

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY AND WETLAND GENERAL PERMIT
FOR CERTAIN AGRICULTURAL WATER QUALITY
IMPROVEMENT ACTIVITIES**



Permittee: The General Public in Wisconsin

Permit #: WDNR-GP18-2023

Issuing Office: Waterway and Wetlands Section, Waterways Program,
Wisconsin Department of Natural Resources (Department)

Issuance Date: **Date**

Expiration Date: **Date**

GENERAL PERMIT AUTHORIZATIONS

In compliance with the provision(s) of statutory reference requiring permit 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 of Natural Resources (Department) or the discharge is exempt under s. 281.36, Wis. Stats.

The Department has authority to issue wetland general permits under s. 281.36(3g), Wis. Stats. Pursuant to s. 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) and have not already been certified through a previous Department action.

In compliance with the provision(s) of ss. 30.12(1) and (2m), Wis. Stats., no person may place any structure or ford crossings 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. A waterway 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) and have not already been certified through a previous Department action.

In compliance with section 30.19(1g)(a), Wis. Stats., no person may enlarge any artificial water body that connects with an existing navigable waterway unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with section 30.19(1g)(c), Wis. Stats., no person may grade or remove topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature.

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

In compliance with ch. 31, Wis. Stats., no person may erect a dam across any stream that is not navigable in fact for any purpose without complying with the terms and conditions therein.

The Department has authority to issue general permits under ss. 281.36 (3g)(c) and 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-GP18-2023.

Note: WDNR-GP18-2022 does not apply to tribal activities located within the exterior boundary of a reservation.

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

Note: Section 30.12(1g), Wis. Stats., and Wis. Adm. Codes exempt from permitting requirements certain structures that are placed for specific purposes in waters that are **not** designated as Areas of Special Natural Resource Interest (ASNRI).

Note: Section 30.123(6)(d), Wis. Stats., exempts from permitting requirements the construction or placement and maintenance of a Replacement Culvert as long as the Replacement Culvert is placed in substantially the same location as the culvert being replaced and the replacement culvert is constructed or placed using best management practices to comply with water quality standards under ch. 281, Wis. Stats., subch. II (available online at <https://legis.wisconsin.gov> using keywords "Ch 281").

Note: Section 30.12(2m), Wis. Stats., allows the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed in ASNRI designated waters or at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats., may be authorized by this general permit.

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP18-2023 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP18-2023 authorizations do not supersede any other local, state or federal authority so additional permits may be required before any work may proceed. U.S. Army Corps of Engineers Clean Water Act s. 404 permits are required for discharges of dredged or fill material to Waters of the United States, including discharges to federal wetlands. Rivers and Harbors Act Section 10 permits are required for work including the placement of structures and dredging in navigable waters of the United States. Floodplain permits (ch. NR 116, Wis. Adm. Code) or other local zoning permits may be required. Please contact your local zoning authority; county zoning administrator contact information is available at <https://www.wccadm.com/wcca-contacts>.

Additional waterway and wetland permitting may also be necessary depending on the project size, scope and purpose and need. Please visit <https://dnr.wisconsin.gov/>, keyword “water permitting” for more information.

This permit does not supersede any applicable easement(s) 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-GP18-2023 applies to certain waterway and wetland activities undertaken as part of water quality improvement projects relating to agricultural best management practices and/or shoreland protection and stabilization projects.

The following activities are eligible for coverage under WDNR-GP18-2023:

- Discharges affecting up to 10,000 square feet in size, of dredged and/or fill material into wetlands if the discharge is for agricultural best management projects for water quality improvement purposes, as described herein, in the State of Wisconsin except for proposed tribal activities located on Federal Indian Trust lands. Discharges to wetlands are regulated under s. 281.36 (3b), (3g), (3m), and (4), Wis. Stats.
- Construction, placement and maintenance of erosion control structures on the beds of watercourses for the purpose of improving water quality. Erosion control structures are regulated under ss. 31.12(5) and s. 30.12 (1), (1g) and (k), (2m), and (3), Wis. Stats.
- Removal of material from the bed of a navigable stream or adjacent to a navigable stream. Such removal is regulated under ss. 30.19(1)(a), 30.20(1), (1g), (1t), and (2), Wis. Stats.
- Grading or removal of topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet. Grading or removal of topsoil is regulated under s. 30.19(1g)(c), (1m)(f) & (g), (3r)(b), and (4), Wis. Stats.
- Construction or maintenance of a ford crossing in navigable streams. Such structures are regulated under s. 30.12(1), (3)(a)4, and (3m), Wis. Stats.

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.
- Construct, place or maintain a structure under this permit at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats.
- Remove material where the Department requires a permit under s. 30.20, Wis. Stats.
- Construct a connected enlargement where the Department requires a permit under s. 30.19, Wis. Stats.
- Grade the bank where the Department requires a permit under s, 30.19, Wis. Stats.
- Construct a water control structure, berm or embankment that requires a plan review 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-GP18-2023 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-GP18-2023**.

State of Wisconsin Department of Natural Resources
For the Secretary

Benjamin Callan – Director
Waterways Program

Date

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WDNR-GP18-2023 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP18-2023. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP18-2023.

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.

The project must meet all the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work should note that s. 281.36 (3g)(h), Wis. Stats., requires applicants to demonstrate that adverse impacts to wetland functions and values have been avoided and minimized to the maximum extent practicable.

Note: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP18-2023. In these cases, persons may apply for an Individual Permit as outlined in ss. 281.36(3m) or 30.208, Wis. Stats. The Department also has authority under ss. 281.36(3g)(i) and 30.206(3r), Wis. Stats., to require an individual permit in lieu of a general permit, if the Department has determined that conditions specific to the site require additional restrictions on the discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values and floristic integrity or to the public rights and interest, environmental pollution, or material injury to the riparian rights of any riparian owner will occur.

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

SECTION 1. ELIGIBILITY CRITERIA

A. GENERAL CRITERIA

1. The project purpose is to install water quality best management practices associated with a single and complete project.
2. The discharge will cause only minimal adverse environmental effects.
3. The project will **not be located** in an Area of Special Natural Resource Interest (ASNRI) and will not be

located in a Public Rights Feature (PRF) identified in s. NR 1.06(5), Wis. Adm. Code.

4. An Agency or Agencies consisting of the WDNR, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), the United States Department of Agriculture - Natural Resource Conservation Service (NRCS), the United States Fish & Wildlife Service (FWS), or a county agency charged with completing conservation practices (sometimes abbreviated to LWCD or LCD) is providing technical assistance or has entered into a binding agreement (such as a cost share agreement) with the landowner(s) to install and maintain a water quality improvement project.
5. The Agency(ies) have documented site conditions that show impacts to topography, soils, native vegetation or hydrology that have resulted in degraded surface water quality and are potentially reversible with conservation activities.
6. The project involves only the following list of activities that are designed and will be constructed to meet the listed NRCS Field Office Technical Guide Standard Conservation Practices (NRCS Conservation Practices):

Applicable Activities:

- a. Hydrology alterations:
 - i. Installing structures or plants in or adjacent to waterways such as grassed waterways, lined waterways, or filter strips to impede surface water drainage or runoff.
 - ii. Constructing water control structures that include dikes, embankments, and low berms to impede surface water drainage or runoff.
 - iii. Removing pumps, breaching structures such as dikes, or re-routing drainage features or manipulating water control structures.
 - iv. Installing small weirs or flumes for the purpose of monitoring. Installing drain tile if needed to stabilize the grassed waterway or filter strip practice(s).
- b. Soil disturbing activities:
 - i. Removing soil, vegetation, or sediment deposits.
 - ii. Grading or adding material to stabilize channel side slopes or streambanks.
 - iii. Creating topography to improve infiltration and sediment deposition.
 - iv. Tilling as needed to install and maintain proper vegetation.
- c. Plant management activities:
 - i. Introducing plants by planting, cultivating, stocking, or releasing.
 - ii. Controlling plants by cutting, destroying, or suppressing plant growth using manual or mechanical methods, introducing NRCS approved biological agents, manipulating water levels, burning, or using EPA registered herbicides and chemicals applied according to label instructions.
- d. Monitoring activities:
 - i. Installing and maintaining devices such as staff gauges, water level recording devices, small weirs, and flumes whose purpose is to measure and record scientific data for monitoring the conservation activity.
 - ii. Periodic water quality testing
 - iii. Periodic sampling of flora and fauna composition and abundance.
- e. Management activities
 - i. Reestablishing hydrology damaged by large storm events.
 - ii. Removing soil deposition
 - iii. Installing and maintaining a stream crossing to access areas to comply with necessary management activities.
 - iv. Ford crossings installed for livestock crossings to reduce sediment, nutrient, organic, and inorganic loading to the stream and to reduce streambank and streambed

erosion.

Applicable NRCS Conservation Practices:

- Code 412 - Grassed Waterway
- Code 393 - Filter Strips
- Code 468 - Lined Waterway
- Code 410 - Grade Stabilization Structure
- Code 578 - Stream Crossing
- Code 638 - Water and Sediment Control Basin
- Code 402 - Dam
- Code 350 - Sediment Basin
- Code 587 - Structure for Water Control
- Code 620 - Underground Outlet
- Code 656 - Constructed Wetland
- Code 342 - Critical Area Planting
- The project may involve the following practices if they are necessary for the functionality of the practices listed above:
 - Code 606 - Subsurface Drain
 - Code 500 - Obstruction Removal
 - Code 572 - Spoil Spreading

7. Placement and sizing of subsurface drains must be limited to only what is necessary to ensure the functionality of the NRCS Conservation Practice 412 - Grassed Waterways and must be no larger than 12 inches in diameter.
8. The project applicant is the landowner, easement holder, or someone who otherwise has legal authorization to proceed, unless the project creates a water control structure on a navigable waterway in which case the project applicant must be the landowner.
9. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards listed under subchapter 3 of ch. NR 151, Wis., Adm. Code. The technical standards are found at <https://dnr.wisconsin.gov/>, keyword "stormwater technical standard".
10. Unless part of a permanent storm water management system, all temporary erosion and sediment control practices shall be removed upon final site stabilization. All areas disturbed during removal of temporary erosion and sediment control practices will be restored.
11. 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.
12. 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.
13. The project plans minimize adverse impacts on fish movement, fish spawning, egg incubation periods and high stream flows, the project may not occur during the following time periods:
 - September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps.

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

Note: Per s. NR 1.02(7), Wis. Adm. Code, the Department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the Designated Waters Theme on DNR's Surface Water Data Viewer found at <https://dnr.wisconsin.gov/>, keywords "surface water data viewer".

14. 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.
15. 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 NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <https://dnr.wisconsin.gov/>, keyword "invasive species BMPs".
16. 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.

B. ELIGIBILITY CRITERIA FOR ACTIVITIES THAT AFFECT WETLANDS

In addition to the general standards in Section 1A, the following standards apply to all projects that impact wetlands:

1. Project discharge does not affect more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete project.
2. The proposed project cannot practicably avoid wetland impacts.
3. The proposed project minimizes wetland impacts to the greatest extent practicable.
4. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.
5. 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.
6. Discharge will not occur in the following resources: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, boreal rich fens, or calcareous fens.
7. The project is not eligible for authorization under a "Superior SAMP" permit reviewed by the City of Superior, Wisconsin.
8. Activities are allowed in or adjacent to existing wetlands if the wetlands meet one or both of the following criteria:
 - A degraded wetland plant community dominated by agricultural crops, early successional

hydrophytes, invasive or non-native plants.

- A wetland plant community dominated by a mix of invasive, early successional, non-native, and non-invasive native plants that exhibits site alterations, such as ditching or tiling, that have impacted hydrology.

Note: For more information on wetland invasive and non-native plants, see <http://dnr.wi.gov/>, keyword “wetland invasive plants”.

9. NRCS Conservation Practice 656 - Constructed Wetlands may not be placed in wetlands or be associated with impacts to natural wetlands.

C. ELIGIBILITY CRITERIA FOR INSTALLING WATER CONTROL STRUCTURES

In addition to the general standards in Section 1A, the following standards apply to all projects that install water control structures:

1. A water control structure may only be placed on a non-navigable watercourse.
2. A water control structure must meet the definition of a small dam and the dam’s failure will not endanger life, health or property. Projects that propose to construct a large dam must be reviewed through the individual permit process.

Note: Small Dams have a structural height of less than or equal to 6 feet or a structural height of less than 25 feet provided that the maximum storage capacity is less than 50 acre-feet. Please reference “Large Dam vs. Small Dam Diagram” for a criteria comparison on the Department website at <https://dnr.wisconsin.gov/>, search phrase “large dam small dam max”.

3. A water control structure may only be placed by the landowner on property owned by the landowner.
4. A water control structure may not impound water on a permanent basis.
5. A water control structure may only be placed to reduce downstream flood damage, stabilize grade, reduce erosion, or trap sediment.
6. A water control structure must comply with NRCS Conservation Practices 410 - Grade Stabilization Structure, 638 - Water and Sediment Control Basin, 402- Dam, or 350 - Sediment Basin and approved by an individual with NRCS Engineering Job Approval Authority (EJAA) or DATCP certification.
7. The water control structure is solely intended for water quality improvement purposes and will not be used for irrigation pursuant to s. 30.18, Wis. Stats., or for recreational purposes.
8. Water control structures and any accompanying monitoring devices must be secured and prevented from moving.
9. Water control structures must be placed in a manner that prevents the collection, removal, or dispersal of sediment away from natural surface waters to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody after the structure installation activity is completed and the site is stabilized.
10. Any repair, modifications or alterations of dams beyond normal maintenance will require plan review by the Department.

D. ELIGIBILITY CRITERIA FOR REMOVING MATERIAL FROM OR ADJACENT TO A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that remove material from a navigable waterway or adjacent to a navigable waterway:

1. The removal of material shall be for the purposes of water quality improvement to comply with the

NRCS technical standards listed in Section 1A, number 6.

2. The dredging **may not** be located on a lake or impoundment.
3. A connected enlargement may only be attached to an intermittent stream.

Note: Permitting is not required for connected enlargements to non-navigable waterways.

4. The amount of streambed material dredged may not exceed 25 cubic yards over the course of this general permit unless additional material must be removed to repair or re-establish the project because of a catastrophic event or unless a waiver is granted by the Department.

Note: Material excavated to provide a suitable foundation to place a water control structure or ford should not be factored in when calculating the amount of bottom sediment that is being removed from the navigable waterway.

5. Projects involving the removal of material where a sediment cap, cover, installed barrier or other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment are not eligible for this general permit.

Note: Examples of environmental remediation programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), Great Lakes Legacy Act, or a Spill Response under ch. 292, Wis. Stats. or ch. NR 700, Wis. Adm. Code. For sediment cap or cover information see SWIMS database at <http://dnr.wi.gov/topic/surfacewater/swims/>.

6. Any material removed from the waterbody or adjacent area may be temporarily stockpiled in an upland area outside a mapped floodplain provided it is separated from the stream by an installed silt fence or a protective, vegetated buffer strip not less than 20 feet wide.
7. Any material removed from the waterbody or adjacent area may not be permanently placed in a wetland or floodplain or re-deposited below the ordinary high water mark (OHWM) of a navigable waterway unless it is included in the project design and submitted and approved by the Department and/or local zoning entity unless the deposit is exempt under federal, state, or local law.
8. No portion of any removed material shall be permanently piled up more than 2 feet deep or have a slope exceeding a slope of 2 to 1 (2H:1V).
9. Beaver dams may be removed for the purposes of installing and maintaining the water quality improvement project.
10. Native aquatic vegetation may be removed incidental to the dredging event under this general permit without needing an additional aquatic plant management permit as required by ch. NR 109, Wis. Adm. Code.
11. Dredging, including dewatering activities, shall be conducted to minimize reasonable suspension of sediment and minimize objectionable deposits as described in s. NR 102.04(1)(a) and (c), Wis. Adm. Code, of sediment to the maximum extent practicable.

E. ELIGIBILITY CRITERIA FOR GRADING IN OR ADJACENT TO A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that include grading in or adjacent to a navigable waterway:

1. Vegetation shall be established as soon as possible in conformance with NRCS Conservation Practice 342 - Critical Area Planting and monitored for at least one year after completing the project. During the monitoring period, the grading site shall be inspected regularly, and any areas requiring additional stabilization or re-vegetation shall be addressed to ensure final stabilization. Non-invasive cool season species such as Timothy (*Muhlenbergia glomerata*, *Muhlenbergia racemose*), Alfalfa (*Medicago x*

varia), Alsike Clover (*Trifolium hybridum*), Smooth Brome Grass (*Bromus erectus*, *Bromus racemosus*), and Redtop (*Agrostis gigantea*) may be used to rapidly stabilize critical sites adjacent to agricultural fields. For other situations, the vegetation plan shall include species native to the area of Wisconsin where the project is located, such as Virginia Wild-Rye (*Elymus virginicus*) or Smooth Brome Grass (*Bromus inermis*).

2. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.

F. ELIGIBILITY CRITERIA FOR FORD CROSSINGS OVER A NAVIGABLE WATERWAY.

In addition to the general standards in Section 1A, the following standards apply to all projects that install ford crossings over navigable waterway:

1. 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 NRCS Conservation Practice 578 - Stream Crossing.
2. A ford may only be placed in a stream less than 100 feet wide and less than 2 feet deep. A ford may be placed in a wider or deeper stream if the Department has approved in writing an alternative crossing location.

Note: Pursuant to NR 329, Wis. Adm. Code, the ford should be no more than 2 feet deep compared to normal stream depth and no more than 100 feet measured from streambank to streambank.

SECTION 2. APPLICATION REQUIREMENTS

1. After you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 6 below. Pursuant to ss. 281.36(3g)(h) and 30.206 (3), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keyword "water permit".
2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete application package.
3. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped.
4. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the Department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
5. As provided under ch. 30 and s. 281.36 (3g)(i), Wis. Stats., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outlined in ch. 30 and s. 281.36(3m), Wis. Stats. If the Department determines your project is not eligible for this permit, you will be notified within 30 calendar days after your complete application package is received by DNR.
6. A complete application package must include all of the following information:

- a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP18-2023. This form can be found at <https://dnr.wisconsin.gov/>, keyword “water permit”.
- b. Permit fees as shown on the fee sheet at <https://dnr.wisconsin.gov/>, keyword “Waterway Permit Fees” except as follows:
 - Waterway projects authorized under ch. 30, Wis. Stats., funded in whole or in part by a state or federal agency are exempt from permit fees under s. 30.28(3), Wis. Stats.
 - Wetland and dam projects are exempt from wetland permit fees under ss. 281.36(12)(e) or 31.12(5), Wis. Stats., only if the project is conducted by a federal or state agency.
- c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required under wetland eligibility criteria.
- d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
- e. Project plans that include final project design and construction including a project diagram that shows all of the following:
 - The final proposed project plans relative to wetland boundaries with the location and size of all proposed wetland impacts clearly identified and quantified in square feet. Project plans must clearly differentiate between proposed permanent and temporary wetland impacts. Where applicable, provide the project location relative to any Ordinary High Water Mark (OHWM) of navigable waterways.
 - Detailed documentation that clearly demonstrates why any proposed wetland impacts cannot be avoided, the practicable alternatives that were considered, and how the impact to the wetland will be minimized as required by s. 281.36(3g)(h)1, Wis. Stats. This documentation is not required if the project does not impact wetlands.
 - The methods, materials, and equipment that will be used to carry out the project.
 - The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - Top, side, and cross section plan profiles with appropriate measurements for the proposed project.
 - The construction schedule and sequence of work.
 - For disturbance or fill, a description of type, composition, and quality of materials.
 - Area impacted for projects that impact waterways.
 - The location of any disposal area for dredged or excavated materials, if applicable.
 - Maps of the project site with information that includes: most recent Soil Survey map, WI Wetland Inventory map, topographic map, floodplain information, and aerial photographs. All maps must show basic map elements (e.g., scale) and clear directions to the project site with project and property boundaries clearly labeled. The aerial photo shall also show the locations of all proposed wetland fill or discharge clearly labeled, if applicable.
 - Current photographs that represent existing site conditions where the project will occur. Photos must show a clear and unobstructed view of the **waterway and or wetland** within the project area. (not covered in snow/ice/thick vegetation, etc.)

- A copy of a concurred with wetland delineation, a wetland delineation conducted by an assured wetland delineator, or a waiver by the WDNR Water Management Specialist (WMS) stating that a delineation is not needed.

Note: A delineation waiver or wetland identification service may be available on a case-by-case basis. A pre-application meeting with a water management specialist is required to determine if this waiver is acceptable for the specific project. For more information about the wetland identification or confirmation service, visit <http://dnr.wi.gov/>, keyword: “wetland identification”.

- Documentation verifying the project will not result in an adverse impact to federal or state cultural/historical resources.
- Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:
 - i. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
 - ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword “NHI public portal”.
 - iii. If the ER Preliminary Assessment from the NHI Public Portal shows that “further actions are required” then submit one a Department or Certified ER Review letter. This request form for an ER Review letter and a list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords “ER review request”.

SECTION 3. CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to DNR, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP18-2023.

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-GP18-2023 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-GP18-2023.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP18-2023 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP18-2023 or until the activity is completed, whichever occurs first, regardless of whether

WDNR-GP18-2023 expired before the activity is completed. The Department's use of general permit WDNR-GP18-2023 established under ss. 281.36(3g) and 30.206, Wis. Stats., expires on **Month, day, 2028.**

6. Written authorization for modification of scope. Any modification to the waterway or wetland impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. Permit Posting. You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. Permit Compliance. The Department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.
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 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-GP18-2023 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-GP18-2023 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. Adm. Code. These 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.

17. Equipment Use. The equipment used in waterways and 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 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”.
20. Federal and State Threatened and Endangered Species. WDNR-GP18-2023 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-GP18-2023 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-GP18-2023.
- 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-GP18-2023, s. 281.36(3g) and chs. 30 and 31, Wis. Stats, and chs. NR 102, 103, 150, 299, and 300, Wis. Adm. Code.
2. The Department has determined pursuant to water quality standards under chs. NR 102 and NR 103 Wis. Adm. Code, and ss. 281.36(3g)(d) and 30.206(ag), Wis. Stats., that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit individually and cumulatively will only result in minimal adverse environmental effects.
3. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Adm. Code, or result in material injury to the rights of any riparian owner.
4. The Department has determined that activities subject to this permit, with conditions, will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners.
5. Pursuant to s. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.

SECTION 6. CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.12, 30.19, 30.20, 30.206, 281.36, and 31.12(5), Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with 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 if the project has not already been certified through a separate action.

SECTION 7. DEFINITION OF TERMS

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

1. "Affect wetlands" includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland. Secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reducing flood capacity, etc.).

2. "Area of special natural resource interest" for purposes of this permit means only the following areas listed in s. 30.01 (1am), Wis. Stats., and identified by the Department in s. NR 1.05, Wis. Adm. Code.

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

- a. A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., and shown on a map published on the Department's Internet site.
 - b. A surface water identified as a trout stream by the Department 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.
 - i. An area that possesses significant scientific value as identified by the Department in NR 1.05, Wis. Adm. Code."
3. "Boreal rich fens" are a rare open peat land communities of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
 4. "Calcareous fens" occur mostly in southern Wisconsin, on sites that are fed by carbonate enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
 5. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
 6. "Coastal plain marshes" are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and possibly in glacial tunnel channels.
 7. "Complete application package" means a completed and signed application, the information specified in Section 2 of this permit, and any other information which can reasonably be required from an applicant that the Department needs to make a decision.
 8. "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. "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 s. NR 109.06(2), Wis. Adm. Code.
11. "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.
12. "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 ch. 30, Wis. Stats., dredging does not include "de minimis" activities.
13. "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.
14. "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.
15. "Floodplain" has the meaning in ch. NR 116, Wis. Adm. Code, which means the land which has been or may be hereafter covered by flood water during the regional flood.

Note: Information for floodplain regulations and ordinances is available online at <https://dnr.wisconsin.gov/>, keywords "floodplain regulations".
16. "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.
17. "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.
18. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
19. "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.
20. "Invasive plants" are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin visit DNR's website at <https://dnr.wisconsin.gov/>, keyword "invasive plants".
21. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin a body of water is navigable if it is capable of

floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at Wis. Stats. s. 30.01(4m) and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).

22. "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.

23. "Public rights feature" has the meaning in NR 1.06, Wis. Adm. Code.

Note: "Public Rights Feature" means any of the following:

- a. Fish and wildlife habitat, including specific sites necessary for breeding, nesting, nursery and feeding. Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated *above*; areas of lake or streambed where fish nests are visible; large woody cover.
- b. Physical features of lakes and streams that ensure protection of water quality. Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).
- c. Reaches of bank, shore or bed that is predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features. Reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.
- d. Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty. Physical features indicative of navigation thoroughfares includes shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows.

23. "Riparian" means an owner of land abutting a navigable waterway.

24. "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.

25. "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.

26. "Small dam" means a barrier in or across a watercourse that impounds water and has a structural height of less than or equal to 6 feet or a structural height of less than 25 feet provided that the maximum storage capacity is less than 50 acre-feet.

27. "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.
28. "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.
29. "Water control structure" means an embankment or structure that ponds water and meets the following NRCS TOFG Standard Conservation Practices: 410 - Grade Stabilization Structure, 638 - Water and Sediment Control Basin, 402- Dam, and 350 - Sediment Basin.
30. "Watercourse" means a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.
31. "Wetland" has the meaning in s. 23.32, Wis. Stats., and NR 103.02(5), Wis. Adm. Code, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.
32. "Wetland floristic integrity" means the overall condition of the wetland plant community as a direct indicator of wetland quality, typically calculated using floristic quality assessment (FQA) methodology.
33. "Wetland functional values" means the physical, chemical and biological process or attributes that occur in a wetland and the benefit society derives from certain functions as listed in ss. NR 103.03(1) and 350.003(17), Wis. Adm. Code.