

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



Permittee: The General Public in Wisconsin

Permit #: WDNR-GP21-2026

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

Issuance Date: Month date, 2026

Expiration Date: Month date, 2031

GENERAL PERMIT AUTHORIZATIONS

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

In compliance with the provision(s) of s. 30.123(2) and (6m), Wis. Stats., “unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature, no person may construct or maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable waters”.

Note: Section 30.123(6)(d), Wis. Stats. allows an exemption for the construction or placement and the maintenance of a replacement culvert that is placed in substantially the same location as the culvert being replaced if the replacement culvert is constructed or placed using best management practices to comply with water quality standards under subch. II of s. 281. However, s. 30.123(6m), Wis. Stats., states that “the department may decide to require that a person engaged in an activity that is exempt under sub. (6)(d) apply for an individual permit or seek authorization under a general permit if the department has conducted an investigation and visited the site of the activity and has determined that conditions specific to the site require restrictions on the activity in order to prevent any of the following:

- (a) Significant adverse impacts to the public rights and interests.
- (b) Environmental pollution, as defined in s. 299.01(4), Wis. Stats.
- (c) Material injury to the riparian rights of any riparian owner.

Wisconsin Statutes 30.123(6) and 30.12(1g) and chs. NR 320 and NR 329, Wis. Adm. Code, allow for the placement, construction, and maintenance of certain culverts, bridges, and temporary instream crossings that are exempt from permitting requirements. However, ss. 30.12 (2m) and 30.123(6m), Wis. Stats., allow the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed to place, construct, or maintain temporary structures that meet the requirements of this general permit at sites designated as *Areas of Special Natural Resources Interest* (ASNRI) under ch. NR 1.05, Wis. Adm. Code, or at a site where the

Department otherwise requires a permit under ss. 30.12(1) or (2m), Wis. Stats., or ss. 30.123(2) or (6m), Wis. Stats., may be authorized by this general permit unless explicitly prohibited by this general permit.

In compliance with the provision(s) of s. 30.123(7)(a) through (c), Wis. Stats., the Department has the authority to issue statewide general permits under s. 30.206, Wis. Stats., that authorize any person to do all of the following:

1. Construct and maintain a clear-span bridge over a navigable water that provides access to a principal structure, as defined by rule by the department.
2. Construct and maintain a culvert that replaces a culvert that does not qualify for the culvert replacement exemption and that is in a navigable water that is less than 35 feet wide.
3. Construct and maintain a bridge that is supported only by culverts in a navigable water that is less than 35 feet wide.
4. Construct or place a temporary bridge, temporary culvert, or similar temporary waterway crossing structure placed in, on, or over a navigable waterway for the purpose of but not limited to forest management activities.

The Department has authority to issue general permits under s. 30.206(1)(am), Wis. Stats., that authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP21-2026.

Note: Coverage under this permit authorizes the permittee to undertake specified activity/activities in compliance with the above statutes and the terms of this permit but does not authorize a permittee to undertake any activity prohibited by other applicable federal, state, or local law.

Note: WDNR-GP21-2026 does not apply to tribal activities located on Federal Indian Trust Lands within the exterior boundary of a reservation.

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP21-2026 authorizations are subject to all applicable terms and conditions specified in this permit. **However, WDNR-GP21-2026 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-GP21-2026 applies to construction, placement, and maintenance of permanent culvert crossings, clear-span bridges, and ford crossings located across navigable streams as regulated under ss. 30.123 and 30.12, Wis. Stats.

WDNR-GP21-2026 also applies to placement, construction, and maintenance of a temporary bridge, temporary culvert, or similar temporary waterway crossing structure placed in, on, or over a navigable waterway for the purposes of but not limited to forest management activities. The placement, construction, and maintenance of culverts, bridges, and other similar waterway crossings structures is regulated under ss. 30.12(1) or 30.123(2), Wis. Stat. Any person that intends to place, construct, or maintain a structure at a site where the Department requires a permit under ss. 30.12(2m) or 30.123(6m), Wis. Stat., must comply with all applicable provisions of this general permit or apply for an individual permit under ss. 30.12(3m) or 30.123(8), Wis. Stat.

Any person that intends to construct, place, or maintain a culvert, clear-span bridge, or ford crossing in or over any navigable waterway designated as an *Area of Special Natural Resource Interest (ASNRI)* or at a site where the Department requires a permit under ss. 30.12(2m) or 30.123(6m), Wis. Stats., must comply with all applicable provisions of this general permit.

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

Note: Municipal public transportation projects as defined in WDNR GP02-2022 which includes town roads, should be permitted under the WDNR Municipal General Permit to Construct or Reconstruct Bridges/Highways/Culverts (WDNR GP02-2022) in effect on the date of application.

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-GP21-2026 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-GP21-2026**.

State of Wisconsin Department of Natural Resources
For the Secretary

Benjamin Callan – Director
Waterways Program

Date

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WDNR-GP21-2026 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP21-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP21-2026.

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

Any person who proposes to place a clear span bridge crossing, new culvert crossing, a replacement culvert crossing not eligible for the state culvert replacement exemption, or ford crossing in or over a navigable stream that is designated as an area of special natural resource interest, or at a site where the Department requires a permit under ss. 30.12(2m) or 30.123(6m), Wis. Stats., must meet all of the following standards to be eligible for coverage and authorization under this general permit.

Any person who places a temporary bridge or similar temporary water crossing structure in, on, or over any navigable waterway for the primary purpose of forest management activities in an area that is

designated as an area of special natural resource interest (ASNRI), or at a site where the Department requires a permit under ss. 30.12(1) or (2m) or 30.123(2) or (6m), Wis. Stats., must meet all of the following standards to be eligible for coverage and authorization 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 have been avoided and minimized to the maximum extent practicable.

Note: Projects that do not meet all standards in this general permit are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP21-2026. For waterway crossing structures that do not qualify for WDNR-GP21-2026, you may apply for an Individual Permit as outlined in ss. 30.12(3m), 30.123(8), and 30.208(2), Wis. Stats. The department has authority under s. 30.206(3r), Wis. Stats., to require an individual permit in lieu of a general permit if the department has determined that the proposed activity is not authorized under WDNR-GP21-2026 **OR** has conducted an investigation, visited the site and has determined that conditions specific to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution, as defined in s. 299.01(4), Wis. Stats., or material injury to the riparian rights of any riparian owner.

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

SECTION 1. ELIGIBILITY CRITERIA

A. ELIGIBILITY STANDARDS APPLICABLE TO ALL WATERWAY CROSSING PROJECTS

1. The applicant has contacted the local WDNR *Water Management Specialist* (WMS) during the development of the project to have a pre-application discussion. Go to dnr.wisconsin.gov and use key word "waterway protection" for more information. Project design must address the site specific considerations that are identified by the WMS and appropriate resource managers during the pre-application discussion.
2. The project purpose is to place a waterway crossing to allow for access across a navigable river or stream and does not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the riparian rights of any riparian owner pursuant to s. 30.206(3r)(a)2., Wis. Stats., nor does it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to s. 30.206(1)(am), Wis. Stats.
3. The discharge will cause only minimal adverse environmental effects.
4. The project will not adversely impact an *Area of Special Natural Resource Interest* (ASNRI) or *Public Rights Feature* (PRF) identified as defined in s. 30.01(1am), Wis. Stats., or ch. NR 1.06(5), Wis. Adm. Code.
5. The project does not cause significant adverse impacts to a cold-water community, as defined in ch. NR 102, Wis. Adm. Code.
6. Projects proposed in locations with existing recorded deed restrictions within the project area, including easements limiting construction and land use activities, are not eligible for this general permit.

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

7. Structures over lake outlets and lake systems are not eligible for this permit.
8. Structures shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in ch. NR 326, Wis. Adm. Code, or applicants have the written permission from all affected riparian landowners to proceed with structure placement in the proposed location.
9. The placement and installation of waterway crossing structures placed on the bed of a river or stream (culvert or ford crossings) shall mimic the natural streambed and gradient above and below the structure to allow for *aquatic organism passage* (AOP) where appropriate and not result in a permanent impoundment of water upstream of the crossing location.

Note: Culverts on streams with 2% gradient or greater may require additional culvert design considerations to allow for AOP.

10. This permit does not authorize impacts to wetlands.

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

11. Any wetland disturbance associated with the structure placement is incidental to the structure, confined to the area within the stream channel being crossed or the immediate adjacent banks, and has been authorized and documented by a department wetland permit or exemption as required pursuant to s. 281.36, Wis. Stats.
12. The project may not cause significant adverse impacts to wetland water quality standards, as defined in ch. NR 103.03, Wis. Adm. Code, including (but not limited to) the flow of groundwater through a wetland and water level elevations within wetlands.
13. The removal of material from the stream bed and deposition of sand, gravel, or stone on the stream bed in order to install a stream crossing structure located on the stream bed is located within 2 feet of the structure or is limited to the minimum amount necessary for correct placement of the structure. Any excavated material may not be temporarily or permanently placed in a wetland, floodplain or below the *Ordinary High-Water Mark* (OHWM) of a navigable waterway without regulatory approvals. All excavated materials shall be disposed of at an upland location.

Note: Stream channels may not be widened beyond existing bankfull width to accommodate culvert placement.

14. The applicant shall avoid operating equipment on the stream bed. If required for project installation, the applicant must consult with the Department and shall follow the best management practices identified below as appropriate in order to minimize adverse resource impacts:
 - a. Temporary timber matting is used to protect the streambed
 - b. Movement on the stream bed is kept to a minimum
 - c. Equipment is kept on streambed for as little time as needed to complete the project and must be removed when not in use;
 - d. Properly installed and maintained silt curtains and/or turbidity barriers are used around the perimeter of the project;
 - e. Pre-inspection of vehicles/equipment is done for all operating days to avoid leaks;
 - f. Biodegradable hydraulic and engine oils are used OR a spill containment kit is on site in case of spill.
15. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-water work may not occur during any of the following time periods unless timing restrictions have been waived by the department:
 - a. September 15th through May 15th for all trout streams identified on DNR published maps.

Note: To determine if a waterway is a trout stream, you may use the department trout stream maps at <https://dnr.wisconsin.gov>, keyword “trout stream maps.”

- b. September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
- c. November 1st through June 15th for Lake Michigan waters surrounding Door County, including Green Bay and all harbors and bays.
- d. September 15th through July 1st for Lake Superior waters surrounding Douglas County, including St. Louis River and all harbors and bays.
- e. March 1st through June 15th for all other waters.

Note: 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.

16. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion and sediment control measures shall meet or exceed the applicable performance standards listed under subchapter III of ch. NR 151, Wis. Adm. Code. Technical standards to implement the performance standards can be viewed at <https://dnr.wisconsin.gov/>, keyword “stormwater technical standard”.
17. 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.
18. The activity shall not result in significant adverse impacts to fishery spawning habitat, including obstruction of fish passage, or adversely affect bird breeding areas or substantially disrupts the movement of species that normally migrate from open water to upland or vice versa (i.e., amphibians, reptiles and mammals) as determined by the Department.
19. 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.
20. Follow the most recent Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. These protocols and practices can be found on the at <https://dnr.wisconsin.gov/>, keyword “invasive species BMPs”.
21. 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.
22. The applicant has certified that they are working to obtain a local shoreland zoning authorization for the project, or the local shoreland zoning requirements have been waived. If local zoning permits are not required, the project vegetation and bank disturbance is limited to the amount necessary for project placement and erosion control practices are adequate to prevent sedimentation to surface waters.
23. The applicant or co-applicant is the riparian owner.

B. ELIGIBILITY STANDARDS APPLICABLE TO PERMANENT CROSSINGS

B.1. CULVERT CROSSINGS

In addition to the standards in Section 1 A, the following standards apply to culvert crossing projects.

1. The culvert shall not be located on a wild river designated under ch. NR 302, Wis. Adm. Code, or where similar federal, state or local regulations prohibit the construction of such structures, unless expressly allowed under ch. NR 302.03, Wis. Adm. Code.
2. The culvert crossing shall not be placed in a stream wider than 35 feet as measured from OHWM to OHWM.
3. Structures in and over navigable waterways must be sized and set at an elevation so that water depths, widths and velocities at the inlet and outlet match the natural stream channel. Invert elevations of culverts shall be determined by surveying the stream bed elevations upstream and downstream of the crossing and setting the culvert below the natural stream bed elevation.

Note: site specific conditions such as northern pike waters, may require different embedding techniques than typical designs to prevent fish entrapment.

4. The required culvert flow-area shall not exceed 20 square feet unless the project is designed by an engineer registered in the state of Wisconsin. Please refer to the culvert sizing worksheet for common culvert sizes, respective flow areas, and appropriate sizing guidelines.
5. The culvert crossing must be appropriately sized. This may be accomplished in any of the following manners:
 - a. As calculated in the Culvert Sizing Worksheet, available at https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/Culvert_Placement_Worksheet.pdf
 - Note:** The Culvert Sizing Worksheet must be included with the plans and specifications portion of the permit application.
 - b. The placement of a single culvert sized to completely span bankfull width at a location that is representative of the stream width through the reach in question.
 - c. Any other method that is shown to result in the following outcome and can be justified using site specific information:
 - i. adequately pass stream flows without impounding water on the upstream side of the crossing up to the 100 year storm event.
 - ii. meets all other performance standards of this permit.
6. Culvert Design shall follow culvert design best practices depicted in the culvert placement example drawings, available at:
 - a. <https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/culvertwoengineer.pdf>
 - b. <https://dnr.wisconsin.gov/sites/default/files/topic/Waterways/Culvert-ProfEngineer.pdf>
7. Multiple culvert designs must provide adequate spacing between culverts to allow for compaction between pipes during installation in order to prevent piping or washout.

Note: The lesser of .5 pipe diameter or 3' for culverts larger than 48" or ≥ 24 " for culverts 48" in size or less.

8. Culvert installation shall follow established best management practices.

B.2. CLEAR SPAN BRIDGE CROSSINGS

In addition to the standards in Section 1 A, the following standards apply to clear span bridge crossing projects.

1. The clear span bridge shall not be located on a wild river designated under ch. NR 320, Wis. Adm. Code, or where similar federal, state or local regulations prohibit the construction of such structures, unless expressly allowed under ch. NR 320.03, Wis. Adm. Code.
2. The bridge shall completely span the navigable stream from top of the channel to top of the channel with no support pilings in the stream.
3. All bridges shall maintain a navigational clearance of 5 feet or more above the OHWM, or request a waiver to the navigational clearance requirements, which can be granted by the Department when the following conditions apply:
 - a. The waterway is known to have little or no navigation or snowmobile use.
 - b. The waterway is not anticipated to have navigational use by other than lightweight craft.
 - c. The owner provides a portage over or around the bridge or culvert.
 - d. The reduced clearance would not be detrimental to the public interest.

B.3. FORD CROSSINGS

In addition to the standards in Section 1 A, the following standards apply to ford crossing projects.

1. The ford shall not be located in an *Area of Special Natural Resource Interest (ASNRI)* or *Public Rights Feature (PRF)*, unless it is constructed for an agricultural use as defined in s. 30.40(1), Wis. Stats.

Note: To determine if a waterway is an ASNRI or PRF, you may use the Designated Waters Layer on DS. NR's Storm Water, Waterway and Wetland Permit Viewer:

<https://dnrmaps.wi.gov/H5/?viewer=WWI>

2. The ford shall only be constructed where the stream width is less than 100 feet and the normal stream depth is less than 2 feet.
3. The ford shall consist of a 6 to 24 inch thick layer of a minimum 2 to 4 inch diameter rock or pre-cast reinforced concrete planks over a base of crushed rock or an NRCS recommended design consistent with Conservation Practice 578 standards. The final placement of the crossing shall result in the top surface of the crossing set at the same elevation of the natural streambed immediately up and downstream of the crossing.

C. ELIGIBILITY STANDARDS APPLICABLE TO TEMPORARY CROSSINGS

In addition to the standards in Section 1 A, the following standards apply to all temporary crossing projects.

1. Immediately upon removal of a temporary waterway crossing structure, the disturbed bed and bank area must be restored as close as possible to pre-installation conditions. Disturbed areas should be stabilized with vegetative cover that is sufficient to provide for bank stability and filtering of pollutants from upslope overland flow areas under sheet flow conditions.
2. The structures must be placed in a manner that prevents the collection or transport of sediment within or away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the project site after the structure installation activity is completed and the site is stabilized, unless they are part of a Wisconsin Forestry Best Management Practice for Water Quality found in the [Wisconsin Forestry Best Management Practices for Water Quality Field Manual](#) which is available at this webpage <https://dnr.wisconsin.gov/topic/forestmanagement/bmp>.

C.1. TEMPORARY CLEAR SPAN BRIDGE

In addition to the standards in Section 1 A and Section 1 C, the following standards apply to temporary clear span bridge crossing projects.

1. The temporary waterway crossing shall be used to provide temporary access to an area.
2. The temporary waterway crossing shall be removed within 7 days after the project requiring access is completed or 160 days after installation, whichever occurs first.
3. The clear span bridge shall not be located on a wild river designated under ch. NR 320, Wis. Adm. Code, or where similar federal, state or local regulations prohibit the construction of such structures, unless expressly allowed under ch. NR 320.03, Wis. Adm. Code.
4. The bridge shall completely span the navigable stream from top of the channel to top of the channel with no support pilings in the stream.
5. Temporary bridges over streams known to be utilized recreationally will provide at least 5 feet navigational clearance above the OHWM unless a temporary signed portage route around the bridge is provided for the duration of bridge placement and a waiver to navigational clearance has been issued by the department.
6. All bridges shall maintain a navigational clearance of 5 feet or more above the OHWM, or request a waiver to the navigational clearance requirements, which can be granted by the Department when the following conditions apply:
 - a. The waterway is known to have little or no navigation or snowmobile use.
 - b. The waterway is not anticipated to have navigational use by other than lightweight craft.
 - c. The owner provides a portage over or around the bridge or culvert.
 - d. The reduced clearance would not be detrimental to the public interest.
7. At least one end of the bridge shall be firmly anchored in a manner that the bridge will not be transported downstream during flood conditions.

C.2. TEMPORARY POLE FORD, TIMBER MAT, OR SIMILAR STRUCTURE

In addition to the standards in Section 1 A and Section 1 C, the following standards apply to temporary pole fords, timber mats, or similar crossing structures intended to protect the bed and/or bank of a navigable waterway. Reminder: **WDNR-GP21-2026 does not authorize the placement of a ford or any structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate temporary crossing of the waterway.**

1. The applicant or co-applicant is the riparian owner or has obtained permission of the riparian owner to place a temporary waterway crossing.
2. The temporary waterway crossing shall be used to provide temporary access to an area.
3. The temporary waterway crossing shall be removed within 7 days after the project requiring access is completed or 160 days after installation, whichever occurs first.
4. If the temporary waterway crossing is not a clear span bridge, the temporary waterway crossing shall consist of timber mats, poles, small logs, culverts, pipes, or similar structures that are placed side by side in or on the stream channel parallel to the stream flow.
5. For trout streams or tributaries of trout streams as identified under ch. NR 1.02(7), Wis. Adm. Code, the temporary waterway crossing shall not obstruct fish passage. **Note:** To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <http://dnr.wisconsin.gov/topic/fishing/trout/streammaps.html>.
6. The timber mats, poles, small logs, pipes, or similar structures shall be cabled, chained or banded together to the extent practicable prior to installation to facilitate complete removal.
7. The timber mats, poles, small logs, pipes, or similar structures cannot be placed in a manner that results in creating a dam or an impoundment upstream of the structure.
8. To the extent practicable, the temporary waterway crossing shall be placed and removed during frozen or low flow conditions if any portion of the structure is placed below the OHWM.

D. ELIGIBILITY STANDARDS APPLICABLE TO FOREST MANAGEMENT ACTIVITIES

D.1. STANDARDS APPLICABLE WHEN REINSTALLING A TEMPORARY STRUCTURE PREVIOUSLY AUTHORIZED UNDER THIS GENERAL PERMIT AS A WATERWAY CROSSING FOR FOREST MANAGEMENT ACTIVITIES

In addition to the standards in Section 1 A and 1 C, the following standards are applicable when reinstalling a temporary structure *previously authorized* under this general permit as a waterway crossing for forest management activities.

Permit fees are required under s. 30.28, Wis. Stats., for authorization to proceed under a general permit. However, to facilitate partnership efforts to enhance forestry management practices and to encourage forestry management practices that are consistent with existing state forestry management plans for sustainable forestry management, the standards in this part of the general permit allow persons who receive general permit authorization to place a temporary waterway crossing in, on, or

over a navigable waterway to reinstall the structure again once it is removed. In certain circumstances no additional permit fees apply.

1. The temporary waterway crossing shall be used to provide temporary access to an area for the primary purpose of engaging in normal forest management activities, including but not limited to those activities that are undertaken on forest land to establish, maintain or enhance a forest. These activities include planting trees, thinning and trimming trees, and harvesting timber and other forest products. These activities do not include cutting firewood exclusively for personal use.
2. Eligibility standards apply to persons who:
 - a. Paid a permit fee, and
 - b. Were granted coverage under this general permit, removed the structure as required under Section 1A, and now propose to either:
 - i. reinstall the temporary structure again under their initial general permit coverage authorization OR
 - ii. reinstall a temporary structure again under their initial general permit coverage authorization and add additional temporary structures at sites not identified under the initial general permit coverage authorization, hereby referred to as “add on” sites.
3. The temporary waterway crossing shall be removed within 7 days after the forest management project requiring access is completed or 160 days after installation, whichever occurs first, unless:
 - a. If the temporary crossing is located on the bed of the stream, after the structure is removed it may be reinstalled according to the standards listed in Section 1 C, or the applicant may request a one-time extension of the 160-day limit described above for a period not to exceed 60 days. The extension request must be based on site conditions or other site-specific issues that preclude access to the site (e.g., saturated soils, rutting hazards on trails or roads, etc.) and must be made to the Department WMS before removal. Please use the WDNR website at: <http://dnr.wisconsin.gov/topic/Waterways/contacts.html> to find the county contact for your project to whom you must send the extension request
 - b. If the temporary crossing is a clearspan bridge as described in sections 1 C, after the structure is removed it may be reinstalled according to the standards listed in Section 1 C, **OR** it may be left in place longer than 160 days provided it is removed before the earlier of: 7 days after the forest management project requiring access for which the structure was placed or maintained has been completed, **OR** 5 years from the date the department determines the activity is authorized by this general permit, whichever occurs first.
4. Temporary waterway crossings that were removed must be reinstalled according to the applicable standards listed under WDNR-GP21-2026. All general permit terms and conditions will apply. General permit standards are found in Section 1. General permit conditions are found in Section 4.
5. Add on sites must be installed according to the applicable standards listed under WDNR-GP21-2026. All general permit terms and conditions will apply. General permit standards are found in Section 1. General permit conditions are found in Section 4.

6. There is no limit to the number of reinstallations after coverage for the initial installation is granted under this general permit, but the temporary crossing must be removed before the earliest of these 3 dates:
 - a. 7 days after the forest management project requiring access is complete.
 - b. The applicable date the temporary crossing is required to be removed under this general permit as described in Section 1 D.1.3.

Note: When reinstalling a temporary waterway crossing after coverage for the initial installation was granted the time limits described in Section 1 D.1.3. still apply to the structure.

7. A person seeking to reinstall a temporary waterway crossing that was initially placed under WDNR-GP21-2026 must notify the Department of the docket or identification number of the initial general permit coverage each time a structure is reinstalled. **Note:** Please use the WDNR website at: <http://dnr.wisconsin.gov/topic/Waterways/contacts.html> to find the county contact for your project to provide the reinstallation notice.
8. If there is a change to the type of structure to be reinstalled or the location of the structure to be reinstalled, the following information must also be provided to the department:
 - a. A project diagram that shows all of the following:
 - i. Project location.
 - ii. The location of silt fences or any other sediment control devices.
 - iii. The type of structure originally placed, and the type of structure now proposed to be placed relative to the OHWM.
 - b. Photographs that represent existing project site conditions.
9. Any additional stream crossing structures not identified in the original permit coverage, and which do not meet criteria below, must complete a new application and receive permit coverage before the new structure(s) may be placed. An additional permit application is not required for any of the following:
 - a. Temporary crossings required to be moved to a different location under the direction of the Department after initial placement.
 - b. Temporary crossings placed in the identical location that was previously authorized under general permit coverage.
 - c. Temporary crossings placed within 100 linear yds. upstream or downstream of a location that was previously authorized under general permit coverage.

SECTION 2. APPLICATION REQUIREMENTS

1. After you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 6 below. Pursuant to s. 30.206(3), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keyword "water permit".

Note: The department will forward a copy of your application package to the U.S. Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

2. **For Forest Management Activities ONLY:** Permit fees are required under s. 30.28, Wis. Stats., for authorization to proceed under a general permit. However, to encourage projects to place temporary structures in a way that protects water quality (i.e. placed higher in the watershed) and to

minimize the number of crossings needed for a project while acknowledging the review needed for multiple waterway crossings, the following fee requirements apply to this general permit concerning forest management activities:

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

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

Note: For non-forest management activity crossing projects, a crossing permit is required for all individual crossings.

3. 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.
4. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated Department office, at which point the clock resumes from the point it was initially stopped.
5. As provided under s. 30, 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. 30, 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. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP21-2026. This form can be found at <https://dnr.wisconsin.gov/>, keyword “water permit”.
 - b. Permit fees as shown on the fee sheet at <https://dnr.wisconsin.gov/>, keyword “Waterway Permit Fee” except as follows: Waterway projects authorized under s. 30, Wis. Stats., funded in whole or in part by a state or federal agency are exempt from permit fees under s. 30.28(3), Wis. Stats.
 - c. A copy of the deed or similar proof of ownership of the site where the activity will occur.
 - d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
 - e. A narrative description of the project, including: identification of the project purpose and need, the methods, materials, and equipment that will be used to carry out the project, the construction schedule and sequence of work, any request for a navigational clearance waiver or request for a waiver to the standard fishery protection construction timing restrictions, and supporting documentation from local shoreland and/or floodplain zoning regulatory authorities.

- f. Project plans that include final project design and construction including a project diagram that shows all of the following:
- The location of the completed project relative to the Ordinary High-Water Mark (OHWM).
 - Top, side, and cross section plan profiles with appropriate measurements for the proposed project; including but not limited to pertinent dimensions of the waterway to be crossed and the structure proposed to be placed, stream channel width, depth, bank heights, and crossing length, width, height, diameter (if applicable) and placement relative to the stream bed and banks.
 - The location of and calculation of total surface area impacted within the waterway.
 - Crossing approach details (associated dimensions and siting information).
 - Location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - For disturbance or fill, a description of type, composition, and quality of materials.
 - 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. If applicable, the aerial map with property boundaries should also show identification of the riparian zone area from the OHWM to the line of navigation.
 - Current photographs that represent existing site conditions where the project will occur. Photos must show a clear and unobstructed view of the waterway and/or wetlands within the project area (i.e., not covered in snow/ice/thick vegetation, etc.).
- g. If applicable, detailed documentation that clearly demonstrates wetland avoidance or that necessary wetland approvals have been or are being obtained.
- h. Documentation verifying the project will not result in an adverse impact to federal or state cultural/historical resources.
- i. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:
- i. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
 - ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword "NHI public portal".
 - iii. If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit a Department or Certified ER Review letter. The request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords "ER review request".

SECTION 3. CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to Department, the project

will be conducted in compliance with all the terms and conditions of WDNR-GP21-2026.

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-GP21-2026 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-GP21-2026.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP21-2026 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP21-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP21-2026 expired before the activity is completed. The Department's use of general permit WDNR-GP21-2026 established under s. 30.206, Wis. Stats., expires on **Month, day, 2031**.
6. Written authorization for modification of scope. Any modification to the waterway impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in Section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Other Permit Requirements. You are responsible for obtaining any other state permits and any other permits or approvals that may be required for your project by local zoning ordinances (e.g., shoreland zoning, floodplain zoning, etc.) and the U.S. Army Corps of Engineers (USACE) before starting your project.
9. 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.
10. 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.
11. 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.

12. 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.
13. Construction. No other area of the waterway may be disturbed beyond the area designated in the submitted plans.
14. 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.
15. Proper Maintenance. You must maintain the activity authorized by WDNR-GP21-2026 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. This includes removing accumulated brush, debris or other obstructions that are trapped in or underneath the structure to prevent upstream flooding and to maintain structural integrity
16. Project site restoration after removal of temporary structure. Immediately upon removal of a waterway crossing structure, the disturbed bed and bank area must be restored as close as possible to pre-installation conditions. Disturbed areas should be stabilized with vegetative cover that is sufficient to provide for bank stability and filtering of pollutants from upslope overland flow areas under sheet flow conditions.
17. 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-GP21-2026 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 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". 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. 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-GP21-2026 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-GP21-2026 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 ch. 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. Waterway impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
28. Limits of State Liability. In authorizing work, the State Government does not assume any liability, including for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this General Permit WDNR-GP21-2026.
29. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
30. 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-GP21-2026.
 - 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-GP21-2026, ss. 30.12 and 30.123, Wis. Stats., and chs. NR 102, 103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner.
3. The Department has determined that activities subject to this permit, with conditions, will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners.
4. The Department has determined pursuant to water quality standards under ch. NR 102, Wis. Adm. Code, that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit individually and cumulatively will only result in minimal adverse environmental effects.
5. Pursuant to ch. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.

SECTION 6. CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.12, 30.123, and 30.206, Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under ch. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with chs. NR 102 and 103, Wis. Adm. Code, and s. 1.11, Wis. Stats.
3. Issuance of coverage under this general permit constitutes federal Water Quality Certification under 33 U.S.C. s. 1341.

SECTION 7. DEFINITION OF TERMS

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

1. "Add-on site" means a temporary waterway crossing for forest management activities that was not identified under the initial general permit coverage authorization.
2. "Area of special natural resource interest" means only the areas listed in s. 30.01(1am), Wis. Stats., and identified by the Department in ch. NR 1.05, Wis. Adm. Code, which is any of the following:
 - a. A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., and shown on a map published on the Department's Internet site.
 - b. A surface water identified as a trout stream by the Department in ch. NR 1.02(7), Wis. Adm. Code, and shown on a map published on the Department's Internet site.
 - c. A surface water identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats., and shown on a map published on the Department's Internet site.

- d. A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.
 - e. A body of water in a wetland along Lake Michigan or Lake Superior that the - Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.
 - f. A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26, Wis. Stats., and shown on a map published on the Department's Internet site.
 - g. The portion of a body of water that contains a sensitive area and shown on a map published on the Department's Internet site.
 - h. A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the Department's website.
 - i. An area that possesses significant scientific value as identified by the Department in ch. NR 1.05, Wis. Adm. Code.
3. "Backwater" means the increase in the water surface elevation that results from a bridge and any associated road fills under average water flow conditions
 4. "Bank toe" means the break in slope at the foot of a bank where it meets the streambed.
 5. "Bridge" has the meaning given in s. 30.01(1g), Wis. Stats. And means any private or public structure except municipal highway bridges constructed in or over a navigable waterway to provide a walkway or roadway for pedestrians, animals, or vehicles, and includes pipe arches and culverts.
 6. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
 7. "Clearance" means the vertical distance between the lowest member of the bridge span and the ordinary high water mark of the waterway.
 8. "Clearspan bridge" means a continuous span of which no portion of the bridge has pilings or other supporting structures located within the channel except for abutment protection.
 9. "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.
 10. "Clearance" means the vertical distance between the inside top of a culvert or the bottom of the lowest member of the bridge span and the ordinary high water mark of the waterway.
 11. "Dam" means any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse.
 12. "De minimis" activity means the dredging of less than 2 cubic yards in a calendar year from a specific waterbody or disturbance of bottom material during the manual removal of aquatic plants that meet the requirements of ch. NR 109.06(2), Wis. Adm. Code.
 13. "Department" means the Department of Natural Resources.
 14. "Dredged material" means any material removed from the bed of a navigable waterway by

dredging. The bed of a navigable waterway extends landward to the OHWM.

15. "Dredging" means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purposes of s. 30, Wis. Stats., dredging does not include "de minimis" activities.

16. "Floodplain" has the meaning in ch. NR 116, Wis. Adm. Code, which means the land which has been or may be hereafter covered by flood water during the regional flood.

Note: Information for floodplain regulations and ordinances is available online at <https://ds.NR.wisconsin.gov/>, keywords "floodplain regulations".

17. "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.

18. "Forest Management" means activities that are taken on forest land to establish, maintain or enhance a forest including planting trees, thinning and trimming trees, and harvesting timber and other forest products. This does not include the cutting of firewood for exclusive personal use.

19. "Forestry Project" means an activity that involves the placement of temporary water crossing structures for the primary purpose of accessing a location for forest management activities and that affects any navigable waterway within the property boundaries of a single riparian property owner. This may include multiple properties if the landowner is the same and the properties are contiguous to each other.

20. "Frozen Conditions" means when the stream is covered with ice.

21. "Highway" or "public highway" has the meaning in s. 340.01 (22), Wis. Stats.

22. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.

23. "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".

24. "Lake system" means a waterbody, or portion thereof with no discernable flow and includes the outlet of such systems at which point an outlet stream begins to form.

25. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth based on the normal summertime low levels on the waterway or summer minimum levels where established by Department order.

Note: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under s. 30.13, Wis. Stats., the line of navigation is the municipal pierhead line.

26. "Low flow conditions" means when there is little or no water in the streambed.

27. "Maintain" means to repair, replace, own, or possess all or a portion of a structure

28. "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 in 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. DS. NR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DS. NR*, 140 Wis. 2d 579 (Ct. App. 1987).

29. "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.
30. "Outlying waters" has the meaning given in s. 29.001(63), Wis. Stat., and means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at De Pere.
31. "Perched culvert" means a culvert where the inlet or outlet elevation is higher than the streambed elevation, thereby effectively reducing or eliminating fish migration and fish passage.
32. "Professionally engineered" means designed by a person registered as a professional engineer under s. 443.04, Wis. Stats., and ch. A-E 4, Wis. Adm. Code.
33. "Public rights feature" has the meaning in ch. 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. "Replacement" means the removal and reinstallation of part of or all of an authorized structure.
 24. "Riparian" means an owner of land abutting a navigable waterway.
 25. "Riparian Zone" has the meaning given in ss. 30.01(5r) and 30.20(3)(a)3, Wis. Stats.
 26. "Riprap" means a layer or layers of rock, including filter material, placed on the bed and bank of a navigable waterway to prevent erosion, scour, or sloughing of the existing bank.
 27. "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.

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. "Timber Mats" as used in the phrase "timber mats, poles, small logs, pipes, or similar structures" in this permit, means a structure placed on the bed of a waterway (below the OHWM) or a structure placed above the OHWM and completely across a waterway, that allows vehicles, equipment or people to safely cross from one side of a waterway to the other. These structures can include poles, timber mats, composite mats, brush/slash bundles, or other commonly available material used to construct a stream crossing.
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. "Watercraft" under s. 30.01(7), Wis. Stats., means any device used and designed for navigation on water.
32. "Wetland" has the meaning in s. 23.24, Wis. Stats., and ch. 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.