

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



Permittee: The General Public in Wisconsin

Permit #: WDNR-GP19-2024

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

Issuance Date: **Date**

Expiration Date: **Date**

GENERAL PERMIT AUTHORIZATIONS

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

The Department has authority to issue general permits under s. 30.206(1)(am), Wis. Stats., that authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP19-2024.

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 GPXX-20XX 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 326, Wis. Adm. Code exempt from permitting requirements certain temporary boat shelters that are placed in waters that are **not** designated as having outstanding resource values.

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

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP19-2024 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP19-2024 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>.

Additional waterway, dam, and wetland permitting may also be necessary depending on the project size, scope and purpose and need. Please visit <https://dnr.wisconsin.gov/>, keyword "water permitting" for more information.

This permit does not supersede any applicable easement(s) within the project boundary. It is the responsibility of the applicant to ensure that the proposed project does not conflict with existing land use or development restrictions, including easements, applicable to the property. This permit also does not authorize flooding or impeding drainage of the adjacent properties or upstream properties. It is the responsibility of the applicant to secure any necessary easements or other permissions from affected landowner(s).

PROJECT DESCRIPTION AND LOCATION

WDNR-GP19-2024 applies to the placement and maintenance of permanent boat shelters on the bed of an inland lake or impoundment. Structures placed in navigable waters are regulated under s. 30.12(1), (2m), 3, and (3m), Wis. Stats., and NR 326, Wis. Adm. Code.

The following activities are eligible for coverage under WDNR-GP19-2024:

- Placement of permanent boat shelters on lakes more than 500 acres (section 1.B.)
- Placement of permanent boat shelters on lakes 500 acres or less (section 1.C.)
- Maintenance of existing permanent boat shelters (section 1.D.)

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

- Construct, place or maintain a structure under this permit at a site where the Department requires a permit under s. 30.12(2m), 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-GP19-2024 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-GP19-2024**.

State of Wisconsin Department of Natural Resources
For the Secretary

Benjamin Callan – Director
Waterways Program

Date

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WDNR-GP19-2024 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP19-2024. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP19-2024.

Note: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the landowner. 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.

Note: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP19-2024. In these cases, persons may apply for an Individual Permit as outlined in s. 30.12(3m) Wis. Stats. The Department also has authority under s. 30.206(3r), Wis.

Stats., to require an individual permit in lieu of a general permit if the Department has 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 boat shelter must be placed and maintained by the owner of adjacent riparian land or their agent.
2. The boat shelter must be placed and maintained entirely within the riparian owners' riparian zone and may not interfere with public rights in navigable waters.
3. The boat shelter may not interfere with the rights of other riparian owners.
4. The boat shelter may not be placed in a waterway designated by federal or state governments as having outstanding scenic value.
5. The boat shelter may not be placed in a waterway designated as an Area of Special Natural Resource Interest (ASNRI).
6. The boat shelter shall be connected to adjacent uplands by a pier or wharf that is compliant with applicable county, state, and federal regulations. The supporting structure for the permanent boat shelter may be placed atop or adjacent to the structure.
7. The boat shelter must allow the free movement of water underneath and may not cause formation of land on the bed of the waterway.
8. The boat shelter may include only a single sign necessary to identify the property and may only include lighting essential for safety and mooring.
9. The boat shelter may include a device for lifting a boat and a roof.
10. The boat shelter may only include storage facilities located above the eaves of the roof.
11. The boat shelter may not include walls or sides unless all of the following conditions are met:
 - a. The sides are removed seasonally between December 1 and April 1 annually.
 - b. The sides are made of a flexible material with a minimum openness factor of 5 percent.
 - c. The sides are placed no less than 36 inches above the water surface.
 - d. The watercraft being berthed is registered under subch. V of ch. 30, Wis. Stats., or is exempt from registration requirements under s. 30.51, Wis. Stats.
 - e. The watercraft being berthed has a wooden hull or is designated as a boat with significant historic or cultural value as determined by the state, county, or local historical society.
12. The boat shelter must be placed on an inland lake or impoundment, the Mississippi River, the Wolf River from Lake Butte des Morts to the upstream limits of the village of Fremont, or the Fox river from the DePere dam to Lake Winnebago. The structure may not be placed on Great Lakes waters or on rivers or streams.
13. The boat shelter roof shall be pitched not less than 1 foot nor more than 2.5 feet from the roof peak to the bottom of the eaves.
14. No more than 2 cubic yard of lakebed material may be removed to install the permanent boat shelter.

15. No more than 1 permanent boat shelter may be placed per parcel. No more than 1 additional temporary boat shelter may be placed for the first 100 feet of the riparian owner's shoreline frontage and no more than 1 additional boat shelter for each additional 50 feet of the riparian owner's shoreline frontage. Shoreline frontage is measured along a straight line connecting points where property lines meet the ordinary high water mark.
16. The boat shelter must comply with applicable provisions of any municipal ordinances adopted under s. 30.12(3)(a)6. and (c), Wis. Stats.
17. 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.wisconsin.gov/>, keyword "storm water technical standard".
18. 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.
19. 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.
20. 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.
21. Follow the most recent Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. These protocols and practices can be found on the at <https://dnr.wisconsin.gov/>, keyword "invasive species BMPs".
22. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project is located in a regulated floodplain, the applicant has certified that they are working to or have obtained applicable floodplain permits or approvals from the local zoning authority.
23. 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. November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 - d. September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 - e. 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”.

24. This permit does not authorize impacts to wetlands.

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

B. ELIGIBILITY CRITERIA FOR PERMANENT BOAT SHELTERS PLACED IN INLAND LAKES OR IMPOUNDMENTS GREATER THAN 500 ACRES.

In addition to the general standards in Section 1A, the following standards apply to all projects in inland lakes or impoundments greater than 500 acres.

1. The project purpose is the placement of a permanent boat shelter providing cover for a watercraft berth on lakes or flowages of more than 500 acres or on the Mississippi River, the Wolf River from Lake Butte des Morts to the upstream limits of the village of Fremont, or the Fox river from the DePere dam to Lake Winnebago.
2. The boat shelter must meet the following dimensional requirements:
 - a. The boat shelter length is no more than 24 feet as measured from bow to stern.
 - b. The boat shelter width meets one of the following, as measured on the outside of the eaves:
 - i. No more than 12 feet on lakes up to 1000 acres in size.
 - ii. No more than 14 feet on lakes greater than 1000 acres in size.
3. The boat shelter length and width requirements in criteria 2 above do not apply to watercraft with a wooden hull or designated as a boat with significant historic or cultural value as determined by the state, county, or local historical society.

C. ELIGIBILITY CRITERIA FOR PERMANENT BOAT SHELTERS PLACED IN INLAND LAKES OR IMPOUNDMENTS LESS THAN 500 ACRES.

In addition to the general standards in Section 1A, the following standards apply to all projects in inland lakes or impoundments greater than 500 acres.

1. The project purpose is the placement of a permanent boat shelter providing cover for a watercraft berth on lakes or flowages between 200 and 500 acres in size.
2. The lake or flowage must be located in a coastal county and have a maximum water depth of at least 35 feet and a mean water depth of at least 15 feet.
3. The boat shelter must meet the following dimensional requirements:
 - a. The boat shelter length is no more than 24 feet as measured from bow to stern.
 - b. The boat shelter width is no more than 12 feet, as measured on the outside of the eaves.
4. The boat shelter length and width requirements in criteria 3 do not apply to watercraft with a wooden hull or designated as a boat with significant historic or cultural value as determined by the state, county, or local historical society.
5. A permanent boat shelter may not be placed if the owner's riparian property also contains a boathouse over navigable waters or within 75 feet of the ordinary high water mark.

D. ELIGIBILITY CRITERIA FOR MAINTENANCE OF PERMANENT BOAT SHELTERS IN INLAND LAKES OR IMPOUNDMENTS.

1. Existing permanent boat shelters originally placed prior to September 1, 1991, may be repaired (not enhanced) provided the repairs are within the scope and footprint of the original structure so long as all of the following apply:
 - a. The boat shelter does not extend beyond the line of navigation or an approved pierhead line.
 - b. The boat shelter will be repaired in such a way that it is not visually intrusive as visualized from shore.
 - c. The existing boat shelter continues to be functional for boat storage.
 - d. The repairs do not have a significant adverse impact to fishery spawning or fishery spawning habitat.

Note: If full replacement of an existing shelter is required because the shelter has lost full functionality, the replaced shelter must meet all applicable eligibility criteria in 1A, 1B, or 1C to be eligible for authorization under WDNR-GP19-2023.
2. Aesthetic features of the permanent boat shelter may be modified so long as they do not significantly decrease light penetration to the surface water and are within the original footprint of the structure.

SECTION 2. APPLICATION REQUIREMENTS

1. After you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 6 below. Pursuant to s. 30.206 (3), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keyword “water permit”.
2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the Department receives a complete application package.
3. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated Department office, at which point the clock resumes from the point it was initially stopped.
4. As provided under 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.
5. A complete application package must include all of the following information:
 - a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP19-2024. This form can be found at <https://dnr.wisconsin.gov/>, keyword “water permit”.
 - b. Permit fees as shown on the fee sheet at <https://dnr.wisconsin.gov/>, keyword “Waterway

Permit Fee” except as follows:

- Waterway projects authorized under ch. 30, Wis. Stats., funded in whole or in part by a state or federal agency are exempt from permit fees under s. 30.28(3), Wis. Stats.
- c. A copy of the deed or similar proof of ownership of the site where the activity will occur.
- d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
- e. Project plans that include final project design and construction including a project diagram that shows all of the following:
 - The 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.
 - 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.
 - 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.)
- f. Documentation verifying the project will not result in an adverse impact to federal or state cultural/historical resources.
- g. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:
 - i. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
 - ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword “NHI public portal”.
 - iii. If the ER Preliminary Assessment from the NHI Public Portal shows that “further actions are required” then submit a Department **or** Certified ER Review letter. The request form for an ER Review letter and a list of Certified Reviewers is located at

<https://dnr.wisconsin.gov/>, keywords “ER review request.

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-GP19-2024.

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-GP19-2024 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-GP19-2024.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP-19-2024 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP19-2024 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP19-2024 expired before the activity is completed. The Department's use of general permit WDNR-GP19-2024 established under s. 30.12, Wis. Stats., expires on **Month, day, year.**
6. Written authorization for modification of scope. Any modification to the waterway impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. Permit Posting. You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. Permit Compliance. The Department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.

11. Construction Timing. Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once 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-GP19-2024 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-GP19-2024 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-GP19-2024 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-GP19-2024 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. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. Dam Transfers. No transfer of ownership of the dam may take place without proper authority under s. 31.21, Wis. Stats.
28. 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-GP19-2024.
 - 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-GP19-2024, ch. 30, Wis. Stats, and chs. NR 102, 103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Adm. Code, or result in material injury to the rights of any riparian owner.
3. The Department has determined that activities subject to this permit, with conditions, will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners.
4. The Department has determined pursuant to water quality standards under ch. NR 102, Wis. Adm. Code, that projects that meet the eligibility criteria and conditions and are granted coverage under

this general permit individually and cumulatively will only result in minimal adverse environmental effects.

5. Pursuant to s. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.

SECTION 6. CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.12 and 30.206, Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with chs. NR 102 and 103, Wis. Adm. Code, and s. 1.11, Wis. Stats.

SECTION 7. DEFINITION OF TERMS

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

1. "Area of special natural resource interest" means only the areas listed in s. 30.01 (1am), Wis. Stats., and identified by the Department in s. NR 1.05, Wis. Adm. Code.

Note: "Area of special natural resource interest" means any of the following:

- a. A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., and shown on a map published on the Department's Internet site.
 - b. A surface water identified as a trout stream by the Department in s. NR 1.02(7), Wis. Adm. Code, and shown on a map published on the Department's Internet site.
 - c. A surface water identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats., and shown on a map published on the Department's Internet site.
 - d. A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.
 - e. A body of water in a wetland along Lake Michigan or Lake Superior that the - Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.
 - f. A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26, Wis. Stats., and shown on a map published on the Department's Internet site.
 - g. The portion of a body of water that contains a sensitive area and shown on a map published on the Department's Internet site.
 - h. A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the Department's website.
 - i. An area that possesses significant scientific value as identified by the Department in NR 1.05, Wis. Adm. Code.
2. "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.

3. "Department" means the Department of Natural Resources.
4. "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.
5. "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.
6. "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.
7. "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".
8. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
9. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth based on the normal summertime low levels on the waterway or summer minimum levels where established by Department order.

Note: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under Wis. Stats. s. 30.13, the line of navigation is the municipal pierhead line.
10. "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).
11. "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.
12. "Riparian" means an owner of land abutting a navigable waterway.
13. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.
14. "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.

15. "Watercraft" under Wis. Stats. s. 30.01(7) means any device used and designed for navigation on water.
16. "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.