

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY AND WETLAND GENERAL PERMIT FOR RIPARIAN
NAVIGATIONAL DREDGING OF HUMAN-MADE IMPOUNDMENTS**



Permittee: The General Public in Wisconsin

Permit #: WDNR-GP20-2023

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

Issuance Date: December 21, 2023

Expiration Date: December 20, 2028

GENERAL PERMIT AUTHORIZATIONS

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.

Sections 30.20(3) and 30.206(1)(a), Wis. Stats., require and authorize the Department to issue general permits 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-GP20-2023.

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

Note: WDNR GP20-2023 does not apply to tribal activities located within the exterior boundary of a reservation.

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP20-2023 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP20-2023 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-GP20-2023 applies to certain projects where an applicant proposes to remove up to 50 cubic yards of material in a given year, from the bed of a person-made impoundment or associated feature for the purpose of improving riparian navigation.

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-GP20-2023 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-GP20-2023**.

State of Wisconsin Department of Natural Resources
For the Secretary



12/21/2023

Benjamin Callan – Director
Waterways Program

Date

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WDNR-GP20-2023 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP20-2023. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP20-2023.

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

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-GP20-2023. In these cases, persons may apply for an Individual Permit as outlined in s. 30.20(2) Wis. Stats. The Department also has authority under Further, s. 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 activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution as defined in s. 299.01(4), Wis. Stats., or material injury to the riparian rights of any riparian owner.

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

SECTION 1. ELIGIBILITY CRITERIA

1. The dredging purpose is to allow the riparian owner to navigate from the shoreline of his or her riparian property to the line of navigation.
2. The dredging is located exclusively within the riparian zone of the property owner, as defined in ss. 30.01(5r) and 30.20(3)(a)3 Wis. Stats.
3. For each riparian property, the area of dredging must be limited to a navigation channel not exceeding 30 feet wide and not exceeding the “line of navigation” as measured during summertime low water levels.
4. For each riparian property, the amount of “dredged material” may not exceed 50 cubic yards annually and may not exceed 250 cubic yards during the 5-year approval of this general permit.

Note: There is no limit to the number of times dredging can occur over the course of this general permit if the sum of each event during a calendar year does not exceed 50 cubic yards per year and does not exceed 250 cubic yards during the 5-year authorization. Each dredging event must adhere to the terms and conditions, including the eligibility standards, of this general permit.
5. The dredging is for the removal of “unconsolidated sediment” comprised of clay, silt, sand or muck, and may not occur in an area of primarily bedrock, cobble, rock or gravel.
6. Removal of coarse woody debris, trees, and other fish and wildlife habitat structures authorized by the Department is prohibited.
7. If applicable, the applicant has permission from the flowage bed owner to dredge the bottom material.
8. The dredging may not be associated with any metallic or nonmetallic mining project.
9. Projects that propose in-water disposal of dredged materials are ineligible for this general permit.
10. Native aquatic vegetation may be removed incidental to the dredging event for the purpose of improving navigation only under this general permit without needing an additional aquatic plant management permit as required by ch. NR 109, Wis. Adm. Code, provided that:
 - a. Removal of native aquatic vegetation is limited to a single area with a maximum width of 30 feet measured along the shoreline.
 - b. Any aids to navigation (e.g., piers, boatlifts) are located within that 30-foot wide zone or immediately adjacent to the zone.
11. Projects involving the lease or sale of any dredged material are not eligible for this general permit. The lease or sale of dredged material from a navigable lake or outlying water requires a dredging contract from the Department under s. 30.20(2)(a), Wis. Stats.
12. Proposed dredging cannot conflict with any Department approved lake management plan. See <http://dnr.wi.gov/>, keyword “surface water grants”. Go to the Lake Protection and Classification Grants awarded link and select the Lake Management Plan in the Activity section.
13. Dredged material may not be temporarily or permanently placed within a wetland, floodway identified in a local floodplain zoning ordinance, or redeposited below the “ordinary high water mark” of a navigable waterway.
14. The project shall be conducted in a manner that prevents the dispersal of sediment away from the project site. Temporary control measures such as turbidity barriers or silt curtains shall be used and shall be installed prior to dredging and removed from the waterbody when water on both sides of the curtain are visually equal. Any temporary control measures shall follow all state lighting requirements and may not obstruct navigation. You may need a “waterway marker permit” or aids

to navigation if dredging in a navigation channel or routinely used water route under ch. NR 5.09, Wis. Adm. Code.

15. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion and sediment control measures shall meet or exceed the applicable technical standards listed under subchapter III of ch. NR 151, Wis. Adm. Code. Technical standards to implement the performance standards can be viewed at <https://dnr.wisconsin.gov/>, keyword “stormwater technical standard”.
16. Dredging, including dewatering activities, shall be conducted to minimize objectionable deposits, as described in s. NR 102.04(1)(a) and (c), Wis. Adm. Code, of sediment to the maximum extent practicable.
17. The project plans minimize adverse impacts on fish movement, fish spawning, egg incubation periods and during high stream flows. The project may not occur during the following time periods:
 - a. September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the Department website trout maps.
 - b. September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
 - c. November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 - d. September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 - e. March 1st through June 15th for all other waters.

Note: 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 Department’s Surface Water Data Viewer at <https://dnr.wisconsin.gov/>, keyword “surface water data viewer”.

Note: The local Department Fisheries Biologist may waive or modify timing restrictions in writing. To request waiver or modification of fish spawning timing restrictions for your project, please include a request in the narrative portion of your permit application.
18. The project is located on an “inland,” “human-made impoundment” or an “associated feature,” with a watershed comprised of more than 30% combined agricultural and urban land use development based upon the Department’s WisCLand dataset.
19. The dredging may not be located in a human-made impoundment that is identified as an outstanding or exceptional resource water under s. 281.15, Wis. Stats., an “area of special natural resource” interest as defined in s. 30.01(1am), Wis. Stats., or a “public rights feature” as defined in s. NR 1.06(5), Wis. Adm. Code. These waterways can be found at the Department website at <http://dnr.wi.gov>, keyword “surface water data viewer.”
20. The dredging may not be located in human-made impoundment having self-sustaining populations of walleye located in the ceded territory of the state where resource allocation rights are shared by sovereign tribes as defined in s. NR 1.07(4)(d), Wis. Adm. Code. These waterways can be found at the Department website at <http://dnr.wi.gov>, keyword “surface water data viewer.” In the DNR Surface Water Data Viewer, turn on the “Fisheries Management” layer, then turn on the “Walleye Waters” layer.
21. Projects that involve the removal of material from waters that were ammunition fall areas for gun ranges or projects that involve the removal of “hazardous waste” are ineligible for this general permit.

22. Projects involving the removal of material where a sediment cap, cover, installed barrier or where other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment are ineligible for this general permit. 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, and a Spill Response under ch. 292, Wis. Stats., or ch. NR 700, Wis. Adm. Code, or both. For sediment cap or cover information see SWIMS database at <http://dnr.wi.gov>, keyword "SWIMS database".

23. The applicant shall provide information about the potential for the proposed dredged material to contain "contaminated sediments" or "hazardous substances" if:

- a. The proposed dredging site is listed or immediately adjacent to a site on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) website or other county, state, or federal web-based data system that tracks the presence of a contaminated properties. BRRTS database information can be found at <http://dnr.wi.gov/topic/Brownfields/clean.html>, or
- b. The Department advises the applicant that it has specific information that indicates the potential that "contaminated sediments" or "hazardous substances" may be present in proposed area to be dredged and there is a need to verify if contamination is present and at what concentrations.

Note: There may be cases where the Department already has specific information about the presence of contaminated sediments or hazardous substances in a waterbody and may not require additional sampling. Specific information required by the Department could include but is not limited to:

- i. The collection and laboratory analysis of the dredged material in compliance with ch. NR 347, Wis. Adm. Code.
- ii. The review of historical dredge material information from the vicinity of the proposed project that was collected and analyzed in accordance with ch. NR 347, Wis. Adm. Code.
- iii. Assessment of the potential for contaminated sediments or hazardous substances to be present based upon the characteristic of the watershed, industrial and municipal discharges to the waterbody and dredge material data from similar waterways.

24. Projects, where contaminated sediments or hazardous substances are detected, must include best management practices to mitigate the potential for surface and groundwater contamination. The best management practices must be included in the project design plans and reviewed and approved the Department.

Note: Dredging projects must also obtain approval, and put in place practices to comply with, the Wisconsin Pollutant Discharge Elimination System (WPDES) and Solid Waste programs. For projects where contaminated sediments or hazardous substances are found, the Department may require an individual permit application under s. 30.206(3r), Wis. Stats.

25. 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.

26. 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.

27. 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.
28. Follow the most recent Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in ch. NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <https://dnr.wisconsin.gov/>, keyword "invasive species BMPs".
29. 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.

Note: This does not preclude eligibility of waterway exemptions or eligibility of other general or individual permits. Waterway permitting information is available dnr.wisconsin.gov keyword "waterway permit".

SECTION 2. APPLICATION REQUIREMENTS

1. To comply with the requirements in ch. NR 347.05, Wis. Adm. Code and prior to submission of an application, applicants shall provide the Department with preliminary dredging information including:
 - a. Name of waterbody and location of project;
 - b. Volume of material to be dredged;
 - c. Brief description of dredging method and equipment, including any containment BMPs to be used;
 - d. Brief description of proposed disposal method and location and, if a disposal facility is to be used, size of the disposal facility;
 - e. Any previous sediment sampling (including field observations) and analysis data from the area to be dredged or from the proposed disposal site;
 - f. Copy of a map showing the area to be dredged, the depth of cut, the specific location of the proposed sediment sampling sites and the bathymetry of the area to be dredged; and
 - g. Anticipated starting and completion dates of the proposed project.

Note: Considering the preliminary information provided by the applicant and the factors described in Section 1, #25, the Department shall then make a determination within 30 business days if there is reason to believe that the material proposed to be dredged is contaminated. This initial evaluation by the Department may be used in specifying sediment sampling and analysis required under s. NR 347.06, Wis. Adm. Code.

2. After providing the Department with the requested sediment sampling information and after you have carefully confirmed the proposed activity meets all the terms and conditions of this permit you must submit a complete application package to the Department as outlined in item 6 below. Pursuant to s. 30.206 (3), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov/>, keyword "water permit".
3. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated Department office receives a complete application package.

4. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated Department office, at which point the clock resumes from the point it was initially stopped.
5. As provided under 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 Department.
6. A complete application package must include all of the following information:
 - a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP20-2023. 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 Fee" 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) as required under section 1 #7 and/or #8.
 - d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
 - e. A narrative description of the project, which includes:
 - i. The project purpose.
 - ii. The work sequence, methods, materials, and equipment that will be used to carry out the project.
 - iii. A description of sediment dewatering plans and final site stabilization methods at the project site and disposal location
 - f. A project diagram that shows all of the following:
 - i. Project location relative to the ordinary high water mark (OHWM).
 - ii. A plan view to scale showing the area of proposed removal.
 - iii. The location of turbidity and erosion control measures to be utilized during the dredging operation and disposal of the material.
 - g. A copy of the results from any sediment sampling, required under ch. NR 347, Wis. Adm. Code, if applicable.
 - h. Maps of the project site that show and identify the location of all the following:
 - i. The riparian lines on both sides of the property extending from the OHWM to the

line of navigation, and the riparian zone area from the OHWM to the line of navigation.

- ii. The location of any disposal area for dredged or excavated materials.
- i. Photographs that represent existing project site conditions at the disposal site and the site where the dredging will take place.
- j. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:
 - i. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
 - ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keyword "NHI public portal".
 - iii. If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit a Department **or** Certified ER Review letter. 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 Department, the project will be conducted in compliance with all the terms and conditions of WDNR-GP20-2023.

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-GP20-2023 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-GP20-2023.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP20-2020 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP20-2023 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP20-2023 expired before the activity is completed. The Department's use of general permit WDNR-GP20-2023 established under s. 30.20(3), Wis. Stats., expires on December 20, 2028.

6. Written authorization for modification of scope. Any modification to the waterway impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. 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. Before each dredging event the general permit holder shall notify the Department at least 5 business days prior to the work with the following information:
 - a. Existing General Permit Docket or Identification number verifying existing coverage
 - b. Location of dredging
 - c. Proposed volume amount
 - d. Proposed dimensional dredging area
 - e. Dredged material disposal location
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-GP20-2023 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-GP20-2023 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 subch. III of ch. NR 151, Wis. Adm. Code. The technical standards to implement these performance standards can be found at <https://dnr.wisconsin.gov/>, keyword “stormwater technical standards”. Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

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 the following website: <https://dnr.wisconsin.gov/>, keyword “invasive species BMPs”.
20. Federal and State Threatened and Endangered Species. WDNR-GP20-2023 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-GP20-2023 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-GP20-2023.
 - 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-GP20-2023, s. 30.206, Wis. Stats., and chs. NR 102, 103, 150, 299, 300, and 347, Wis. Adm. Code.
2. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution, as defined in s. 299.01(4), or result in material injury to the rights of any riparian owner.
3. The Department has determined pursuant to water quality standards under s. NR 102, Wis. Adm. Code, and s. 281.15, 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.
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. 30.206 and 30.20(3), 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. "Associated feature" of an impoundment means connected surface water to the impoundment that is affected by the artificially raised water level such as individual lake basins, back bays and channels.
 4. "Contaminated sediments" has the meaning specified in the Wisconsin Pollutant Discharge Elimination System general permit to discharge carriage and/or interstitial water from dredging operations. (WPDES Permit No. WI-0046558-06-0).
 5. "Department" means the Department of Natural Resources.
 6. "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.
 7. "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.

8. "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.
9. "Fill material" has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland. Examples of such fill material include, but are not limited to rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.
10. "Floodplain" has the meaning in ch. NR 116, Wis. Adm. Code, which means the land which has been or may be hereafter covered by flood water during the regional flood.

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

11. "Hazardous substance" has the meaning specified in s. 292.01 (5), Wis. Stats.
12. "Impacts to wetlands" includes temporary or permanent conversion of a wetland.
13. "Inland waters" has the meaning given in s. 29.001(45), Wis. Stats.
14. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth based on the normal summertime low levels on the waterway or summer minimum levels where established by Department order.
Note: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under s. 30.13, Wis. Stats., the line of navigation is the municipal pierhead line.
15. "Human-made impoundment" has the meaning of a lake with artificially raised water levels created by a human-made dam or structure on a stream or river. Lake includes lakes, reservoirs, flowages or millponds listed in the most current version of the Wisconsin Lakes, Publ-FH800.
16. "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 s. 30.01(4m), Wis. Stats., and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).
17. "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.
18. "Outlying waters" has the meaning given in s. 29.001(63), Wis. Stat., and means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at De Pere.
19. "Public rights feature" has the meaning in s. 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 human-made or artificial) or that screen human-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.
20. "Riparian" means an owner of land abutting a navigable waterway.
21. "Riparian zone" has the meaning specified in ss. 30.01(5r) and 30.20(3)(a)3., Wis. Stats.
22. "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.
23. "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.
24. "Unconsolidated sediment" is defined as loose materials ranging in size from clay and silt to sand and muck. Unconsolidated sediment does not include bedrock, cobble, rock or gravel.
25. "Wetland" has the meaning in s. 23.24., 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.