 (1), (1g) (c) and (d), (2m) and (3m), Wis. Stats.
- Construction or maintenance of a bridge or culvert in, on, or over navigable waters. Such structures are regulated under Wis. Stats. s. 30.123(2), (6), (6m), (7), and (8).
- Stream restoration practices for the purpose of establishing stream channel dynamic equilibrium condition through restoration of natural sediment transport, planform, profile, dimensions, and floodplain connectivity. Such practices are regulated under Wis. Stats. s. 30.12 (1) and (2m), 30.19 (1g)(c), and 30.20 (1).
- Reconstruction and maintenance of a public boat landing on the bed and bank of a navigable waterway for the purpose of launching and landing watercraft. Public boat landings are regulated under s. 30.12 (1), (2m), (3)(a)5., and (3m), Wis. Stats.
- Grading or removal of topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet. Grading or removal of topsoil is regulated under s. 30.19(1g)(c), (1m)(f) and (g), (3r), and (4), Wis. Stats.
- Removal of material from the bed of a lake or navigable stream. Such removal is regulated under s. 30.20(1), (1g), (1m), (1t), and (2), Wis. Stats.
- Construction or maintenance of a ford crossing in navigable streams. Such structures are regulated under s. 30.12(1), (3)(a)4, and (3m), Wis. Stats.
- Discharge of dredged or fill material to wetlands when necessary for the construction,

reconstruction, or maintenance of a fish or wildlife habitat structure, stream restoration, clear span bridge, culvert crossing, public boat landing, or ford crossing and when authorization of the discharge is included in the authorization for that specific activity. Discharges to wetlands are regulated under s. 281.36 (3b), (3g), (3m), (4), and (5), Wis. Stats.

- Construction 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 is regulated under ss. 30.12(1) and (2m) and 30.123 (2) and (6m), Wis. Stats.

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-GP14-2024 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-GP14-2024**.

State of Wisconsin Department of Natural Resources
For the Secretary

Benjamin Callan – Director
Waterways Program

Date

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WDNR-GP14-2024 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP14-2024. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP14-2024.

Note: The term "you" and its derivatives, as used in this general permit, means the USFS whose authorized representative or agent submitted and signed the complete notification package for coverage under the General Permit. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources Service Center, Region Office or Central Office headquarters having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

The project must meet all the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work should note that s. 281.36 (3g)(h), Wis. Stats., requires applicants to demonstrate that adverse impacts to wetland functions and values have been avoided and minimized to the maximum extent practicable.

Note: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP14-2024. In these cases, persons may apply for an Individual Permit as outlined in s. 281.36(3m), Wis. Stats. The Department also has authority under s. 281.36(3g)(i), Wis. Stats., to require an individual permit in lieu of a general permit. If the Department has determined that conditions specific to the site require additional restrictions on the discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values and floristic integrity will occur.

Note: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP14-2024. In these cases, persons may apply for an Individual Permit as outlined in s. 30.12(2m), 30.19(4), 30.123(8), 30.20(2), 30.2065(1g)(e) 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 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 following projects are not eligible under this general permit:
 - New permanent boat landings, roads and recreational trails.
 - Culvert replacements at lake outlets.
 - Road wetland and stream crossings that are constructed solely for the purposes of private inholding access.
2. The structure may be located in an area of special natural resource interest as described in s. 1.05, Wis. Stats., or at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats.
3. The discharge will cause only minimal adverse environmental effects.
4. The USFS shall confirm and document that they have legal authority to proceed with the project as

the landowner, riparian owner, or authorized agent with secured landowner or riparian owner permission.

5. The USFS shall be responsible for all phases of the project from design final site stabilization.
6. Within Chequamegon and Nicolet National Forest proclamation boundaries, the USFS and local units of government share public roadway maintenance responsibilities. The USFS shall coordinate with the Office of General Counsel and Local Government Attorneys as needed to ensure that the USFS has legal jurisdiction to proceed with the project. The USFS shall be responsible for all phases of the project design and construction and will maintain close communication with the local unit of government.
7. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards listed under subchapter 3 of ch. NR 151, Wis. Adm. Code. The technical standards are found at <https://dnr.wi.gov/>, keyword “storm water technical standard”.
8. Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices must be removed upon final site stabilization. Areas disturbed during construction or installation must be restored.
9. 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.
10. 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.
11. 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.
12. 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.wi.gov/>, keyword “invasive species BMPs”.
13. If the project is located in a regulated floodplain (official Federal Emergency Management Agency (FEMA) or local floodplain zoning ordinance map), the applicant has certified that they are conducting sufficient hydrologic and hydraulic analysis of existing and proposed conditions to determine if there would be an increase to base flood elevations. Floodplain impact analysis data will be shared with the local floodplain zoning authority and the Department to ensure that the community remains in good standing with FEMA and National Flood Insurance Program requirements.

B. ELIGIBILITY CRITERIA FOR ACTIVITIES THAT AFFECT WETLANDS.

In addition to the general standards in Section 1A, the following standards apply to all projects that impact wetlands:

1. Project discharge does not affect more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete project.
2. The proposed project cannot practicably avoid wetland impacts.
3. The proposed project minimizes wetland impacts to the greatest extent practicable.

4. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.
5. To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or must be low ground pressure equipment, or shall work only during frozen or dry conditions.
6. Temporary wetland excavation activities shall segregate topsoil from subsoil. Topsoil shall be replaced to its original stratum. Subsoil shall be removed or replaced to its original stratum.
7. The project will not result in the conversion of a wetland to a storm water treatment facility such as but not limited to a pond or infiltration basin.
8. Discharge will not occur in the following resources: emergent marshes containing wild rice, boreal rich fens, or calcareous fens.

C. ELIGIBILITY CRITERIA FOR CROSSINGS OVER A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that install crossings over a navigable waterway:

1. The project will not adversely impact an [Area of Special Natural Resource Interest \(ASNRI\) or Public Rights Feature \(PRF\)](#) identified as defined in s. 30.01(1am), Wis. Stats., or s. NR 1.06(5), Wis. Adm. Code.
2. For all new and replacement road or trail waterway crossings, the USFS shall follow their Transportation Structures Handbook for Hydraulics and Watershed Protection. The design criteria specified in the USFS handbook is also required for projects funded by Emergency Relief for Federally Owned Roads (ERFO). The USFS Handbook specifies that aquatic organism passage and ecological connectivity are the primary goals along with minimizing the consequences of plugging and overtopping, preventing stream diversion, ensuring that the headwater depth does not cause pressurized flow at the maximum flood, and maximizing benefits while minimizing long-term life cycle costs.
 - a. Acceptable design methods include USFS Stream Simulation design, Geomorphic-Based Channel design, or hydraulic design for low priority low gradient streams where the 100-year flood event can be passed with a culvert headwater to depth ratio of 0.8 or less.
 - b. In rare cases, a fishway hydraulic design on a high gradient stream may be required to meet limited fish passage only objectives.
3. All bridges and culverts shall maintain a clearance of 5 feet or more above the ordinary high water mark (OHWM), or request a waiver to the navigational clearance requirements, which can be granted by the Department when the following conditions apply:
 - a. The waterway is known to have little to no navigation or snowmobile use.
 - b. The waterway is not anticipated to have navigational use by other than lightweight craft.
 - c. A portage is provided over or around the bridge or culvert.
 - d. The reduced clearance would not be detrimental to the public interest.
4. The project plans minimize adverse impacts on fish movement, fish spawning, egg incubation periods and high stream flows, the project may not occur during the following time periods:
 - a. September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the Department website trout maps.

- b. September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
- c. March 1st through June 15th for all other waters.

Note: Per s. NR 1.02(7), Wis. Adm. Code, the Department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the Designated Waters Theme on Department's Surface Water Data Viewer includes <https://dnr.wisconsin.gov/>, keyword "surface water data viewer".

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. A current list of Fisheries Biologists can be found at <https://www.dnr.wi.gov>, searching the staff directory for 'Fisheries Biologist', and selecting the county dropdown box for your location.

D. ELIGIBILITY CRITERIA FOR FISH HABITAT PROJECTS.

In addition to the general standards in Section 1A, the following standards apply to all projects that install fish habitat structures:

1. The project purpose is to place a fish habitat structure solely for the purpose of improving fish and wildlife habitat, or fish stocking, and the placement does not result in significant adverse impacts to the public rights and interests, environmental pollution, nor does it cause more than minimum impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners.
2. Projects must be designed by the USFS Fisheries Biologist and must have the approval of the local Department Fisheries Biologist before placing the structure.
3. All fish and wildlife design and construction criteria shall follow the design related standards specified in the current version of statewide general permit GP-6 for Fish Habitat Projects.

E. ELIGIBILITY CRITERIA FOR WILDLIFE HABITAT PROJECTS.

In addition to the general standards in Section 1A, the following standards apply to all projects that install wildlife habitat structures:

1. The nesting structure is placed solely for the purpose of improving wildlife habitat.
2. Projects must be designed by the USFS Wildlife or Fisheries Biologist and must have the approval of the local Department Wildlife or Fisheries Biologists before placing the structure.
3. The nesting structure will not exceed 25 square feet and placement will not result in dredging of more than 2 cubic yards of material.

F. ELIGIBILITY CRITERIA FOR STREAM RESTORATION PROJECTS.

In addition to the general standards in Section 1A, the following standards apply to all projects for the purpose of stream restoration:

1. Removal or placement of material on the streambed is allowed when the project is solely for the purpose of restoring natural stream channel dimensions, profile, planform, and/or floodplain connectivity to achieve a dynamic equilibrium channel condition balancing sediment and water transport to avoid channel degradation or aggradation.

2. Projects must be designed by USFS hydrologists and must have approval of the local Department Fisheries Biologist.
3. Stream Channel Modification proposed to create a thalweg within a previously modified stream may impact a maximum of 2,000 feet in each mile of stream for the purpose of stream restoration only if it is accompanied by all the following:
 - a. Appropriate sediment control, dewatering, and disposal of materials in an upland location, if necessary.
 - b. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.
 - c. The amount of material requested to be removed is justified by a longitudinal stream profile.
 - d. The amount of material requested to be placed is justified by a series of cross-sectional profiles showing channel widening.
 - e. Documentation of any prior channelization with a plan-view survey showing the existing and abandoned stream channels. Longitudinal stream profiles and cross-sectional profiles must also be used to document existing conditions and provide evidence for restoration activities. Profiles should show existing conditions and post restoration conditions.

G. ELIGIBILITY CRITERIA FOR BOAT RAMP AND BOAT LANDING PROJECTS.

In addition to the general standards in Section 1A, the following standards apply to all boat ramps and boat landings:

1. All eligibility criteria for public boat ramp or boat landing projects identified in ch. NR 329, Wis. Adm. Code, or in the current version of statewide general permit GP-29 Miscellaneous Structures shall be followed.

H. ELIGIBILITY CRITERIA FOR FORD CROSSINGS OVER A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that install ford crossings over a navigable waterway:

1. Fords must be designed by USFS hydrologists and must have approval of the local Department Fisheries Biologist.
2. The ford shall consist of washed and clean materials that are free of fine particles.
3. The top layer shall be sized appropriately so that it is stable and will not mobilize downstream.
4. The final placement of the crossing shall result in a top surface set at the same elevation of the natural streambed profile immediately up and downstream of the crossing.
5. The ford shall be installed with an underlayment of filter fabric or appropriate grid separator.
6. Ford approaches shall have stable grades that cannot exceed a 6:1 slope.
7. Equipment operating on the streambed shall be avoided to the extent practicable. If required for project installation, the applicant must consult with the Department Transportation Liaison and shall follow best management practices to minimize adverse resource impacts.
 - a. Best management practices include temporary timber matting, minimizing movement on the streambed, non-erodible coffer dams with bypass pumping, and use of biodegradable

hydraulic and engine oils in the construction equipment.

- b. A spill containment kit shall be kept onsite.

I. ELIGIBILITY CRITERIA FOR TEMPORARY CROSSINGS FOR FORESTRY MANAGEMENT ACTIVITIES OVER A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that install temporary crossings for forestry management activities over a navigable waterway:

1. Notification and approval of the USFS Hydrologist is required to ensure that the temporary crossing complies with waterway and forestry best management practices as well as timber harvest plans.
2. 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.
3. Dredging and deposition 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.
4. 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.
5. Temporary bridges over streams shall completely span the navigable waterway from OHWM to OHWM with no support pilings in the stream.
6. For trout streams, or tributaries of trout streams, temporary structures shall not obstruct fish passage.
7. 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.
8. 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.
9. To the extent practicable, the temporary waterway crossing shall be placed and removed during frozen or low flow conditions.

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 3 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. Complete permit applications should be submitted to the Department point of contact (POC) as agreed upon in the USFS-DNR MOU document. The USFS shall submit applications to the local WDNR Transportation Liaison.
2. As provided under ch. 30 and s. 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 s. 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 Department.

3. A complete application package must include all of the following information:
 - a. Complete and Signed Application Form by a USFS Hydrologist certifying project meets the terms and conditions of WDNR-GP14-2024 and commitments identified in the Memorandum of Understanding between the State of Wisconsin and Forest Service for Cooperation in Watershed Management (State Agreement No. 16-MU-11091300).
 - b. Certification that the USFS has legal authority to proceed with the project as the landowner, riparian owner, or authorized agent (with secured landowner/riparian owner permission) as warranted given the scope of the project.
 - c. A signed permit application that confirms the applicant understands the eligibility standards specified in Section 1.
 - d. Project plans and specifications that include final project design and construction including a project diagram that shows all of the following:
 - The final proposed project plans relative to wetland boundaries with the location and size of all proposed wetland impacts clearly identified and quantified in square feet. Project plans must clearly differentiate between proposed permanent and temporary wetland impacts.
 - Where applicable, provide the project location relative to any Ordinary High Water Mark (OHWM) of navigable waterways.
 - 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 s. 281.36(3g)(h)1, Wis. Stats. This documentation is not required if the project does not impact wetlands.
 - 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: 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.
 - Current photographs that represent existing site conditions where the project will occur. Photos must show a clear and unobstructed view of the waterway and/or wetlands within the project area. (i.e., not covered in snow/ice/thick vegetation, etc.)
 - A copy of a concurred with wetland delineation, a wetland delineation conducted by an

assured wetland delineator, or a waiver by the Department stating that a delineation is not needed.

Note: A delineation waiver or wetland identification service may be available on a case-by-case basis. A pre-application meeting with a water management specialist is required to determine if this waiver is acceptable for the specific project. For more information about the wetland identification or confirmation service, visit <http://dnr.wi.gov/>, keyword: "wetland identification".

- e. Documentation verifying the project complies with federal and state historic preservation regulations.
- f. 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".
- g. Hydrologic and hydraulic analysis data (if applicable to the project).

SECTION 3. CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to Department, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP14-2024.

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-GP14-2024 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 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 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-GP14-2024.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP14-

2024 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP14-2024 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP14-2024 expired before the activity is completed. The Department's use of general permit WDNR-GP14-2024 established under s. 281.36(3g), Wis. Stats., expires on **Month, day, year.**

6. Written authorization for modification of scope. Any modification to the waterway and/or wetland 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 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 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-GP14-2024 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.
15. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee who is inspecting the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP14-2024 and applicable laws.
16. Erosion and Siltation Controls. The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Adm. Code. These standards can be found at <https://dnr.wisconsin.gov/>, keyword "storm water technical standards". Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed

areas and prevent soils from being eroded and washed into the waterway.

17. Equipment Use. The equipment used in waterways and wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. Wetland Protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. 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 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-GP14-2024 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-GP14-2024 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. Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. 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-GP14-2024.
- 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-GP14-2024, s. 281.36(3g) and chs. 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 ss. 281.36(3g)(d) and 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. Adm. Code, 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, 30.123, 30.19, 30.20, 30.206, and 281.36, 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 NR 1.05, Wis. Adm. Code.
3. "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.
 4. "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.
 5. "Calcareous fens" occur mostly in southern Wisconsin, on sites that are fed by carbonate enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
 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. "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.
 9. "Department" means the Department of Natural Resources.
 10. "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.
 11. "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.

12. "Dredging" means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purposes of ch. 30, Wis. Stats., dredging does not include "de minimis" activities.
13. "Emergent marshes containing wild rice" are typically emergent aquatic communities that have wild rice as a component. Substrates supporting wild rice usually consist of poorly consolidated, semi-organic sediments. Water depth is generally 3 feet or less and fertility is usually low to moderate, and a slow current is typically present.
14. "Fish habitat structure" means a man-made structure composed of biological or inert materials designed specifically for the purpose of providing habitat for fish.
15. "Fill material" has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland. Examples of such fill material include, but are not limited to rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.
16. "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".
17. "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.
18. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
19. "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics, and synthetic polymers.
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. "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).
22. "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.
23. "Public rights feature" has the meaning in s. NR 1.06, Wis. Adm. Code.

Note: "Public rights feature" means any of the following:

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

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

24. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a linear project affects several different waterway and wetland areas, the cumulative total of all regulated areas is the basis for deciding the project's total waterway and wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has an independent objective and would accomplish its intended purpose whether or not other phases were constructed.

25. "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.

26. "Temporary wetland impact" means non-permanent wetland discharge placed for no more than 60 days between May 15 and November 15 for purpose of access, construction, or structure installation that does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, construction mats used for equipment access are temporary wetland fill.

27. "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.

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

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

30. "Wetland floristic integrity" means the overall condition of the wetland plant community as a direct indicator of wetland quality, typically calculated using floristic quality assessment (FQA) methodology.
31. "Wetland functional values" means the physical, chemical and biological process or attributes that occur in a wetland and the benefit society derives from certain functions as listed in ss. NR 103.03(1) and 350.003(17) Wis. Adm. Code.
32. "Wildlife nesting structure" or "Wildlife Habitat Structure" means any structure or device constructed for the purpose of improving nesting habitat for wildlife, including birds, mammals, amphibians and reptiles.