

WATERWAY AND WETLAND GENERAL PERMIT DAM REPAIR OR MAINTENANCE WETLAND DISCHARGE



Permittee: Owners of Existing Dams in Wisconsin

Permit: WDNR-GP10-2026

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

Issuance Date: June 26, 2026

Expiration Date: June 25, 2031

GENERAL PERMIT AUTHORIZATIONS

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

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

The Department has authority to issue general permits under s. 281.36 (3g)(c) and ch. 31, 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-GP10-2026.

- 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 any activity prohibited by other applicable federal, state, or local law.

- WDNR GP10-2026 does not apply to tribal activities located within the exterior boundary of a reservation.

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP10-2026 authorizations are subject to all applicable terms and conditions specified in this permit. **WDNR-GP10-2026 authorizations also are provisional and require that project proponents obtain a dam plan approval authorized under ss. 31.12 or 31.33, Wis. Stats., and any other local, state or federal permits 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. 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, purpose and need. Please visit <https://dnr.wisconsin.gov/>, keywords “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-GP10-2026 applies to certain waterway and wetland activities undertaken as part of dam repair, reconstruction or maintenance projects. The following activities are eligible for coverage under WDNR-GP10-2026:

- The repair, reconstruction and maintenance of dams regulated under ch. 31, Wis. Stats.
- Discharges affecting up to 10,000 square feet in size, of dredged and/or fill material into wetlands in the State of Wisconsin except for proposed tribal activities located within the exterior boundaries of a reservation. Discharges to wetlands are regulated under s. 281.36, Wis. Stats.

- Some hydroelectric dams are also subject to federal regulatory requirements administered by the Federal Energy Regulatory Commission (FERC). For More information visit <https://dnr.wisconsin.gov/topic/dams/hydroElectric.html>.

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

- Discharge dredged or fill material to wetlands where the Department requires a permit under s. 281.36, Wis. Stats.
- Repair, reconstruct or maintain a dam where the Department requires a plan approval under ch. 31, Wis. Stats.

GENERAL PERMIT COVERAGE

Unless notified by the Department to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete application package has been received by the Department at the office designated in the permit application materials provided by the Department. WDNR-GP10-2026 permit coverage is valid for 5 years after the date the coverage is granted by the Department or until the discharge is completed, whichever occurs first. 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-GP10-2026.

State of Wisconsin Department of Natural Resources

For the Secretary



06/26/2026

Benjamin Callan – Director

Date

Waterways Program

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TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP10-2026. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP10-2026.

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

The project must meet all the following standards to be eligible for coverage and authorization under this general permit.

- **Note:** Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP10-2026. In these cases, persons may apply for an Individual Permit as outlined in s. 281.36(3m), Wis. Stats. The Department also has authority under s. 281.36(3g)(i), Wis. Stats., to require an individual permit in lieu of a general permit, if the Department has conducted an investigation and visited the site and has determined that conditions specific to the site require additional

restrictions on the discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

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

SECTION 1. ELIGIBILITY CRITERIA

A. Pre-Screening Criteria

1. Permit applicant is the dam owner and underlying landowner or has legal authorization from the dam and landowner to undertake the project described in the application.
2. The project purpose is to improve the safety of the dam by performing maintenance, repair or reconstruction activities associated with a single and complete project approved by a DNR Water Management Engineer.
3. The project purpose is not to place hydro-generation facilities or recreational structures.
4. Discharge will not occur in the following resources: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, boreal rich fens, or calcareous fens.
5. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or the applicant has certified that they are working to or have obtained applicable floodplain permits or approvals from the local zoning authority.
6. The original construction of the dam was authorized by law.

B. Standard Criteria

7. The discharge will cause only minimal adverse environmental effects.
8. 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.
9. 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.
 10. The project will not occur in locations with existing recorded deed restrictions, including easements limiting construction and land use activities.
 - **Note:** Department chs. 30 and 281, Wis. Stats., permits do not supersede any legal restrictions on the use of land.
 11. This project will not flood or impede drainage of the adjacent properties or upstream properties unless appropriate signed agreements have been made with affected landowners.
 12. The project is not eligible for authorization under a “Superior SAMP” permit reviewed by the City of Superior, Wisconsin.
 13. The project does not have the potential to negatively impact a cold-water community as defined in s. NR 102.04(3)(a), Wis. Adm. Code, and the project is not proposed in an area with evidence of spring activity.
 14. 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.
 15. The project may not cause negative impacts to wetland water quality standards, as defined in s. NR 103.03 including the flow of groundwater through a wetland and water level elevations within wetlands.
 16. The proposed activities will not cause adverse impacts to undisturbed wetland plant communities on-site or adjacent to the project area.
 17. The project will not adversely impact an Area of Special Natural Resource Interest (ASNRI) or Public Rights Feature (PRF) identified pursuant to ss. NR 1.05 and 1.06(5), Wis. Adm. Code.
 18. The project may not result in significant adverse impacts to the public rights and interests, or 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.

C. Additional Criteria for Dam Repair or Maintenance Wetland Discharge Permits

19. The proposed project cannot avoid wetland impacts.
20. The proposed project minimizes wetland impacts to the greatest extent practicable.
21. The project does not result in temporary placing or discharging fill material onto more than 2 acres of wetland as part of a single and complete project.
22. The project discharge will not result in more than 10,000 square feet (0.23 acre) of permanent fill of wetlands as part of a single and complete project, and the project has not been segmented for the purpose of meeting eligibility requirements for this general permit.
23. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.
24. This permit does not authorize impacts to navigable waterways waterward of the Ordinary High-Water Mark. This does not preclude eligibility of waterway exemptions or eligibility of other general or individual permits.
25. The purpose of the project is not to fill wetlands to create a buildable lot to be sold and/or developed later.
26. The project will not result in the conversion of a wetland to a storm water treatment facility such as but not limited to a pond or infiltration basin.
27. Temporary or permanent wetland impacts will not take place in or directly or indirectly result in the conversion of sedge meadows, forested wetlands, or rare wetland community types, such as calcareous fens and those listed in s. 281.36(3g)(d), Wis. Stats., into other wetland types or non-wetlands.

SECTION 2. APPLICATION REQUIREMENTS

- 1) After you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 6 below. Pursuant to s. 281.36(3g)(h), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keywords "water permit".

- 2) Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the Department receives a complete application package.
- 3) The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days of receiving your application package. Upon request for additional information, the 30-day review period is paused on the date the applicant is notified of additional information required. The review period will resume on the date the appropriate Department employee or office receives the additional information.
- 4) If adverse weather conditions prevent the Department from conducting an accurate on-site inspection during the 30-day application period, the Department shall notify the applicant of the condition and shall complete the inspection as soon as weather conditions permit.
- 5) As provided under s. 281.36 (3g)(i), Wis. Stats., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outlined in s. 281.36(3m), Wis. Stats. If the Department determines your project is not eligible for this permit, you will be notified within 30 calendar days after your complete application package is received by Department.
- 6) A complete application package must include all of the following information:
 - a. **Application form** - A complete, signed application form "Water Resources Application for Project Permits (WRAPP)" (Form 3500-053). The WRAPP is part of the ePermitting process and will be completed automatically with an online application.
 - b. **Application checklist** - A signed permit application checklist certifying that the applicant agrees to meet the eligibility criteria and permit conditions established in WDNR-GP11-2026.
 - c. **Application fee** - Payment must be submitted through the ePermitting System as part of the application process. The fee for a municipal development general permit is \$600. Don't forget to sign and submit the application after you complete the payment.
 - d. **Ownership documentation** - A copy of the deed, land contract, current property tax statement or receipt sufficient to verify ownership or legal authorization to proceed.
 - e. **Photographs** that clearly show the present on-the-ground conditions of the project areas. Color images are preferred and remember that snow cover or vegetation may obscure important details. If possible, have another person stand near the project area

for size reference.

- f. Site maps** that clearly illustrate the project location, perimeter, and surrounding area, including nearby water resources (e.g., lakes, rivers, streams, wetlands), major landmarks and roads. Use the [DNR Storm Water, Waterway, and Wetland Permit Viewer](#) or a similar app to show the project area, all proposed wetland impacts and all waterway and wetland resources on one or more maps, including:
- Recent aerial photos of the site and surrounding area (Imagery)
 - Topographic map including the site and surrounding area (Topo and LiDAR-based elevation and contours)
 - Wetland indicators and soils (wetland indicators)
 - Wisconsin Wetland Inventory (WWI) map (WI wetland inventory)
 - Waterways on the site (surface water)
 - Designated waterways, such as ASNRI, PRF, other PNW (designated waterways)
 - Regulated floodplain (dams and floodplains, FEMA NFHIL)
- g. Plans and specifications** that clearly and accurately show the proposed project to scale. Plans must be detailed and represent a single and complete project. Please refer to examples when developing your plans and specifications.
- Location, dimensions and area of temporary and permanent wetland impacts
 - Cross-section view(s) for each wetland impact area
- h. A site-specific vegetative plan** must be included for projects that require significant grading or for projects where the remaining wetland complex is dominated by native or non-invasive vegetation. Plans should include:
- Vegetation native to Wisconsin established as soon as possible
 - Plans to monitor and inspect regularly for one year after completing the project.
 - Additional stabilization or re-vegetation as needed to ensure stabilization.
- i. Narrative description** of your proposal on a separate page including:
- What the project is, purpose of project, and need for the project.
 - How you intend to carry out the project, including methods, materials, and equipment.
 - The proposed construction schedule and sequence of work.
 - What temporary and permanent erosion control measures will be used.
 - The location of any disposal area for excess materials.
 - For disturbances or fill, provide a description of type, composition, and quality of materials.

- How you plan to avoid, minimize, and mitigate impacts to wetlands.
- Wetland area (e.g., linear feet, cubic yards) impacted.

j. Wetland Delineation Report documentation such as

- A valid Wetland Delineation Report conducted by an Assured Delineator recognized by the Department (<http://dnr.wi.gov/topic/Wetlands/assurance.html>), or
- Concurrence from the WI DNR Wetland ID program (<http://dnr.wi.gov/topic/Wetlands/identification.html>), or
- Documentation from the Department's Water Management Specialist (WMS) reviewing this application that a delineation is not necessary for the given site or area of impact.

k. Practicable Alternatives Analysis - Provide clear, detailed documentation on how the wetland impact cannot be avoided and was minimized to the maximum extent practicable. Include:

a) Project purpose and need:

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

b) Alternatives:

- Describe any other locations considered or available to avoid wetland impacts (for example, could the facility be built in upland areas)
- Describe how the design elements minimize wetland impacts. Discuss considerations such as a smaller size or different layout, narrower width of the road, reduced the side slopes, removing or reducing design elements such as decks or sidewalks)
- For each of the alternatives identified:
 - Explain and provide documentation for why you eliminated the alternative from consideration (e.g. cost, safety issues, logistical, technological, design choice – such as wetland or soil type, hydrology or topography, weight bearing needs, etc.)
 - Explain what you plan to do to minimize adverse effects on the wetlands during your project (e.g. erosion control, minimized vegetation clearing for construction, avoid more sensitive wetland types, timing of construction, other best management practices, etc.)

- Additional guidance to help develop your alternatives analysis can be accessed at <https://dnr.wi.gov/topic/waterways/documents/PAA/PAAwetlands.pdf>

I. Threatened and Endangered Resource Documentation verifying the project will not result in an adverse impact on federal or state threatened/endangered resources. Documentation options include:

- i. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
- ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword “NHI public portal”.
- iii. If the ER Preliminary Assessment from the NHI Public Portal shows that “further actions are required” then submit a Department **or** Certified ER Review letter. The request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords “ER review request.”
 - **Note:** A review for state threatened/endangered resources is completed by the Department for all applications submitted.

m. Cultural and Historic Resource Documentation verifying the project will not result in an adverse impact on federal or state cultural/historical resources. If historical or cultural resources are present the Department may require documentation that the project will comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats.

- 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.

SECTION 3. CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to Department, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP10-2026.

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-GP10-2026 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-GP10-2026.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP10-2026 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP10-2026 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP10-2026 expired before the activity is completed. The Department's use of general permit WDNR-GP10-2026 established under s. 281.36(3g), Wis. Stats., expires on June 25, 2031.
6. Written authorization for modification of scope. Any modification to the wetland impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.

7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. Permit Posting. You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. Permit Compliance. The Department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.
11. Construction Timing. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. Construction. No other area of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
13. Project Completion. Within one week after completing the regulated activity, you shall submit to the Department a statement certifying the project complies with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
14. Proper Maintenance. You must maintain the activity authorized by WDNR-GP10-2026 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.

15. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee who is inspecting the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP10-2026 and applicable laws.
16. Erosion and Siltation Controls. The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in subch. III of ch. NR 151, Wis. Adm. Code. The technical standards to implement these performance standards can be found at <https://dnr.wisconsin.gov/>, keywords "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.
17. Equipment Use. The equipment used in wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. Wetland Protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex, if applicable.
19. Invasive Species. All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by following the most recent Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. These protocols and practices along with a factsheet for equipment operators can be found at <https://dnr.wisconsin.gov/>, keywords "invasive species BMPs."
20. Federal and State Threatened and Endangered Species. WDNR-GP10-2026 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.

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-GP10-2026 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.
23. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-943-0003.
24. Suitable Fill Material. All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Adm. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.
25. Standard for Coverage. Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. Dam Transfers. No transfer of ownership of the dam may take place without proper authority under s. 31.21, Wis. Stats.

28. Reevaluation of Decision. The Department may suspend or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP10-2026.
- 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 has determined that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will comply with all applicable requirements of WDNR-GP10-2026, s. 281.36(3g) and ch. 31, Wis. Stats, and chs. NR 102,103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined pursuant to wetland water quality standards under s. NR 103.03, Wis. Adm. Code, and s. 281.36(3g)(d), Wis. Stats., that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit individually and cumulatively will only result in minimal adverse environmental effects.
3. Pursuant to s. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.
4. For wetland impacts authorized under this general permit, the Department has determined that projects 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 wetland impacts 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 scope of project activities is confined to the project area, which 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.

SECTION 6. CONCLUSIONS OF LAW

1. The Department has authority under s. 281.36, Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. On that basis the Department has complied with ch. NR 150, Wis. Adm. Code, and s. 1.11, Wis. Stats.

SECTION 7. DEFINITION OF TERMS

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

1. "Affect wetlands" includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland. Secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reducing flood capacity, etc.).
2. "Area of special natural resource interest" means only the areas listed in s. 30.01 (1am), Wis. Stats., and identified by the Department in s. NR 1.05, Wis. Adm. Code.

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

- a. A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., and shown on a map published on the Department's Internet site.
- b. A surface water identified as a trout stream by the Department in s. NR 1.02(7), Wis. Adm. Code, and shown on a map published on the Department's Internet site.
- c. A surface water identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats., and shown on a map published on the Department's Internet site.
- d. A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.

- e. A body of water in a wetland along Lake Michigan or Lake Superior that the Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.
 - f. A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26, Wis. Stats., and shown on a map published on the Department's Internet site.
 - g. The portion of a body of water that contains a sensitive area and shown on a map published on the Department's Internet site.
 - h. A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the Department's website.
3. "Boreal rich fens" are a rare open peat land community of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
 4. "Calcareous fens" occur mostly in southern Wisconsin, on sites that are fed by carbonate enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
 5. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
 6. "Coastal plain marshes" are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and possibly in glacial tunnel channels.
 7. "Complete application package" means a completed and signed application, the information specified in Section 2 of this permit, and any other information which can reasonably be required from an applicant that the Department needs to make a decision.

8. "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.
9. "Department" means the Department of Natural Resources.
10. "Emergent marshes containing wild rice" are typically emergent aquatic communities that have wild rice as a component. Substrates supporting wild rice usually consist of poorly consolidated, semi-organic sediments. Water fertility is usually low to moderate, and a slow current is typically present.
11. "Fill material" has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland. Examples of such fill material include, but are not limited to rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.
12. "Floodplain" defined in ch. NR 116, Wis. Adm. Code, is the land which has been or may be hereafter covered by flood water during the regional flood.
 - Floodplain regulations and ordinances information is available at <https://dnr.wisconsin.gov/>, keywords "floodplain regulations".
13. "Great Lakes ridge and swale complexes" are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.
14. "Hydrogeneration facilities" are facilities that are part of a dam and include, but are not limited to, the powerhouse and the canals (races) to and from the powerhouse.

15. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
16. "Interdunal wetlands" occupy wind-created hollows that intersect the water table within active dune fields along the Great Lakes shores. They may also occur where moving sand encroaches on nearby wetlands, surrounding and isolating all or portions of them.
17. "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/>, keywords "invasive plants."
21. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a linear project affects several different wetland areas, the cumulative total of all regulated 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 an independent objective and would accomplish its intended purpose whether or not other phases were constructed.
22. "Southern sphagnum bogs" are bogs located in the area south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago. They are typically composed of a carpet of living sphagnum moss growing over a layer of acidic peat. Sedges, forbs and/or the low shrubs of the heath family (Ericaceae) colonize the sphagnum moss mat.
23. "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.
24. "Temporary wetland impact" means non-permanent wetland discharge placed for no more than 60 days between May 15 and November 15 for purpose of access, construction, or structure installation that does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, construction mats used for equipment access are temporary wetland fill.

25. "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.
26. "Wetland" has the meaning in s. 23.32, Wis. Stats., and NR 103.02(5), Wis. Adm. Code, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.
27. "Wetland floristic integrity" means the overall condition of the wetland plant community as a direct indicator of wetland quality, typically calculated using floristic quality assessment (FQA) methodologies.
28. "Wetland functional values" means the physical, chemical and biological process or attributes that occur in a wetland and the benefit society derives from certain functions as listed in ss. NR 103.03(1) and 350.003(17) Wis. Adm. Code.