

# WATERWAY AND WETLAND GENERAL PERMIT FOR MUNICIPAL DEVELOPMENT ACTIVITIES



Permittee: The General Public in Wisconsin

Permit: WDNR-GP11-2026

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

Issuance Date: July 1, 2026

Expiration Date: June 30, 2031

## GENERAL PERMIT AUTHORIZATIONS

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

The Department has authority to issue general permits under s. 281.36(3g), Wis. Stats. In compliance with s. 281.36(3b), Wis. Stats., a wetland general permit issued by the Department constitutes the water quality certification required by 33 USC 1341(a) (Clean Water Act section 401) for federal permits that authorize the discharge of dredged or fill material into wetlands regulated under 33 USC 1344(a) (Clean Water Act section 404).

The Department has authority to issue general permits under s. 281.36 (3g)(a)8., 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-GP11-2026.

- Coverage under this permit authorizes the permittee to undertake specified 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, tribal, state, or local law.

- WDNR GP11-2026 does not apply to tribal activities located within the exterior boundary of a reservation.

## **OTHER AUTHORIZATIONS NECESSARY**

WDNR-GP11-2026 authorizations are subject to all applicable terms and conditions specified in this permit. WDNR-GP11-2026 authorizations do not supersede any other local, state, tribal 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-GP11-2026 applies to certain temporary or permanent discharges of dredged or fill material into wetlands where the discharge affects up to 10,000 square feet of wetlands for the purposes of municipal development or redevelopment that is not exempt under state law, as described herein, in the State of Wisconsin. Discharges to wetlands are regulated under s. 281.36, Wis. Stats.

Municipal transportation projects are not within the scope of this general permit. Other permits

may be available if this project description is not applicable for specific projects, such as:

- Municipal transportation project general permit; and
- Commercial, industrial or residential development projects that affect up to 10,000 square feet of wetlands .

More information about these and other wetland general permits can be found at [www.dnr.wi.gov](http://www.dnr.wi.gov), search for keyword “wetland permit”.

### **GENERAL PERMIT COVERAGE**

Unless notified by the Department to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete application package has been received by the Department at the office designated in the permit application materials provided by the Department. WDNR-GP11-2026 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-GP11-2026.

State of Wisconsin Department of Natural Resources

For the Secretary

---

Benjamin Callan – Director  
Waterways Program

---

Date

## Table of Contents

TERMS AND CONDITIONS .....	4
SECTION 1. ELIGIBILITY CRITERIA.....	5
SECTION 2. APPLICATION REQUIREMENTS .....	7
SECTION 3. CERTIFICATION & RESPONSIBILITIES.....	11
SECTION 4. GENERAL PERMIT CONDITIONS.....	11
SECTION 5. FINDINGS OF FACT .....	15
SECTION 6. CONCLUSIONS OF LAW.....	16
SECTION 7. DEFINITION OF TERMS.....	16

### WDNR-GP11-2026 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP11-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP11-2026.

**Note:** The term "you" and its derivatives, as used in this general permit, means the permittee, which is the landowner or authorized representative. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources Service Center, Region Office, Central Office headquarters and/or the appropriate official of that office acting under the authority of the Secretary of the Department reviewing the permit application for coverage under this general permit.

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 cannot be avoided and have been 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-GP11-2026. In these cases, persons may apply for an Individual Permit as outlined in s. 281.36(3m), Wis. Stats. The Department also has authority under s. 281.36(3g)(i), Wis. Stats., to require an individual permit in lieu of a general permit, if the Department has determined that conditions specific to the site require additional restrictions on the discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

**Note:** Projects that may impact tribal lands or a legally recognized treaty right may need additional coordination.

## **SECTION 1. ELIGIBILITY CRITERIA**

### *A. Pre-Screening Criteria:*

1. Project applicant is a municipality or has legal authorization from the municipality to undertake the project on the land shown in the application. The applicant may be a municipal storm water or sewer utility.
2. If the project purpose is to expand an existing solid waste disposal facility within the boundaries of the property where the existing facility is located or on property immediately adjacent to the existing solid waste disposal facility, then the facility must have a valid feasibility determination from the department.
3. The purpose of the project is not for a municipal public transportation project to construct, reconstruct or maintain a highway, bridge arch or culvert.
4. 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.
5. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project is in a regulated floodplain, the applicant has certified that they are working to or have obtained applicable floodplain permits and/or approvals from the local zoning authority.

### *B. Standard Criteria:*

1. The discharge will cause only minimal adverse environmental effects.
2. The activity will not result in adverse impacts on historical or cultural resources and will comply with s. 44.40, Wis. Stats., as determined by the Department.
3. The proposed project does not have existing recorded deed restrictions within the project area, including easements limiting construction and land use activities.
4. This project will not flood or impede drainage of the adjacent properties or

upstream properties unless appropriate signed agreements have been made with affected landowners.

5. The project is not eligible for authorization under a "Superior SAMP" permit reviewed by the City of Superior, Wisconsin.
6. 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.
7. The project does not have the potential to negatively impact a cold-water community as defined in s. NR 102.04(3)(a), Wis. Adm. Code, and the project is not proposed in an area with evidence of spring activity.
8. 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.
9. The project may not cause negative impacts to wetland water quality standards, as defined in s. NR 103.03.
10. The proposed activities will not cause adverse impacts to undisturbed wetland plant communities on-site or adjacent to the project area.

*C. Additional Criteria for Municipal Development Wetland Discharge Permits*

1. The proposed project cannot avoid wetland impacts.
2. The proposed project minimizes wetland impacts to the greatest extent practicable.
3. The project does not result in temporary placement or discharge of fill material onto more than 2 acres of wetland as part of a single and complete project.
4. The project discharge will not result in more than 10,000 square feet (0.23 acre) of permanent fill of wetlands as part of a single and complete project, and the project has not been segmented for the purpose of meeting eligibility requirements for this general permit.
5. The project will be constructed in a manner that will maintain wetland hydrology in

the remaining wetlands.

6. This permit does not authorize impacts to navigable waterways waterward of the Ordinary High-Water Mark. This does not preclude eligibility of waterway exemptions or eligibility of other general or individual permits.
7. The purpose of the project is not to fill wetlands to create a buildable lot to be sold and/or developed later.
8. The project will not result in the conversion of a wetland to a storm water treatment facility such as but not limited to a pond or infiltration basin.
9. If a stormwater feature is not directly connected to a navigable waterway AND all wetland conversion for the purpose of stormwater treatment occurred prior to August 1, 1991, this general permit may be utilized for maintenance of that stormwater treatment feature pursuant to applicable technical standards specified in Chs. NR 151 or 216, Wis. Adm. Code, so long as the other eligibility criteria of this general permit are satisfied.

## **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. 281.36(3g)(h), 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) 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 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 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.
- 6) A complete application package must include all of the following information:
  - a. **Application form** - A complete, signed application form “Water Resources Application for Project Permits (WRAPP)” (Form 3500-053). The WRAPP is part of the ePermitting process and will be completed automatically with an online application.
  - b. **Application Checklist** - A signed permit application checklist certifying that the applicant agrees to meet the eligibility criteria and permit conditions established in WDNR-GP11-2026.
  - c. **Application fee** - Payment must be submitted through the ePermitting System as part of the application process. The fee for a municipal development general permit is \$600. Don’t forget to sign and submit the application after you complete the payment.
  - d. **Ownership documentation** - A copy of the deed, land contract, current property tax statement or receipt sufficient to verify ownership or legal authorization to proceed.
  - e. **Photographs** that clearly show the present on-the-ground conditions of the project areas. Color images are preferred and remember that snow cover or vegetation may obscure important details. If possible, have another person stand near the project area for size reference.
  - f. **Site maps** that clearly illustrate the project location, perimeter, and surrounding area, including nearby water resources (e.g., lakes, rivers, streams, wetlands), major landmarks and roads. Use the [DNR Storm Water, Waterway, and Wetland Permit Viewer](#) or a similar app to show the project area, all proposed wetland impacts and all waterway and wetland resources on one or more maps, including:
    - Recent aerial photos of the site and surrounding area (Imagery)
    - Topographic map including the site and surrounding area (Topo and LiDAR-based elevation and contours)
    - Wetland indicators and soils (wetland indicators)

- Wisconsin Wetland Inventory (WWI) map (WI wetland inventory)
  - Waterways on the site (surface water)
  - Designated waterways, such as ASNRI, PRF, other PNW (designated waterways)
  - Regulated floodplain (dams and floodplains, FEMA NFHIL)
- g. Plans and specifications** that clearly and accurately show the proposed project to scale. Plans must be detailed and represent a single and complete project. Please refer to examples when developing your plans and specifications.
- Location, dimensions and area of temporary and permanent wetland impacts
  - Cross-section view(s) for each wetland impact area
  - Location of any waterways and wetlands, including dimensions, area of impact, and a description of the wetland type
- h. A site-specific vegetative plan** must be included for projects that require significant grading or for projects where the remaining wetland complex is dominated by native or non-invasive vegetation. Plans should include:
- Vegetation native to Wisconsin established as soon as possible
  - Plans to monitor and inspect regularly for one year after completing the project.
  - Additional stabilization or re-vegetation as needed to ensure stabilization.
- i. Narrative description of your proposal on a separate page. Please include:**
- What the project is, purpose of project, and need for the project.
  - How you intend to carry out the project, including methods, materials, and equipment.
  - The proposed construction schedule and sequence of work.
  - What temporary and permanent erosion control measures will be used.
  - The location of any disposal area for dredged or excavated materials.
  - For disturbances or fill, provide a description of type, composition, and quality of materials.
  - How you plan to avoid, minimize, and mitigate impacts to wetlands.
  - Area (e.g., linear feet, cubic yards) impacted.
- j. Wetland Delineation Report** documentation such as
- A valid Wetland Delineation Report conducted by an Assured Delineator recognized by the Department (<http://dnr.wi.gov/topic/Wetlands/assurance.html>), or
  - Concurrence from the WI DNR Wetland ID program (<http://dnr.wi.gov/topic/Wetlands/identification.html>), or
  - Documentation from the Department's Water Management Specialist (WMS) reviewing

this application that a delineation is not necessary for the given site or area of impact.

**k. Practicable Alternatives Analysis** - Provide clear, detailed documentation on how the wetland impact was avoided and minimized. Include:

a) Project purpose and need:

- Explain the background of the project
- If the project is an expansion of existing work or new construction
- Why the project must occur, and why it must impact wetlands

b) Alternatives:

- Describe any other locations considered or available to avoid wetland impacts (for example, could the facility be built on upland)
- Describe how the design elements minimize wetland impacts. Discuss considerations such as a smaller size or different layout, narrower width of the road, reduced the side slopes, removing or reducing design elements such as decks or sidewalks)
- For each of the alternatives identified:

Explain and provide documentation for why you eliminated the alternative from consideration (e.g. cost, safety issues, logistical, technological, design choice – such as wetland or soil type, hydrology or topography, weight bearing needs, etc.)

- Explain what you plan to do to minimize adverse effects on the wetlands during your project (e.g. erosion control, minimized vegetation clearing for construction, avoid more sensitive wetland types, timing of construction, other best management practices, etc.)
- Additional guidance to help develop your alternatives analysis can be accessed at <https://dnr.wi.gov/topic/waterways/documents/PAA/PAAwetlands.pdf>

**l. Documentation** verifying the project will not result in an adverse impact on federal or state cultural/historical resources.

**m. Documentation** verifying the project will not result in an adverse impact on 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".

**Note:** A review for state threatened/endangered resources is completed by the Department for all applications submitted in the ePermitting system.

### **SECTION 3. CERTIFICATION & RESPONSIBILITIES**

You certify and agree that by submitting a complete application package to Department, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP11-2026.

### **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-GP11-2026 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-GP11-2026.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP11-2026 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP11-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP11-2026 expired before the activity is completed. The Department's use of general permit WDNR-GP11-2026 established under s. 281.36(3g), Wis. Stats., expires on June 30, 2031.
6. Written authorization for modification of scope. Any modification to the wetland impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. Permit Posting. You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. Permit Compliance. The Department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.
11. Construction Timing. Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed, and the site is stabilized. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site

must be stabilized until the work is resumed and completed.

12. Construction Area Limits. 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-GP11-2026 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-GP11-2026 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 subch. III of Ch. NR 151, Wis. Adm. Code. The technical standards to implement these performance standards can be found at <https://dnr.wisconsin.gov/>, keyword "stormwater technical standards". Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site and Temporary stabilization activity shall commence when land disturbing construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.
17. Removal of Erosion Controls. All temporary erosion and sediment control measures used to accomplish this should be completely removed from the wetland and/or waterbody after the installation activity is complete and the site is stabilized.
18. Equipment Use. The equipment used in waterways and wetlands must be low ground weight equipment as specified by the manufacturer specifications.
19. Spoils Placement. Any excavated material may not be temporarily or permanently placed in a wetland, floodplain or below the Ordinary High-Water Mark of a navigable waterway and all excavated materials shall be disposed of in an upland location.
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. 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”.
22. Federal and State Threatened and Endangered Species. WDNR-GP11-2026 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.
23. 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.
24. Historic Properties and Cultural Resources. WDNR-GP11-2026 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.
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. 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.
27. Standard for Coverage. Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
28. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
29. 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-GP11-2026.
  - 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-GP11-2026, s. 281.36(3g) and Ch. 31, Wis. Stats, and Chs. NR, 103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined pursuant to wetland water quality standards under s. NR 103.03, Wis. Adm. Code, and s. 281.36(3g)(d), 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. 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 s. 281.36, Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with Ch. NR 150, 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. "Buildable lot" means a property lot which has at least some portion of uplands present within the development footprint, and the need and purpose for development is consistent with local land use plans and ordinances.
2. "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.
3. "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.
4. "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.
5. "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.
6. "Directly connected" means contiguous surface water discharge from a storm water treatment feature to a navigable waterway during non-storm events (e.g. online pond). Note: storm water ponds within 500 feet of a navigable waterway not previously authorized under Ch. 30, Wis. Stats., may require additional Department approvals before stormwater maintenance projects can commence.

7. "Department" means the Department of Natural Resources.
8. "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 usually low to moderate, and a slow current is typically present.
9. "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.
10. "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".

11. "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.
12. "Interdunal wetlands" 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.
13. "Invasive plants" are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin visit <https://dnr.wisconsin.gov/>, keyword "invasive plants".
23. "Single and complete project" means the total project proposed by the project

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

24. "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.
25. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.
26. "Temporary wetland impact" means non-permanent wetland discharge placed for no more than 60 days between May 15 and November 15 for purpose of access, construction, or structure installation that does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, construction mats used for equipment access are temporary wetland fill.
27. "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.
28. "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.