

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WETLAND GENERAL PERMIT FOR CITY OF SUPERIOR SPECIAL AREA MANAGEMENT
PLAN

Permittee: The General Public in Wisconsin

Permit No.: WDNR-GP8-2019

Issuing Office: Waterways and Wetlands Section, Bureau of Watershed Management,
Wisconsin Department of Natural Resources (Department)

Issuance Date: July 22, 2019

Expiration Date: July 21, 2024

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of section 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 of Natural Resources (Department) or the discharge is exempt under s. 281.36(4). The Department has authority to issue general permits under s. 281.36(3g), Wis. Stats. In compliance with 281.36(3b)(a), 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).

Section 281.36 (3g)(c), Wis. Stat., authorizes 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-GP8-2018.

Section 281.36(3g)(h)4, Wis. Stat., authorized the department to waive the requirement that a person wishing to proceed under a general permit apply to the department so that the person may proceed with the discharge without specific authorization from the department.

Note: WDNR-GP8-2019 does not apply to proposed tribal activities located on Federal Indian Trust Land.

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.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP8-2019 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP8-2019 authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers wetland permits are required for discharges to federal wetlands. U.S. Army Corps of Engineers permits are also required for any deposit or removal of material from waters of the United States.

PROJECT DESCRIPTION AND LOCATION: WDNR-GP8-2019 applies to certain discharges of dredged and/or fill material into wetlands within the geographical area identified in the City of Superior Special Area Management Plan Technical, Implementation and Administration Document (SAMP III) dated July 10, 2019. The SAMP III is available for residential, industrial, commercial, institutional, or public projects within this geographical area. This general permit does not apply to proposed tribal activities located on Federal Indian Trust lands.

GENERAL PERMIT COVERAGE: Unless notified by the Department to the contrary, the effective date of coverage under this general permit is 20 calendar days after a complete pre-discharge notification has been received by the Department at the office designated in the permit application materials provided by the Department for all projects less than 5 acres and is 30 calendar days after a complete pre-discharge notification has been received by the Department at the office designated in the permit application materials provided by the Department for all other projects. **WDNR-GP8-2019 permit coverage is valid for 5 years after the date on which the discharge is considered to be authorized or until the discharge has been completed, whichever occurs first.** Therefore, permit coverage terminates unless another application is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

Michael Thompson - Director
Bureau of Watershed Management

Date

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WDNR-GP8-2019 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP8-2019. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP8-2019.

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 (WDNR or DNR) Service Center, DNR Region or Central Office headquarters of the WDNR having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

SECTION 1 – WDNR-GP8-2019 ELIGIBILITY CRITERIA

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 Section 281.36 (3g)(h), Wis. Stats. requires applicants to demonstrate that adverse impacts to wetlands functions and values have been avoided and minimized to the maximum extent practicable.

NOTE: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP8-2019. 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.

A. GENERAL STANDARDS APPLICABLE TO CONDUCT WATER QUALITY

IMPROVEMENT ACTIVITIES

1. The City of Superior (herein after “the City”) has provided regulatory oversight for the special conditions specified in the SAMP-III and has confirmed to the best of their ability that the project meets the eligibility of the federal general permit referred to as 1996-06788-SDE dated July 10, 2019. Projects that do not comply with the permit conditions specified in this federal general permit are not eligible for this general permit.
2. The project purpose is to conduct construction activities to build or expand a residential, public, institutional, commercial or industrial development associated with a single and complete project as defined in Section 7 of this general permit.
3. The purpose of the project is not to fill wetlands to create a buildable lot to be sold and/or developed at a later date.
4. The discharge shall be to a wetland area designated as eligible for discharge in the City of Superior under the federal general permit referred to as 1996-06788-SDE dated July 10, 2019.
5. The City submits a pre-discharge notification to the Department on behalf of the landowner or easement holder or other stakeholder with legal authorization to proceed with the project.
6. The discharge from the project may not affect more than 10 acres of wetlands as part of a single and complete project.
7. The proposed project cannot avoid wetland impacts.
8. The proposed project minimizes wetland impacts to the greatest extent practicable.
9. The discharge will cause only minimal adverse environmental effects.
10. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
11. The discharge will comply with applicable compensatory mitigation requirements specified in the federal general permit referred to as 1996-06788-SDE dated July 10, 2019.
12. 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. Projects that are modified to avoid or adequately minimize adverse impacts to state-listed T/E/SC plant species are eligible for this general permit as outlined in 1996-06788-SDE dated July 10, 2019.
13. 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.

14. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards of ss. NR 151.11 and 151.12, Wis. Admin. Code. The technical standards are found at: <http://dnr.wi.gov/topic/stormwater/>.
15. The project will not result in adverse impacts to adjacent properties, unless the affected landowners have authorized such impacts by written agreement.
16. All equipment used for the project, including but not limited to tracked vehicles, hoses, sheet piles, and pumps, shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.

SECTION 2: WDNR-GP8-2019 APPLICATION REQUIREMENTS FOR COVERAGE

Pursuant to s. 281.36(3g)(h)4, Wis. Stat., the Department has waived the requirement for individuals wishing to proceed under this general permit to formally apply for this permit pursuant to s. 281.36(3g)(h)1, Wis. Stat. In lieu of a permit application pursuant to s. 281.36(3g)(h)1, Wis. Stat., the City of Superior is required to comply with the following pre-discharge notification requirements before a discharge occurs under this general permit:

1. The City of Superior shall require a landowner or easement holder or other stakeholder with legal authorization to proceed with the project to carefully confirm the proposed discharge of dredged and/or fill material into wetland meets all of the terms and conditions of this permit and submit a *complete application package* to the City of Superior as identified by the SAMP III. The City of Superior shall ensure the application is complete and determine that the proposed activity conforms to the SAMP III and the terms of this permit.
2. The City shall send a copy of the application package and a pre-discharge notification to the appropriate US Army Corps of Engineers offices and the DNR offices.
3. For pre-discharge notifications that involve wetland impacts of less than or equal to 5 acres the effective date of coverage under this permit is 20 calendar days after the designated DNR office receives a complete pre-discharge notification for all projects unless notified by the Department to the contrary. For pre-discharge notifications that involve wetland impacts more than 5 acres the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete pre-discharge notification for all projects unless notified by the Department to the contrary.
4. If the Department determines that the project does not qualify for the general permit, the Department will provide written justification to the City within the time period specified in requirement 2., so the applicant may be advised of the additional information that is necessary to verify compliance with the terms and conditions of this permit. As provided under s. 281.36(3g)(i), Wis. Stat., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outline in s. 281.36(3m), Wis. Stats.

5. 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 the City within the timelines specified in requirement 2. If the Department makes a request for additional information, the review timeframe is paused on the date the City receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped.
6. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the review period specified in requirement 2, the Department shall give notice to the City of this condition and shall complete the inspection as soon as weather conditions permit (s. 281.36 (3g)(h)2m, Wis. Stat.).
7. A pre-discharge notification shall include the application form supplied by the City of Superior and the following documentation:
 - a. A copy of any materials submitted to the City or US Army Corp of Engineers for satisfying the federal general permit conditions including any mitigation requirements.
 - b. Project plans that include final project design and construction including a project diagram that shows all of the following:
 - i. The location of the completed project relative to the wetland boundaries with the location and size of all proposed wetland impacts.
 - ii. The methods, materials, and equipment that will be used to carry out the project.
 - iii. The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - iv. The construction schedule and sequence of work.
 - v. For disturbance or fill, a description of type, composition, and quality of materials.
 - vi. The location of any disposal area for dredged or excavated materials, if applicable.
 - c. Maps of the project site with information that includes: most recent Soil Survey map, WI Wetland Inventory map, topographic map, floodplain information, and aerial photographs. All maps must show basic map elements (e.g., scale) and clear directions to the project site with project and property boundaries clearly labeled. The aerial photo shall also show the locations of all proposed wetland fill or discharge clearly labeled.
 - d. Current photographs that represent existing site conditions where the project will occur.
 - e. A copy of a concurred with wetland delineation, a wetland delineation conducted by an assured wetland delineator, or a waiver by the WDNR Water Management Specialist (WMS) stating that a delineation is not needed.
 - f. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources.
 - g. Detailed documentation that clearly demonstrates why any proposed wetland impacts cannot be avoided, the practicable alternatives that were considered, and how the impact to the wetland will be minimized as required by s. 281.36(3g)(h)1, Wis. Stats.

SECTION 3: WDNR-GP8-2019 CERTIFICATION AND RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to the City, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP8-2019.

SECTION 4: WDNR-GP8-2019 GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. **Pre-Discharge Notification.** The City shall submit a complete pre-discharge notification to the Department as outlined in the application materials and section 2 of this permit. If requested, within a reasonable timeframe the applicant shall furnish the Department any information it needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP8-2019 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 in Section 1 of this permit 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 WDNR.
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-GP8-2019
5. **Expiration.** This WDNR-GP8-2019 expires on July 21, 2024. The time limit for completing an activity authorized by the provisions of WDNR-GP8-2019 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP8-2019 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP8-2019 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits, and by the U.S. Army Corps of Engineers before starting your project.
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 modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. **Construction.** No other area of the wetland or waterway may be disturbed except the area designated in the submitted plans.
13. **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-GP8-2019 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.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP8-2019 and applicable laws.
16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Admin. Code. These standards can be found at the following website: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html. Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.

18. **Wetland protection.** You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex, if applicable.

19. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by using best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. For more information, refer to <http://dnr.wi.gov/topic/Invasives/bmp.html>. Keyword: “equipment operator” or “invasive bmp”.

20. **Federal and State Threatened and Endangered Species.** WDNR-GP8-2019 does not affect the DNR’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 DNR 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. Documentation options include:

- a. 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.
- b. 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 here: <http://dnr.wi.gov/topic/erreview/publicportal.html>.
- c. If the ER Preliminary Assessment from the NHI Public Portal shows that “Further actions are required” then submit one of the following:
 - i. A DNR ER Review letter. This request form for an ER Review letter is located here: <http://dnr.wi.gov/topic/erreview/review.html>.
 - ii. A Certified ER Review letter. The list of Certified Reviewers is located here: <http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf>.

21. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.

22. **Historic Properties and Cultural Resources.** WDNR-GP8-2019 does not affect the DNR’s responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources

are unearthed during activities authorized by this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

23. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.
24. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.
25. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. **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-GP8-2019.
28. **Reevaluation of Decision.** The Department may suspend, modify 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-GP8-2019.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
 - c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

SECTION 5: WDNR-GP8-2019 FINDINGS OF FACT

1. The Department has determined that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will cause only minimal adverse environmental impacts.
2. Pursuant to s. NR 299.04(1), Wis. Admin. 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.
3. The Department has determined pursuant to wetland water quality standards under s. NR 103.03, Wis. Admin. 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 will only result in minimal adverse environmental effects.
4. The Department has determined that projects that meet all eligibility criteria, for which all information required in Section 2 has been submitted, and for which the Department has not required a wetland individual permit pursuant to s. 281.36(3g)(i), Wis. Stats., have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted in Section 2 and the fact that the project scope is confined to the project area within the geographic extent of the SAMP III and is limited to the minimum area needed to place, replace, or maintain the project.
5. Projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will not injure public rights or interests, or cause environmental pollution as defined in s. 299.01(4), Wis. Stats.
6. 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-GP8-2019, s. 281.36(3g), Wis. Stats., and chs. NR 102, 103, 150, 299, and 310, Wis. Admin. Code.
7. The SAMP III Federal General permits would allow the City of Superior to issue approvals to up to 140 acres of wetland fill in low to medium value wetland in the City of Superior for a five-year period from 2019 to 2024. The USACOE issued the federal general permit referred to as 1996-06788-SDE dated July 10, 2019. This permit limits the amount of fill authorized over the entire 10-year period for each category of discharge. If a category reaches the limit allowed in the federal general permit then the general permit for the category expires. This threshold is 40 acres for residential projects, 15 acres for public projects, 10 acres for institutional projects, and 75 acres for commercial and industrial projects.
8. The City of Superior, federal general permit and this general permit require project applicants to delineate wetlands, survey for endangered and threatened plants and avoid and minimize wetland impacts to the maximum extent practicable.
9. The City of Superior provides compensatory mitigation for any authorized fill issued under the federal general permit referred to as 1996-06788-SDE dated July 10, 2019.

SECTION 6: WDNR-GP8-2019 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. Admin. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with ch. NR 105, Wis. Admin. Code, and s. 1.11, Wis. Stats.

SECTION 7: WDNR-GP8-2019 DEFINITION OF TERMS

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

1. Affect includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland and secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g. segmenting a wetland complex, severing a portion of a complex, reduction in flood capacity, etc.).
2. Department means the Department of Natural Resources or WDNR.
3. Fill material has the meaning given in 33 CFR 323.2(e), and means material placed wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the bottom elevation of any wetland. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create a structure or infrastructure in a wetland. The term fill material does not include trash or garbage.
4. Floodplain has the meaning in ch. NR 116, Wis. Admin. Code, which means the land which has been or may be hereafter covered by flood water during the regional flood. Note: <http://dnr.wi.gov/topic/floodplains/ordinances.html>.
5. Invasive Plants are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin visit DNR's website at <http://dnr.wi.gov/invasives/plants.asp>.
6. Impact to wetlands includes temporary or permanent conversion of a wetland.
7. Pre-Discharge Notification means the information specified in Section 2 of this permits which includes a completed and signed application to the City of Superior and any other information which can reasonably be required from an applicant that the department needs to make a decision.

8. Single and complete project means the total project proposed by the project proponent. For example, if construction of a residential development affects several different wetland areas, the cumulative total of all impacted areas is the basis for deciding the project's total wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases were constructed.
9. Wetland has the meaning in s. 23.32, Wis. Stats., 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.
10. 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 s. NR 103.03(1), Wis. Admin. Code, and include the following: (1) Floral Diversity (2) Fish and Wildlife Habitat; (3) Flood Protection; (4) Water Quality Protection; (5) Shoreline Protection; (6) Groundwater Recharge and Discharge and (7) Aesthetics, Recreation, Education and Science.