

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
WATERWAY AND WETLAND GENERAL PERMIT**



**GENERAL PERMIT FOR PROJECTS UNDERTAKEN AS PART OF  
FIVE AREAS OF CONCERN (AOC) IN WISCONSIN DESIGNATED  
UNDER THE 1987 UPDATES TO THE GREAT LAKES WATER QUALITY  
AGREEMENT BETWEEN THE UNITED STATES AND CANADA TO PLACE  
STRUCTURES, DREDGE OR PLACE MATERIAL ON THE BED OF NAVIGABLE WATERS,  
AND DISCHARGE RELATED FILL INTO WETLANDS OF WISCONSIN FOR THE PURPOSE  
OF REMEDIATING CONTAMINATED SEDIMENT**

**Permittee:** The Wisconsin Department of Natural Resources (Department) and the United States Environmental Protection Agency (EPA) and local municipalities.

**Permit #:** WDNR-GP25-2024

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

**Issuance Date:** **Date**

**Expiration Date:** **Date**

**GENERAL PERMIT AUTHORIZATIONS**

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

In compliance with the provisions of 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 the provisions of s. 30.20(1), Wis. Stats., no person may remove any material from the bed of any lake, outlying water, or navigable stream unless authorization has been granted by the legislature, or an individual or general permit has been issued by the Department.

In compliance with s. 281.36(3b)(b), Wis. Stats., no person may permanently or temporarily discharge 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 is exempt by statute.

The Department has authority to issue general permits under ss. 30.206 and 281.36(3g), 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-GP25-2024.

**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:** 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 an Area of Special Natural Resource Interest (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-GP25-2024 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP25-2024 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 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) or other legal restrictions on the use of property 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-GP25-2024 applies to certain waterway and wetland activities undertaken as part of five Areas of Concern (AOC) in Wisconsin designated under the 1987 updates to the Great Lakes Water Quality Agreement between the United States and Canada; the Milwaukee Estuary AOC, St. Louis River AOC, Lower Green Bay and Fox River AOC, Sheboygan River AOC, or Lower Menominee River AOC.

WDNR-GP25-2024 is intended to apply only to projects addressing contaminated sediment that are subject to review by the Remediation and Redevelopment Program under ch. 292, Wis. Stats., and the NR 700 rule series. Projects eligible for this general permit include the removal of bed material under s. 30.20, Wis. Stats., and placement of structures or deposits such as sediment covers or other engineering controls under s. 30.12, Wis. Stats., that will be installed as part of a federal or state environmental

remediation project to manage contaminated sediment. Examples of environmental remediation programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), Great Lakes Legacy Act, and a Spill Response under ch. 292, Wis. Stats., or ch. NR 700, Wis. Adm. Code, or both.

The following activities are eligible for coverage under WDNR-GP25-2024.

- A deposit of sand, gravel, stone, or other material regulated under s. 30.12, Wis. Stats., to construct a sediment cover, cap, other engineering control or a temporary structure that is required for the remediation of contaminated sediment and the remedy has been selected under the NR 700 rule series.
- Removal of material from the bed of a lake or navigable stream that is required for the remediation of contaminated sediment and the remedy has been selected under the NR 700 rule series. Such removal is regulated under s. 30.20, 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 and that is required for the remediation of contaminated sediment and the remedy has been selected under the NR 700 rule series. Grading or removal of topsoil is regulated under s. 30.19, Wis. Stats.

**Note:** certain grading projects are exempt from regulation under s. 30.19 Wis., Stats.

- Discharge of dredged or fill material to wetlands when necessary for the construction, reconstruction, or maintenance as part of the remediation of contaminated sediment and the remedy has been selected under the NR 700 rule series, and when authorization of the discharge is included in the authorization for that specific activity. Discharges to wetlands are regulated under s. 281.36, 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-GP25-2024 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-GP25-2024**.

State of Wisconsin Department of Natural Resources  
For the Secretary

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Benjamin Callan, Waterways Director  
Waterways Program

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Date

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### WDNR-GP25-2024 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP25-2024. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP25-2024.

**Note:** The term "you" and its derivatives, as used in this general permit, means the permittee, which is the Department, EPA or other state, federal or local agencies whose authorized representative or agent submitted and signed the complete notification package for coverage under the general permit and the entity which conducts the activity under coverage of this general permit. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (Department) Service Center, Department Region or Central Office of the Department having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

**Note:** 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-GP25-2024. In these cases, persons may apply for an Individual Permit as outlined in ss. 281.36(3m) or 30.208, Wis. Stats. The Department also has authority under ss. 281.36(3g)(i) and 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 discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values and floristic integrity will occur, and/or to prevent significant adverse impacts to the public rights and interest, environmental pollution, 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.

**Note:** The notification provision in the Wisconsin Spill Law, s. 292.11(2), Wis. Stats., requires that a person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department immediately of the discharge that is not exempted. Spill reporting requirements are contained in ch. NR 706, Wis. Adm. Code. The Spill Hotline telephone number is (800-943-0003). Detailed information on spill reporting requirements is available in the Hazardous Substance Spills Reporting Requirements PUB-RR-560 fact sheet.

**Note:** The pre-application requirements of ch. NR 347, Wis. Adm. Code, are waived because sediment sampling has been implemented through ch. 292, Wis. Stats., and ch. NR 700, Wis. Adm. Code.

## **SECTION 1. ELIGIBILITY CRITERIA**

### **A. GENERAL CRITERIA**

1. Your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood, and agreed to follow all conditions of this permit.
2. The project is located in one of the five Areas of Concern (AOC) in Wisconsin designated under the 1987 updates to the Great Lakes Water Quality Agreement between the United States and Canada: the Milwaukee Estuary AOC, St. Louis River AOC, Lower Green Bay and Fox River AOC, Sheboygan River AOC, or Lower Menominee River AOC.
3. The project is an interim action or remedial action for contaminated sediment as defined in s. 292.01(1s), Wis. Stats.
4. The Department's Remediation and Redevelopment (RR) program has reviewed the project and concurs that the selected response actions comply with the applicable requirements of the NR 700 rule series and are necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of Wisconsin.
5. The applicant or co-applicant is the Department or the EPA, or party to a cooperative agreement for sediment remediation under the Great Lakes Legacy Act (GLLA), codified as amended at 33 U.S.C. § 1268(c)(11).
6. The project will not adversely impact an 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.
7. As a response action to address contaminated sediment the project shall use the procedures, equipment, and contractors appropriate for the work to safely achieve the remedial goals in a manner that is protective of human health and the environment as determined by the Department and consistent with the NR 700 rule series.
8. This project shall use sound environmental practices as determined by the Department, including

environmental controls to prevent and to control releases of fuel, hydraulic fluids, and waste during dredging and cover placement activities, including but not limited to:

- a. Providing on-site plans and equipment to contain and absorb potential fuel/hydraulic fluid spills such as containment and absorption booms.
  - b. Providing on-site plans and equipment to contain and absorb sheen resulting from spills or liberated from sediments during dredging.
  - c. Providing on-site plans and equipment to contain any release of dredged material or interstitial/carriage water to areas beyond project limits.
9. All material handling and disposal must follow protocols for the levels of contamination as determined by the Department.
  10. All temporary structures and accessory objects must be removed upon completion of construction activities.
  11. 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 disrupt 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.
  12. 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:
    - September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps.
    - September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
    - November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
    - September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
    - March 1st through June 15th for all other waters.

**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 DNR's Surface Water Data Viewer found at <https://dnr.wisconsin.gov/>, keywords "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.

13. A project is not eligible for this general permit if it has the potential to significantly impact native aquatic plant species and significantly increases the risk for aquatic invasive species to spread in the area, as determined by the Department.
14. Any discharges into wetlands will cause only minimal adverse environmental effects.
15. 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.

16. 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.
17. 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 Department website at <https://dnr.wisconsin.gov/>, keyword “invasive species BMPs”.
18. 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.
19. 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 “stormwater technical standard”.

## **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 affect wetlands:**

1. Activities are allowed in or adjacent to wetlands for only the following purposes: This section only applies to a project whose purpose is to do any of the following as part of a remediation project:
  - a. Removing contaminated material from a wetland.
  - b. Placing, replacing, or maintaining a fish or wildlife habitat structure on a stream or river where the project will result in impacts to wetlands within the project area.
  - c. Adding material for stream restoration which will result in impacts to wetlands within the project area.
  - d. Disturbing wetlands for the purpose of bank shaping, temporary spoil storage, temporary haul roads, temporary staging of habitat materials and equipment. Material may be temporarily stored in wetlands during the growing season for a period of up to 90 days.
2. This permit does not authorize any new permanent roads in wetlands.
3. The proposed project cannot practicably avoid wetland impacts.
4. The proposed project minimizes wetland impacts to the greatest extent practicable.
5. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.
6. Discharge will not occur in the following resources: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, boreal rich fens, or calcareous fens.
7. The project is not eligible for authorization under a “Superior SAMP” permit reviewed by the City of Superior, Wisconsin.

8. The project will not result in the conversion of a wetland to a storm water treatment feature such as but not limited to a pond or infiltration basin.

### **C. CONDITIONS FOR STRUCTURES OR DEPOSITS IN AOC WATERWAYS**

1. You must obtain written Department approval for the source of any sand or other material placed to manage dredged residuals. The Department may prohibit using material from any source, plant, pit, quarry, deposit, or borrow area based on the chemical, physical, or biological characteristics of the material.
2. During placement of the structures or deposits (i.e., sand cover, sediment cap, engineering controls), you are required to properly install and maintain a turbidity barrier or other effective method in the waterway around your project if the project is to be completed during open water conditions. The barrier shall be designed for rough water conditions and be installed prior to commencement of any work and shall remain in place for at least 48 hours upon completion of construction activities or until turbidity levels are the same on both sides.
3. Any sediment cover must be placed during the same construction season/calendar year that dredging is done and shall not exceed the dimensions specified in the application and drawings.
4. Prior to placement of any sediment cover, you shall provide to the Department's RR Project Manager (RR PM), the results of post-dredge sediment sampling, post-dredge bathymetry, and other data necessary to demonstrate compliance with the project remedial goals and have received written approval from the RR PM to proceed with placement of any structure.
5. You must submit to the Department post construction bathymetric survey results and contour map(s) showing the locations and elevations of the sediment covers and/or engineering controls for the entire project area after work is complete.

### **D. CONDITIONS FOR REMOVAL OF MATERIAL FROM THE BEDS OF AOC WATERWAYS**

1. The contractor shall submit a turbidity monitoring plan including response procedures to the RR PM for approval at least 10 days prior to starting work. Where necessary to be protective of the public interests and to accomplish project goals, the RR PM may require or approve changes to the turbidity monitoring plan and response procedures. Requests for changes must be submitted in writing.
2. An apron/guard shall be installed and attached to a barge or land as appropriate, operated and maintained to prevent spillage of material into the waterway, beyond the containment system, when transferring dredged materials into scows or any hydraulic pump mixing/slurry boxes.
3. The dredging may not exceed the volume of and may not extend beyond the dimensions identified in the design plans unless approved by the Department.
4. Temporary water control structures must be placed in a manner that prevents the collection, removal, or dispersal of sediment away from natural surface waters, including wetlands, to the maximum extent practicable. Temporary water control measures used to accomplish this should be completely removed from the wetland and/or waterbody after the structure installation activity is completed and the site is stabilized.
5. Dredging shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable.
6. Post-dredge confirmation sampling shall be conducted. A confirmation sampling plan must be submitted to the RR PM for written approval. The sampling plan needs to include details on sampling locations, collection methods, segmentation of sample intervals, sampling parameters, laboratory methods and detection levels, and all other information relevant to the sample collection and analysis.



Confirmation samples must be collected and analyzed according to the approved plan. A laboratory certified under ch. NR 149, Wis. Adm. Code, must be used for chemical analyses. All results, including lab analytical reports, field data, and core logs shall be submitted to the RR PM.

7. You must submit to the Department post dredging bathymetric survey results and contour map(s) showing the elevation of the bed for the entire project area after work is complete.
8. To protect critical shallow water habitat, the use of anchors or spuds is prohibited outside the authorized dredge limits.
9. Washing of equipment, scows, or debris into the water during or following removal from the bed or overflowing or pumping water from scows into the water are prohibited unless authorized through a Wisconsin Pollutant Discharge Elimination System (WPDES) Exemption or permit.
10. You must use proper methods for the excavation, loading, hauling and disposal of all materials. Sealed trucks must be used to eliminate any spillage onto public roadways. If any spillage does occur, it must be cleaned up immediately.
11. You are required to properly install, and maintain, temporary physical containment systems such as a turbidity barrier in the waterway around your project if the project is to be completed during open water conditions. The barrier shall be designed for rough water conditions and be installed prior to commencement of any work, maintained to function properly, and shall remain in place for at least 48 hours upon completion of construction activities or until turbidity levels are the same on both sides. Water seeping from material placed on a barge or from active in-place dewatering needs to be controlled in compliance with WPDES requirements and best management practices. A WPDES permit may not be needed if control methods are used to fully contain and prevent sediment particles from moving beyond the dredging area.
12. All equipment, including barriers and buoys must be visibly marked or flagged to avoid creating navigational hazards. Waterway marker permits may be required.

## **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 ss. 281.36(3g)(h) and 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 designated DNR office 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 DNR office, at which point the clock resumes from the point it was initially stopped.
4. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the Department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
5. 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 DNR.

6. A complete application package must include all of the following information:
- a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP25-2024. 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 Fees” 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.
    - Wetland and dam projects are exempt from wetland permit fees under ss. 281.36(12)(e) or 31.12(5), Wis. Stats., only if the project is conducted by a federal or state agency.
  - c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required under wetland eligibility criteria.
  - 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.
    - 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 wetland** within the project area. (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 WDNR Water Management Specialist (WMS) 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".

- 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 one a Department or Certified ER Review letter. This request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords "ER review request".
- h. Design report and design plans and specifications that follow ss. NR 724.09 and 724.11, Wis. Adm. Code.

### SECTION 3: CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to the Department, the waterway or wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP25-2024.

### SECTION 4: GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. Application. You must submit a complete application package to the Department as outlined in 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 general permit WDNR-GP25-2024 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-GP25-2024.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP25-2024 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP25-2024 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP25-2024 expired before the activity is completed. The Department's use of general permit WDNR-GP25-2024 established under ss. 281.36(3g) and 30.206, Wis. Stats., expires on **Month, day, 2029**.
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. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies may be revoked.
11. Construction Timing. Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. Construction. No other area of the wetland or waterway may be disturbed except the area designated in the submitted plans.
13. Unless the intended purpose of the project is to facilitate sediment mobility or deposition, structures must be placed in a manner that prevents sediment from collecting, removing, or dispersing away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody no more than 24 hours after the project is completed and only when the water behind the barrier (in the construction site) has equal or greater clarity than the waterway or waterbody.
14. Temporary sediment control measures must allow for adequate space for navigation around the project area, must maintain base flow of the stream, and must not block a stream.

15. 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.
16. Proper Maintenance. You must maintain the activity authorized by WDNR-GP25-2024 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.
17. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP25-2024 and applicable laws.
18. 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 the following website: [http://dnr.wi.gov/topic/stormwater/standards/const\\_standards.html](http://dnr.wi.gov/topic/stormwater/standards/const_standards.html). Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
19. Equipment Use. The equipment used in waterways and wetlands must be low ground weight equipment as specified by the manufacturer specifications.
20. 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.
21. Final site stabilization in wetlands requires the re-establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative aerial cover or at least 70 percent stem density as described in your application and plans.
22. Except where permanent fill is authorized to improve a wetland, all wetlands shall be restored to pre-existing elevations, species community, and hydrology. Where permanent fill is authorized, the project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
23. Native aquatic plants beyond the project footprint are not to be removed unless the removal is exempt under s. 23.24(4), Wis. Stats., or complies with the provisions for waiver of the permit requirement under s. NR 109.06, Wis. Adm. Code.
24. Special Concern Species. If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area (this information will be provided in the ER Review letter; see above) you will take reasonable action as determined by the Department to prevent significant adverse impacts or to enhance the habitat for the species of concern.
25. 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.**
26. Suitable Fill Material. All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Admin. 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.

27. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the placement and repair of the structure.
28. All equipment used for the project shall be of an appropriate size and properly operated related to the size and scope of the project or disturbance to minimize the amount of material that is at risk for becoming mobilized to runoff into adjacent wetlands and/or streams.
29. The removal of native trees, shrubs and other shoreline vegetation above the OHWM shall be minimized. If invasive species will be removed as part of the project, the cutting, management, and disposal of the invasive plant material must be properly conducted. Please contact a Department Water Quality Biologist to determine how to manage and remove invasive species without further spreading the species.
30. While the use of motorized equipment is allowed on the bed of the waterway during construction as part of this permit, equipment operation on the bed is to be minimized and limited to what is necessary for completion of the proposed restoration project and may not extend beyond the remediation zone boundary.
31. Structure(s) shall be constructed to prevent upstream flooding and ensure structural integrity. Accumulated brush, debris and other obstructions that are trapped in or underneath the structures shall be removed to maintain stream flow and avoid creating an obstruction in the waterway.
32. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
33. Dam Transfers. No transfer of ownership of the dam may take place without proper authorization under s. 31.21, Wis. Stats.
34. Reevaluation of Decision. The Department may suspend, or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:
  - i. The applicant fails to comply with the terms and conditions of WDNR-GP25-2024.
  - ii. 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-GP25-2024, 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, 30.19, 30.123, 30.20, 30.206, and 281.36, Wis. Stats., to issue this general permit and standards have been met.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Admin. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis it has complied with 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" for purposes of this permit means only the following 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 ins. NR 1.02(7), Wis. Admin. 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 Internet site.
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. "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.
5. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
6. "Coastal plain marshes" are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and, possibly in glacial tunnel channels.
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. "Department" means the Department of Natural Resources.
9. "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 ordinary high-water mark.
10. "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 site, 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.
11. "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 fertility is low to moderate, and a slow current is present.
12. "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 bottom 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.
13. "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".
14. "Ford" means a structure consisting of rock or gravel or pre-cast concrete placed on the bed of a navigable waterway to facilitate crossing the waterway.
15. "Great Lakes ridge and swale complexes" are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.
16. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
17. "Interdunal wetlands" means wetlands that occupy wind-created hollows that intersect the water table within active dune fields along the Great Lakes shores. They may also occur where moving



sand encroaches on nearby wetlands, surrounding and isolating all or portions of them.

18. "Interim action" means a response action taken to contain or stabilize a discharge of a hazardous substance, in order to minimize any threats to public health, safety, or welfare or the environment, while other response actions are being taken or planned for the site or facility as defined in NR 700.03(29), Wis. Admin. Code.
19. "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 DNR's website at <https://dnr.wisconsin.gov/>, keyword "invasive plants".
20. "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 s. 30.01(4m), Wis. Stats., and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).
21. "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.
22. "Public rights feature" has the meaning in NR 1.06, Wis. Adm. Code.

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

- a. Fish and wildlife habitat, including specific sites necessary for breeding, nesting, nursery and feeding. Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated *above*; areas of lake or streambed where fish nests are visible; large woody cover.
  - b. Physical features of lakes and streams that ensure protection of water quality. Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).
  - c. Reaches of bank, shore or bed that is predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features. Reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.
  - d. Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty. Physical features indicative of navigation thoroughfares includes shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows.
23. "Remedial action" or "remedy" means those response actions, other than immediate or interim actions, taken to control, minimize, restore, or eliminate the discharge of hazardous substances or environmental pollution so that the hazardous substances or environmental pollution do not present an actual or potential threat to public health, safety, or welfare or the environment. The term includes actions designed to prevent, minimize, stabilize, or eliminate the threat of discharged hazardous substances, and actions to restore the environment to the extent practicable and meet

all applicable environmental standards. Examples include storage, disposal, containment, treatment, recycling, or reuse, and any monitoring required to assure that such actions protect public health, safety, and welfare and the environment under s. NR 700.03(48), Wis. Adm. Code.

24. "Response" or "response action" means any action taken to respond to a hazardous substance discharge or to environmental pollution, including emergency and non-emergency immediate actions, investigations, interim actions and remedial actions under s. NR 700.03(50), Wis. Adm. Code.
25. "Riparian" means an owner of land abutting a navigable waterway.
26. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a residential development affects several different wetland areas, the cumulative total of all impacted areas is the basis for deciding the project's total wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases were constructed.
27. "Southern sphagnum bogs" are bogs located in the area south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago. They are typically composed of a carpet of living sphagnum moss growing over a layer of acidic peat. Sedges, forbs and/or the low shrubs of the heath family (Ericaceae) colonize the sphagnum moss mat.
28. "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.
29. "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.
30. "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.
31. "Wetland" has the meaning in s. 23.32, 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.
32. "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.
33. "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.