

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**



**GENERAL PERMIT TO PLACE FISH/WILDLIFE HABITAT  
STRUCTURES, BOAT LANDINGS, AND STREAM CROSSINGS  
(CULVERTS/BRIDGES/FORDS/TEMPORARY CROSSINGS) IN NAVIGABLE  
WATERS, DREDGE OR PLACE MATERIAL ON THE BED OF A STREAM CHANNEL,  
AND DISCHARGE RELATED FILL INTO WETLANDS OF WISCONSIN**

PERMITTEE: The USDA Forest Service Chequamegon-Nicolet National Forest, a  
Federal Agency

PERMIT NO: GP14-2016-WI (WDNR-GP14-2016)

ISSUING OFFICE: Waterways & Wetland Protection Section, Watershed  
Management Program, Office of Business Support & External Services,  
Wisconsin Department of Natural Resources

ISSUANCE DATE: 04/27/2016

EXPIRATION DATE: 04/27/2021

**GENERAL PERMIT AUTHORIZATIONS:**

In compliance with Wisconsin Statutes section 30.12(1) and (2m), no person may place any structure upon the bed of any navigable water unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with Wisconsin Statutes section 30.123(2) and (6m), no person may construct, reconstruct or maintain bridges or culvert crossings in, on, or over navigable waters unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with Wisconsin Statutes section 30.19(1g)(c), 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 Wisconsin Statutes section 30.20(1), no person may remove any material from the bed of any lake, outlying water, or navigable stream unless a contract 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 Wisconsin Statutes section 281.36(3b)(b), no person may permanently or temporarily discharge dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department or is exempt by statute. In compliance with Wisconsin Statutes section 281.36(3b)(a), 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) (section 404 Clean Water Act).

The Department has authority to issue general permits under Wisconsin Statutes sections 30.12(3), 30.123(7), 30.19(3r), 30.20(1t), 30.206 and s. 281.36(3g) 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-GP14-2016.

**Note:** Wisconsin Statutes section 30.12(1g) and Wis. Admin. 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:** Wisconsin Statutes section 30.123(6)(d) 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 subch. II of [Wisconsin Statutes ch. 281](#).

**Note:** Wisconsin Statutes sections 30.12(2m) and 30.123(6m) allow the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed in ASNRI designated waters or at a site where the Department requires a permit under Wisconsin Statutes s. 30.12(2m) or 30.123(6m) may be authorized by this general permit.

**Note:** This permit does not authorize the replacement or reconstruction of a bridge, arch, or culvert on a wild river designated under Wisconsin Statutes s. 30.26 and Wis. Admin. Code ch. NR 302.

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

**OTHER AUTHORIZATIONS NECESSARY:**

WDNR-GP14-2016 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP14-2016 authorizations are provisional and require that project proponents obtain all other required local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers permits are required for any deposit or removal of material from Section 10 Waters under the Rivers and Harbor Act of 1899. A list of these waters can be found on the U.S. Army Corps of Engineers website at: <http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/navigable%20waters%20wi.pdf>

**PROJECT DESCRIPTION AND LOCATION:**

WDNR GP14-2016 applies to USDA Forest Service Chequamegon-Nicolet National Forest projects located on one of the following:

- Federally owned lands.

- Lands owned by other public or private entities with whom the Forest Service is cooperating by providing evaluation and/or design of the project, resource assessment and alternative(s), and/or engineered design and construction quality assurance of the project.

Note: WDNR GP14-2016 does not apply to proposed tribal activities located on Federal Indian Trust Land.

Note: Municipal public transportation projects as defined in WDNR GP2-2012, which includes town roads, should be permitted under the WDNR Municipal General Permit to Construct or Reconstruct Bridges/Highways/Culverts (WDNR GP2-2012) in effect on the date of application.

The following Forest Service activities are eligible for coverage under WDNR GP14-2016:

- Construction, placement and maintenance of a fish or wildlife habitat structure on the bed of a navigable water for the purpose of improving fish or wildlife habitat. Fish and wildlife habitat structures are regulated under Wis. Stats. s. 30.12 (1), (1g) (c) and (d), (2m) and (3m).
- Construction or maintenance of a bridge or the construction of a culvert in, on, or over navigable waters. Such structures are regulated under Wis. Stats. s. 30.123(2), (6), (6m), (7), and (8).
- Construction, placement, and maintenance of a public boat landing that is placed on the bed and bank of a navigable waterway for the purpose of launching and landing watercraft. Public boat landings are regulated under Wis. Stats. s. 30.12 (1), (2m), (3)(a)5., and (3m).
- 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 Wis. Stats. s. 30.19(1g)(c), (1m)(f) and (g), (3r), and (4).
- Removal of material from the bed of a lake or navigable stream. Such removal is regulated under Wis. Stats. s. 30.20(1), (1g), (1m), (1t), and (2).
- Construction or maintenance of a ford crossing in navigable streams. Such structures are regulated under Wis. Stats. s. 30.12(1), (3)(a)4, and (3m).
- Discharge of dredged or fill material to wetlands when necessary for the construction, reconstruction, or maintenance of a fish or wildlife habitat structure, clear span bridge, culvert crossing, public boat landing, or ford crossing and when authorization of the discharge is included in the authorization for that specific activity. Discharges to wetlands are regulated under Wis. Stats. s. 281.36 (3b), (3g), (3m), (4), and (5).

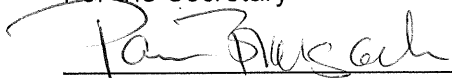
Any person that intends to do any of the following activities must comply with all applicable provisions of this general permit:

- Construct, place or maintain a structure under this permit at a site where the Department requires a permit under Wis. Stats. s. 30.12(2m), (3)(a)5, or 30.123(6m) or (7)(a) through (c).
- Remove material where the Department requires a permit under Wis. Stats. 30.20(1m) or (1t).
- Grade the bank where the Department requires a permit under Wis. Stats. 30.19(3r)(b).

- Discharge dredged or fill material to wetlands where the Department requires a permit under Wis. Stats. 281.36(3g).

**GENERAL PERMIT COVERAGE:** Unless notified by the DNR to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete notification package has been received by the designated DNR office. **WDNR-GP14-2016 permit coverage is valid for a period of 5 years from the effective date of coverage or until the authorized activity has been completed, whichever occurs first.** Thereafter, permit coverage terminates unless another complete notification package is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary

  
\_\_\_\_\_  
Watershed Bureau Director

  
\_\_\_\_\_  
Date Permit Signed

<b><u>TABLE OF CONTENTS</u></b>			<b><u>Page(s)</u></b>
<b>SECTION 1</b>	<b>ELIGIBILITY STANDARDS</b>		<b>6</b>
	<b>1A GENERAL STANDARDS</b>		<b>6-8</b>
	<b>1B FISH HABITAT STANDARDS</b>		<b>8-9</b>
	<b>1C WILDLIFE HABITAT STANDARDS</b>		<b>9</b>
	<b>1D BRIDGE STANDARDS</b>		<b>9-10</b>
	<b>1E CULVERT STANDARDS</b>		<b>10-12</b>
	<b>1F DREDGING OR PLACEMENT STANDARDS</b>		<b>12-13</b>
	<b>1G BOAT LANDING STANDARDS</b>		<b>13</b>
	<b>1H PERMANENT FORD CROSSING STANDARDS</b>		<b>14</b>
	<b>1I WETLAND FILL STANDARDS</b>		<b>14-16</b>
<b>SECTION 2</b>	<b>APPLICATION REQUIREMENTS</b>		<b>16-17</b>
<b>SECTION 3</b>	<b>CERTIFICATION &amp; RESPONSIBILITIES</b>		<b>17</b>
<b>SECTION 4</b>	<b>GENERAL PERMIT CONDITIONS</b>		<b>17-20</b>
<b>SECTION 5</b>	<b>FINDINGS OF FACT</b>		<b>20-22</b>
<b>SECTION 6</b>	<b>CONCLUSIONS OF LAW</b>		<b>22</b>
<b>SECTION 7</b>	<b>DEFINITION OF TERMS</b>		<b>22-26</b>
<b>APPENDIX 1</b>	<b>CULVERT SIZING WORKSHEET</b>		<b>27</b>
<b>APPENDIX 2</b>	<b>EXAMPLE PAA FOR INCIDENTAL WETLAND IMPACTS</b>		<b>28</b>

**WDNR-GP14-2016 TERMS AND CONDITIONS**

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP14-2016. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP14-2016.

**NOTE:** The term "you" and its derivatives, as used in this general permit, means the USDA Forest Service Chequamegon-Nicolet National Forest whose authorized representative or agent submitted and signed the complete notification package for coverage under the General Permit or the entity which conducts the activity under coverage of this General Permit. The term "the Department" or "this office" refers to the

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

### **SECTION 1 – WDNR-GP14-2016 ELIGIBILITY STANDARDS AUTHORIZATION**

In order for a project to be considered for coverage and authorization under WDNR GP14-2016, the project must be designed to meet all of the eligibility standards and conditions specific to the activity being applied for.

**NOTE:** Projects that do not meet all standards are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP14-2016. For projects that do not qualify for WDNR-GP14-2016, you may apply for an Individual Permit as outlined in Wis. Stats. s. 30.208(2), and a wetland general or individual permit under s. 281.36(3g) or (3m). The Department is authorized under Wis. Stats. s. 30.206(3r) for waterway activities and s. 281.36(3g)(i) for wetland discharges of dredged or fill materials to require an individual permit in lieu of a general permit if the Department has determined that the proposed activity is not authorized under WDNR-GP14-2016 or has conducted an investigation, visited the site, and determined that conditions specific to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution as defined in Wis. Stats. s. 299.01(4), or material injury to the riparian rights of any riparian owner.

#### **A. GENERAL STANDARDS APPLICABLE TO ALL WATERWAY PROJECTS**

1. The structure may be located in an area of special natural resource interest as described in Wis. Stats. s. 1.05, or at a site where the Department requires a permit under Wis. Stats. s. 30.12(2m).
2. Placement of the structure will not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., nor will it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am).
3. For a project permitted under s. 30.12(3), Wis. Stats., the applicant or co-applicant is the riparian owner. For a project permitted under s. 30.123(7), 30.19(3r)(b), or 30.20(1t), the applicant or co-applicant is the riparian owner or has obtained written permission of the riparian owner to undertake the permitted activity.
4. For projects permitted under s. 281.36(3g), Wis. Stats., that impact wetlands only, the applicant and co-applicant may be easement holders. If the applicant is not the landowner or easement holder, the applicant must receive written permission from the landowner.

5. Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, structures **may not be placed** during the following periods:

- September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>
- March 1st through June 15th for ALL other waters.

The regional Department Fisheries Biologist, the Forest Service Fish Biologist, or the Department/Forest Service Fisheries Liaison may waive or modify timing restrictions in writing. To find your biologist and request in writing a waiver or modification of fish spawning timing restrictions for your project, use the WDNR website at: <http://dnr.wi.gov/topic/fishing/people/index.html>

6. Unless the intended purpose of the project is to facilitate sediment mobility or deposition (i.e. stream simulation within a culvert or in-stream habitat restoration), structures must be placed in a manner that prevents sediment from collecting, removing, or dispersing away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody no more than 24 hours after the project is completed.

7. Temporary sediment control measures may not materially obstruct navigation or stream flow.

8. Live, living or growing aquatic plants may not be removed unless the removal is exempt under Wis. Stats. s. 23.24(4) or complies with the provisions for waiver of the permit requirement under Wis. Admin. Code s. NR 109.06.

9. Material removed or excavated from a waterway in order to place a structure may not be placed in a wetland, floodway, or below the ordinary high water mark of any navigable waterway. Dredging does not include "de minimus" activities unless allowed under section 1F.

10. Erosion control measures must meet or exceed the technical standards for erosion control approved by the Department under Wis. Admin. Code subch. V of ch. NR 151. Any area where topsoil is exposed during construction must be immediately seeded and mulched or ripped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. **Note:** These standards can be found at the following website: <http://dnr.wi.gov/topic/stormwater/standards/>.

11. Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices must be removed upon final site stabilization. Areas disturbed during construction or installation must be restored.

12. Projects that may impact tribal lands or rights may need additional coordination.

13. Unless allowed under section 1F, this general permit does not authorize any permanent change in the course of a navigable stream or removal of material from the bed of any waterway except for what is necessary to place the structure.
14. Your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood and agreed to follow all conditions of this permit.
15. Placement of the structure shall conform to the requirements of Wis. Admin. Code ch. NR 116, Wisconsin's Floodplain Management Program, if applicable.
16. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the placement, repair and removal of the structure.
17. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
18. Placement, repair and removal of the structure shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark.  
**Note:** Local zoning ordinances may place restrictions on activities located in mapped floodplains or in shoreland zones. The riparian is responsible for ensuring that their project complies with any applicable local zoning requirements as well as the provisions of this general permit.
19. Accumulated brush, debris and other obstructions that are trapped in or underneath the structure shall be regularly removed to prevent upstream flooding and maintain structural integrity.
20. The permittee shall submit a series of photographs to the department within one week of placing the structure on this site and within one week of stabilizing disturbed areas on the site after removing the structure. The photographs shall be taken from different vantage points and depict all work authorized by the permit.
21. The structure must be placed fully within the riparian zone of interest as defined in Wis. Admin. Code s. NR 326.07, but may extend waterward beyond the line of navigation (3 ft. water depth).

**B. ELIGIBILITY STANDARDS APPLICABLE TO THE PLACEMENT OF FISH HABITAT STRUCTURES.**

In addition to the standards in Section 1 A, the following standards apply to all fish habitat projects.

1. A fish habitat structure must be placed so that at a minimum, watercraft can navigate in open water from the waterward end of the structure to the *opposing* shoreline's line of navigation (defined in Wis. Admin. Code s. NR 326.03(4) as generally a 3 ft. water depth).
2. The structure must be placed at least 100 feet away from all of the following:
  - a. A municipal or commercial marina.



- b. A designated swimming area open to the public that is marked by buoys, ropes, or postings along the shore. This includes publicly accessible swimming areas on private land.

The placement of the fish habitat structure must not impair the use of any of the following:

- c. A publicly accessible boat ramp and its associated piers used for the purpose of loading and unloading water craft.
  - d. A designated carry-in only watercraft access site.
3. Structures must be secured and prevented from moving.
  4. Fish Habitat Structures may consist only of biological materials, rocks or gravel, except that any fastening and anchoring devices may consist of inert materials.
  5. Structures placed in lakes or flowages entirely waterward of the line of navigation must provide adequate navigational clearance, which means that the top of the structure typically must be covered by at least 5 feet of water during normal summertime low water levels.
  6. Fish habitat structures must be designed by the Forest Service Fisheries Biologist and be approved by the Local Department Fisheries Biologist or Department Forest Service Fisheries Liaison. A current list of Department Fisheries Biologists can be found at:  
<http://dnr.wi.gov/topic/fishing/people/fisheriesbiologists.html>

#### **C. ELIGIBILITY STANDARDS APPLICABLE TO THE PLACEMENT OF WILDLIFE HABITAT STRUCTURES**

In addition to the standards in Section 1 A, the following standards apply to all wildlife habitat projects.

1. The wildlife habitat structure shall be placed solely for the purpose of improving wildlife habitat.
2. A deposit of sand, gravel, or stone may be associated with the placement of a wildlife habitat structure, provided the deposit is limited to the area underneath or within one foot of the structure, is needed to place the structure, and is less than 2 cubic yards
3. Dredging under Wis. Stats. s. 30.20(1g)(b)1. is allowed for the placement of a wildlife habitat structure provided the dredging removes only the amount of bed material needed to place the structure and that amount is less than 2 cubic yards.
4. Wildlife habitat structures shall be designed and constructed of unpainted wood or of materials that are non-gloss earth tone colors that blend into a natural shoreline setting during leaf-on condition.
5. Wildlife habitat structures may not materially impair navigational use of a waterway.

#### **D. ELIGIBILITY STANDARDS APPLICABLE TO THE PLACEMENT OF NEW CLEAR SPAN BRIDGES**

In addition to the standards in Section 1 A, the following standards apply to construction or maintenance of all clear span bridge projects.

1. The clear span bridge may not be located on a wild river designated under Wis. Admin. Code ch. NR 302 or Wis. Stats. s. 30.26(2).
2. At least one end of the bridge structure shall be firmly anchored in a manner that the bridge will not be transported downstream during flood conditions.
3. The bridge shall completely span the navigable stream from above the Ordinary High Water Mark (OHWM) on either bank with no support pilings below the OHWM.
4. All bridges shall maintain a clearance above the water surface of not less than 5 feet, unless all the following conditions apply:
  - a. The waterway is known to have little or no navigational or snowmobile use.
  - b. The waterway is anticipated to have navigational use only by lightweight craft.
  - c. The owner provides a portage over or around the bridge or culvert.
  - d. The reduced clearance would not be detrimental to the public interest.
5. If the placement of the bridge requires the construction of an approach road, the approach road can be at or above the elevation of the surrounding natural ground elevation (at or above grade). **Side slopes** must be constructed to facilitate drainage away from the road surface and to minimize runoff flowing directly into the navigable waterway.
6. Placement of approach fill in a floodplain or floodway must meet the standards found in Wis. Admin. Code ch. NR116 if applicable.

#### **E. ELIGIBILITY STANDARDS APPLICABLE TO THE PLACEMENT OF NEW CULVERTS**

In addition to the standards in Section 1 A, the following standards apply to the placement of new culverts in navigable waters or replacement of existing culverts which are not exempt under s. 30.123(6)(d).

1. Culvert placement may not occur in a location where there is a Public Rights Feature (PRF) as described in Wis. Admin. Code s. NR 1.06. Locations of Public Rights Features (PRF) can be found using the Department's Surface Water Data Viewer (SWDV) located here:  
[http://dnrm.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Designated Waters](http://dnrm.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=DesignatedWaters)
2. The culvert may not be not located over a lake outlet or in a lake system.
3. The required culvert size may not exceed 20 square feet cross sectional area (as referenced by appendix1) unless the culvert is designed by a Professional Engineer, Forest Service Engineer, Forest Service Engineering Technician, or Forest Service Hydrologist. Note: A professional engineer as defined in Section 7 means a person registered as a professional engineer under [s. 443.04, Stats.](#),

and [ch. A-E 4](#). “Forest Service Engineer,” “Forest Service Engineering Technician,” and “Forest Service Hydrologist” refer to working titles of employees of the USDA Forest Service.

4. Culverts shall be designed to pass the 100 year flood event as documented by any of the following methods:
  - Hydrologic modeling
  - Spanning bank full width
  - WDNR culvert sizing worksheet (appendix 1)
  - Alternative method deemed appropriate by Department or US Forest Service.
5. Any culvert design in a mapped floodplain needs hydrologic modeling to ensure compliance with Wis. Admin. Code ch.NR 116 if applicable.
6. The project may not result in a significant obstruction to stream connectivity.
7. Culvert placement and installation must mimic the natural streambed, width, and gradient above and below the culvert channel. No perched culverts or impounding culverts are permitted.
8. The culvert should be sized and set at an elevation so that water depths, widths, and velocities at the culvert inlet and outlet match the natural water depths, widths, and velocities of the natural stream channel.
9. The inlet and outlet invert elevation of the culvert should be set below the natural stream bottom flow line elevation to allow streambed material to deposit in the bottom of the culvert, or where appropriate, natural streambed material may be added.
10. Culvert inlets may not be capped with screens, bars or any other means which prevent movement of fish or wildlife or collect debris, with the exception of beaver control measures.
11. Culverts shall be designed to prevent washout. Culverts shall be long enough so that road fill does not extend beyond the ends of the culvert. The culvert shall extend at least one foot beyond the fill.
12. If placement of riprap is necessary to protect the stream bank near the ends of the culvert, placement shall include an adequate filter layer or filter fabric.
13. Clean fill material shall be firmly compacted around the culvert. The culvert shall be designed or protected to prevent crushing.
14. Dredging and deposition of sand, gravel or stone on the streambed may be associated with the placement of a culvert provided that the dredging is limited to the volume necessary to bury the culvert as required in this section and for the placement of any proposed in-stream erosion control necessary to protect the stream bank near the ends of the culvert.

15. Unless the waterway is dry for the duration of the construction activities, you must install a diversion channel or pump bypass system upstream and downstream of your construction area, which may include the use of a coffer dam or similar device, unless otherwise directed by the Department.
16. If necessary, cofferdams and temporary channels must be constructed of non-erodible material and secured with rock bags at the bottom of the channel and top of the banks. No earthen cofferdams will be authorized.
17. The temporary diversion of the stream must be shown or described in the plans and the temporary diversion shall not exceed 5 working days, unless authorized by the Department for a longer period of time. Stream flow must be maintained downstream throughout construction time period.
18. Except for a temporary bypass system during construction, the project will not involve the creation, modification, or enhancement of any dam structures.
19. If the culvert placement requires the construction of an approach road, the approach road can be at or above the elevation of the surrounding natural ground elevation (at or above grade).
20. If the culvert placement requires the construction of an approach road, the approach road **side slopes** must be constructed to facilitate drainage away from the road surface and to minimize runoff flowing directly into the navigable waterway.
21. Placement of approach fill in a floodplain or flood way must meet the standards found in Wis. Admin. Code ch. NR116 if applicable.

**F. ELIGIBILITY STANDARDS APPLICABLE TO THE REMOVAL OF BED MATERIAL OR ADDITION OF MATERIAL ASSOCIATED WITH THE FAILURE OF A WATERWAY CROSSING OR PREVIOUS STREAM CHANNELIZATION.**

WDNR-GP14-2016 allows for Stream Channel Modification, which may include dredging or placement of materials, only when the removal or placement of material is desired as a result of a waterway crossing failure or previous stream channelization.

In addition to the standards in Section 1 A, the following standards apply to the removal of excess material or placement of material as a result of a waterway crossing failure or previous stream channelization.

1. Stream Channel Modification proposed as a result of crossing failure or previous stream channelization may only occur within 800 feet up or down stream of the waterway crossing location for the purpose of stream restoration and only if it is accompanied by all the following:

- a. Appropriate sediment control, dewatering, and disposal of materials in an upland location, if necessary.
  - b. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.
  - c. The amount of material requested to be removed is justified by a longitudinal stream profile documenting that the accumulation of material is impeding flow from upstream to downstream of the crossing location.
  - d. The amount of material requested to be placed is justified by a series of cross-sectional profiles showing channel widening or braiding within 800 feet up or downstream of the waterway crossing.
  - e. Documentation of any prior channelization within 800 feet up or down stream of the waterway crossing with a plan-view survey showing the existing and abandoned stream channels. Longitudinal stream profiles and cross-sectional profiles must also be utilized to document existing conditions and provide evidence for restoration activities. Profiles should show existing conditions and post restoration conditions.
2. Material added for the purpose of confining a stream channel shall be designed to prevent erosion of the recreated bank.

#### **G. ELIGIBILITY STANDARDS APPLICABLE TO BOAT LANDINGS**

In addition to the standards in Section 1 A, the following standards apply to all boat landing projects.

1. New boat landings must be open to the public.
2. Maintenance or expansion of pre-existing boat landings may be authorized under this section of GP-14-2016 provided all eligibility standards in this section 1G are met except #5.
3. A boat landing shall be designed and constructed to prevent structural failure caused by wave, wind or ice action and shall be maintained in good condition at all times.
4. Material removed or excavated to construct the boat landing must be disposed of in an upland location and may not be placed in a wetland, floodway, or below the ordinary high water mark of any navigable waterway.
5. A boat landing shall consist of any of the following:
  - a. 6- to 24-inch layer of crushed rock
  - b. 6- to 18-inch layer of crushed rock capped with 4-inch minimum thickness pre-cast reinforced concrete planks. Pre-cast planks shall be connected to prevent displacement.
  - c. 6- to 18-inch crushed rock base capped with a cast-in-place reinforced concrete slab.
  - d. 6- to 18-inch crushed rock base capped with interlocking manufactured or geo composite materials (e.g., concrete block, reinforced turf mat, or similar materials).

6. The placement of a boat landing may not interfere with existing navigational patterns on the waterway.
7. A boat landing may incorporate some type of toe protection at the lakeward end of the landing. Toe protection may not extend above the natural level of the bottom of the waterway.
8. If applicable to the project, cofferdams used for site de-watering shall consist only of clean recoverable materials such as sandbags or plywood sheeting, and all materials shall be removed immediately following project completion.

#### H. ELIGIBILITY STANDARDS APPLICABLE TO PERMANENT FORD CROSSINGS

In addition to the standards in Section 1 A, the following standards apply to all Ford Crossings.

1. Ford placement may not occur in a location where there is a Public Rights Feature (PRF) as described in Wis. Admin. Code s. NR 1.06. Locations of Public Rights Features (PRF) can be found using the Department's Surface Water Data Viewer (SWDV) located here:  
[http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Designated Waters](http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=DesignatedWaters)
2. A ford shall be designed and constructed to prevent structural failure and shall be maintained in good condition at all times.
2. A ford shall only be located in a stream.
3. A ford shall be constructed only at a location where the stream is less than 100 feet wide, the normal stream depth is less than 2 feet deep, and the streambed does not contain more than 6 inches of soft sediment.
4. A ford shall be designed by a Professional Engineer, Forest Service Engineer, Forest Service Engineering Technician, or Forest Service Hydrologist. A professional engineer is defined under Wis. Stats. [s. 443.04](#) and Wis. Admin. Code [ch. A-E 4](#). "Forest Service Engineer," "Forest Service Engineering Technician," and "Forest Service Hydrologist" refer to working titles of employees of the USDA Forest Service.
5. A ford shall have its top surface at the same level as the natural streambed immediately upstream and downstream from the ford. The placement of the ford may not result in the creation of an impoundment or dam upstream or a waterfall or riffle area downstream.
6. The approach road to the ford may not have bank slopes steeper than 5-foot horizontal to one-foot vertical (5H:1V) toward the stream; **Side slopes** must be constructed to facilitate drainage away from the road surface and to minimize runoff flowing directly into the navigable waterway.

7. Construction of the ford may not occur during periods of high stream flow or high water conditions where the flow is not confined to the immediate stream channel.

**I. ELIGIBILITY STANDARDS APPLICABLE TO CERTAIN PROJECTS THAT MAY IMPACT WETLANDS**

The following standards only apply to discharges to wetlands that are necessary in order to place fish and wildlife habitat structures, replace or maintain clear span bridges, culverts and public boat landings, or undertake stream restoration associated with the failure of a waterway crossing or prior stream channelization.

1. This section only applies to a project whose purpose is to do any of the following:
  - A. **Replace or maintain** an existing waterway crossing where the replacement or maintenance will result in impacts to wetlands within the project area.
  - B. **Replace, maintain, or expand** an existing boat landing where the replacement, maintenance, or expansion will result in impacts to wetlands within the project area.
  - C. **Place, replace, or maintain** a fish or wildlife habitat structure on a lake or stream where the project will result in impacts to wetlands within the project area.
  - D. **Add material for stream restoration** which will result in impacts to wetlands within the project area.
2. This section **does not** apply to projects whose purpose is to do any of the following:
  - A. Place **new** waterway crossings.
  - B. Place **new** public boat landings.
  - C. Place **new** recreational trails.
  - D. Undertake any other activities not listed in Section 11 I 1.

**Note:** These activities may be permitted under existing WDNR wetland general permits or WDNR individual permits for activities proposed to impact wetlands.

3. The project purpose is to replace or maintain a pre-existing waterway crossing or boat landing, place a fish or wildlife habitat structure, or restore a stream.
4. This permit does not authorize any new permanent or temporary roads in wetlands.
5. The proposed project will avoid and minimize wetland impacts to the greatest extent practicable and will cause only minimal adverse environmental impacts.
6. The project shall not result in more than 4356 square feet (0.1 acre) of permanent wetland fill or 0.23 acres of temporary wetland fill for a single and complete project. Disturbance should include only the amount of wetland fill necessary to properly construct and stabilize the project and shall minimize alteration of critical features of waterway or wetland habitats.
7. Projects that impact wetlands must comply with Wis. Admin. Code s. NR 103.

8. Project activities will not take place in or result in adverse impacts to any of the following:
  - a. Great Lakes ridge and swale complexes.
  - b. Interdunal wetlands.
  - c. Coastal plain marshes.
  - d. Southern sphagnum bogs.
  - e. Boreal rich fens.
  - f. Calcareous fens.
9. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
10. To the greatest extent practicable, the activity shall not result in adverse impacts to any of the following:
  - a. Fishery spawning habitat, including unobstructed fish passage.
  - b. Bird breeding areas.
  - c. 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.
11. Temporary wetland excavation activities shall segregate topsoil from subsoil. Topsoil shall be replaced to its original stratum. Subsoil shall be removed or replaced to its original stratum.
12. To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or shall be low ground pressure equipment, or shall work only during dry conditions.
13. Final site stabilization in wetlands requires the re-establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative cover.

## **SECTION 2: WDNR-GP14-2016 APPLICATION REQUIREMENTS FOR COVERAGE**

You are required to comply with the following application requirements:

1. After you have carefully confirmed that your project(s) meet(s) the purpose and all the terms and conditions of this permit, you must submit a *complete application package* as outlined in item 5 below to the Department. The complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit applications materials can be found and submitted online at <http://dnr.wi.gov/permits/water/>

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

2. 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 may request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. The Department may make a request for additional information one time during the 30-day period. 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 on which the department receives the information, at which point the clock resumes from the point it was initially stopped.

4. The Department may determine the project is not eligible for this general permit and require that the project be reviewed through the individual permit process outlined in Wis. Stats. ch. 30.
5. A complete application package must include all of the following information:
  - a. A Complete Application form certifying that the project meets the terms and conditions of WDNR-GP14-2016. This form can be found at <http://dnr.wi.gov/permits/water/>.
  - b. Permit fees as follows:
    - i. Projects funded in whole or part and conducted by a federal agency on federally owned lands are exempt from permit fees under Wis. Stats. ss. 30.28(3) and 281.36(12)(e).
    - ii. Projects on lands owned by cooperating public or private entities where the Forest Service provides evaluation and/or design of the project, resource assessment and alternative(s), and/or engineered design and construction quality assurance are exempt from permit fees under Wis. Stats. s. 30.28(3).
    - iii. Projects on lands owned by cooperating private entities where the Forest Service provides evaluation and/or design of the project, resource assessment and alternative(s), and/or engineered design and construction quality assurance are exempt from wetland permit fees under Wis. Stats. s. 281.36(12)(e) *only* if the project also is conducted by a federal 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 by Section IA, standard number 3 and 4 of this General Permit.
  - d. A project diagram that shows all the following:
    1. The location of the completed project relative to the OHWM or wetland boundaries with location and size of all proposed wetland impacts (if applicable).
    2. The location of silt fences, riprap, or any other sediment/erosion control devices.
    3. Top, side, and cross section plan profiles for the proposed project.
    4. If applicable, longitudinal stream channel profile or other waterway crossing sizing documentation (e.g., bankfull width to bankfull width documentation).
  - e. A description of materials and equipment to be used to complete the project and the purpose and need for the project.
  - f. Maps of the project site that show locations and delineate boundaries of all the following:
    1. The property where the project will occur.
    2. The OHWM of navigable waters in or near the project area.
    3. Any adjacent wetlands.
    4. The specific location of the proposed project on the property.
  - g. Photographs that represent existing site conditions where the project will occur.
  - h. Documentation that the project will not result in an adverse impact to federal or state threatened/endorsed resources and/or cultural/historical resources.
  - i. A detailed explanation of why any proposed permanent wetland impacts cannot be avoided and how the wetland impacts will be minimized to the greatest extent practicable as required by Wis. Stats. s. 281.36(3g)(h)1. (See Appendix 2) **NOTE:** If your project does not involve any permanent wetland impacts and only involves **temporary** impacts to wetlands, the PAA should clearly state that no permanent impacts are proposed with the project.

### SECTION 3: WDNR-GP14-2016 CERTIFICATION AND RESPONSIBILITIES

1. Upon submittal of a complete application package to DNR, you have certified that the project will be conducted in compliance with all the terms and conditions of WDNR-GP14-2016, and you agree to be the responsible party that supervises and oversees all aspects of the project

#### **SECTION 4: WDNR-GP14-2016 GENERAL PERMIT CONDITIONS**

The applicant agrees to comply with the following conditions:

1. **Application.** You must submit a complete application package to the Department as outlined in Section 2 of this general permit. If requested, you must furnish to the Department within a reasonable timeframe any information the Department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP14-2016 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and agreed to follow all terms and conditions of this general permit.
3. **Project Plans.** This permit does not authorize any work other than the work that is specifically described in the notification package and plans submitted to the Department and that you certified is in compliance with the terms and conditions of WDNR-GP14-2016
4. **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 DNR.
5. **Expiration.** This WDNR-GP14-2016 is valid for a period of 5 years from the date of issuance. Any activity that the Department determines is authorized by WDNR-GP14-2016 remains authorized under WDNR-GP14-2016 for a period of 5 years from the date of the Department's determination or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP14-2016 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining any other state permits and any other permits or approvals that may be required for your project by local zoning ordinances, the U.S. Army Corps of Engineers (USACE), and any other federal agencies before starting your project. To locate the USACE staff responsible for review projects in Wisconsin please visit <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>
7. **Project Start.** You must 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.
8. **Permit Posting.** You must post a copy of this permit at a conspicuous location on the project site for at least 5 days prior to the project starting, and the copy must remain posted on the project site at least 5 days after the project is complete. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
9. **Permit Compliance.** The Department may modify or revoke coverage of this permit if completion of the project is not carried out in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any condition of this permit is found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.

10. **Construction Timing.** Once waterway work below the OHWM commences, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be made stable until the work is resumed and completed.

11. **Project Completion.** *Within one week* of project completion you must submit to the Department a statement certifying that the project is in compliance with all the terms and conditions of this permit and photographs of the work authorized by this permit.

12. **Site Access.** Upon reasonable notice, you must allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or compliance with the terms and conditions of WDNR-GP14-2016 and applicable laws.

13. **Erosion and Sediment Control Practices.** The project site must implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in Wis. Admin. Code s. NR 151.11(6m). These standards can be found at the following website: [http://dnr.wi.gov/topic/Stormwater/standards/const\\_standards.html](http://dnr.wi.gov/topic/Stormwater/standards/const_standards.html). Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

14. **Equipment Use.** All equipment used for the project will be designed and properly sized to minimize the amount of disturbance to the wetland or waterway.

15. **Wetland protection.** You shall not store any vegetation, material, or equipment in wetlands unless authorized through an approved work plan. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.

16. **Temporary fills.** Any temporary fills must be entirely removed and the affected areas returned to their preexisting elevation and vegetated.

17. **Invasive Species.** To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project, including tracked vehicles, barges, boats, silt or turbidity curtains, hoses, sheet piles, and pumps, must be decontaminated for invasive species and viruses before and after use **or** prior to use within another navigable waterway. 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 Wis. Admin. Code ch. NR 40. These protocols and practices can be found on the Department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: "equipment operator" or "invasive bmp" and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>

18. **Federal and State Threatened and Endangered Species.** WDNR-GP14-2016 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, Wis. Stats. s. 29.604, and applicable state laws. The project must either avoid impacts to endangered or threatened species in accordance with Wis. Stats. s. 29.604 or receive an incidental take authorization under Wis. Stats s. 29.604. No Department authorization under this permit will be granted for projects found not to comply with these laws. No activity is authorized that 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 or state law or both, or that is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.

**19. Historic Properties and Cultural Resources.** WDNR-GP14-2016 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and Wis. Stats. s. 44.40. No Department authorization under this permit will be granted for projects found not to comply with these laws. The project must avoid impacts to archaeological sites or historic structures and is subject to Departmental and Wisconsin Historical Society review and approval before authorization under this general permit is valid. 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 under this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

**20. 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, may not be stored in the construction work area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. In addition, biodegradable hydraulic fluid should be used in equipment that is operated below the Ordinary High Water Mark. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, minimize any contamination resulting from this spill, and immediately notify the State Duty Officer at **1-800-943-0003**.

**21. Suitable Fill Material.** All fill authorized under this permit shall be free from hazardous substances as defined by Wis. Stats. s. 289.01(11), free from solid waste as defined by Wis. Stats s. 289.01(11) and (33), and must consist of clean, suitable soil material as defined by Wis. Admin. Code s. NR 500.03(214).

**22. Property Rights.** This permit does not convey any property rights of any sort or any exclusive privilege. The permit does not authorize any injury or damage to private property, any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

**23. Standards for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

**24. Transfers.** Coverage under this permit is not transferable to any person or entity unless the project has already been completed at the time of transfer.

**25. Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for any of the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP14-2016.

**26. Reevaluation of Decision.** This office may reevaluate its decision on any authorization under WDNR-GP14-2016 at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity. Suspension, modification or revocation may result in enforcement action. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP14-2016.

- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate, or false.
- c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

## **SECTION 5: WDNR-GP14-2016 FINDINGS OF FACT**

1. The Department has determined that the project site and project plans meet the standards in WDNR-GP14-2016 to qualify for this General Permit.
2. The proposed project will not cause more than 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 pursuant to Wis. Stats. s. 30.206(1)(am), nor result in significant adverse impacts to the public rights and interest, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., if completed in accordance with this permit.
3. Pursuant to Wis. Admin. Code s. NR 299.04(1), the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.
4. The Department has determined pursuant to wetland water quality standards under Wis. Admin. Code s. NR 103.03, and Wis. Stats. s. 281.36(3g)(d), that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will only result in minimal adverse environmental effects if carried out in compliance with the requirements of this general permit.
  - a. For activities authorized under section 1 I, for the purposes of the alternative analysis required under Section 2, the Department presumes that practicable alternatives are limited to the property owned by the permit applicant in circumstances involving certain small projects affecting less than 4356 square feet of wetlands. This presumption applies to the replacement or maintenance of an existing waterway crossing; the replacement, maintenance, or expansion of an existing boat landing; the placement, replacement, or maintenance of a fish or wildlife habitat structure on a lake or stream; or the addition of material to a stream in order to restore the stream, which will result in impacts to adjacent wetlands. For these small projects that would solely replace, maintain, or expand an existing structure, the basic project purpose is intrinsically linked to the existing structures owned by the applicant, that it would be unlikely that the project could be practicably located on other sites not owned by the applicant, or where the structure does not currently exist. In these cases, proximity to the existing structure is a fundamental aspect of the project purpose, scope, and need. In the evaluation of potential practicable alternatives, the Department's presumption in this findings of fact does not exclude the consideration of sites that, while not currently owned by the permit applicant, could reasonably be obtained to satisfy the project purpose. However, the Department recognizes that areas not currently owned by the applicant may not be determined to be practicable alternatives in cases involving the specific activities described above. Cost, availability, and logistical and capability considerations inherent in the determination of practicability is the basis for this conclusion by the Department.
  - b. For activities authorized under section I 1A and B, The Department has determined that projects that meet all eligibility criteria in section 1I, for which all information required in Section 2 has been submitted, and for which the Department has not required a wetland individual permit pursuant to Wis. Stat. s. 281.36(3g)(i), have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted under Section 2 and after taking into account that the scope of the project is confined to the pre-

existing project area and the size of the project is limited to the amount necessary for project replacement or maintenance.

- c. For activities authorized under section I 1C and D, The Department has determined that projects meeting eligibility criteria in section 1I have adequately avoided and minimized wetland impacts to the greatest extent practicable due to the scope of the project being wetland dependent and the size of the project being confined to the minimum amount necessary to place, replace, or maintain fish or wildlife habitat structures or undertake stream restoration as a result of the failure of a waterway crossing or a prior channelization, and it will result in minimal adverse environmental impacts.

5. The Department previously prepared an Environmental Analysis (EA) or Environmental Impact Statement (EIS) for the following general permits. The general permits can be found at <http://dnr.wi.gov/topic/Waterways/>.

- a. WDNR-GP1-2012 entitled "Wetland General Permit for Commercial, Residential and Industrial Activities"
- b. WDNR-GP2-2012 entitled "Wetland and Waterway General Permit for Municipalities to Construct, Reconstruct or Maintain Highways, Bridges, Arches and Culverts"
- c. WDNR-GP3-2013 entitled "General Permit for Utilities to Place Structures on the Bed or to Place Temporary Bridges across waterways or to place fill in wetlands"
- d. WDNR-GP4-2013 entitled "Wetland General Permit for Recreational Development"
- e. WDNR-GP5-2013 entitled "General Permit to Remove Accumulated Plant and Animal Nuisance Deposits from Beds of Navigable Waters."
- f. WDNR-GP6-2013 entitled "General Permit to Place Fish Habitat Structures in Navigable Waters"
- g. WDNR-GP8-2013 entitled "Wetland General Permit for City of Superior Special Area Management Plan"
- h. WDNR-GP9-2014 entitled "General Permit to Place Net Pen Structures in Great Lakes Water Bodies and their Tributaries for the Purpose of Holding or Rearing Fish for Noncommercial Purposes"
- i. WDNR-GP10-2014 entitled "Wetland General Permit to Discharge Dredged or Fill Material into a Wetland of the State to Repair, Reconstruct, or Maintain a Dam or Dams"
- j. WDNR-GP11-2014 entitled "Wetland General Permit to Discharge Dredged or Fill Material into a Wetland of the State for Municipal Development"
- k. WDNR-GP12-2015 entitled "General Permit to Place, Construct, and Maintain Temporary Waterway Crossings for Forest Management Activities"
- l. WDNR-GP13-2015 entitled "General Permit for Maintenance Dredging of Previously Dredged Areas"

6. The Department has determined that projects meeting all eligibility criteria listed in Section 1F of this permit do not change a stream course under Wis. Stats. s. 30.195 since any changes allowed under Section 1F to the stream course are limited to those needed to stabilize or prevent or repair damage to the stream bed, banks, or channel from the failed crossing or prior channelization.

7. The Department and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of WDNR-GP14-2016 and Wis. Admin. Code chapters NR 102, 103, 150, 299, and 310.

## **SECTION 6: WDNR-GP14-2016 CONCLUSIONS OF LAW**

1. The Department has authority under Wis. Stats. ss. 30.12, 30.123, 30.19, 30.20, 30.206, and 281.36 Wis. Stats., to issue this general permit.

2. The Department has determined that issuance of this general permit is a prior compliance action under Wis. Admin. Code s. NR 150.20(3)(b) based on the Environmental Analysis and Environmental Impact statements prepared for previous statewide general permits (see Finding of Fact Number 5). The Department has further determined that on that basis we have complied with ch. NR 150 and s. 1.11, Stats., for projects permitted under this General Permit.

## SECTION 7: WDNR-GP14-2016 DEFINITION OF TERMS

You accept the following definitions for use with this general permit:

1. "Area of special natural resource interest" has the meaning in Wis. Stats. s. 30.01 (1am) and as identified by the department in Wis. Admin. Code s. NR 1.05.

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

- a. A state natural area designated or dedicated under Wis. Stats. ss. 23.27 to 23.29.
- b. A surface water identified as a trout stream by the department in Wis. Admin. Code s. NR 1.02(7).
- c. A surface water identified as an outstanding or exceptional resource water under Wis. Stats. s. 281.15.
- d. An area that possesses significant scientific value, as identified by the department in Wis. Admin. Code s. NR 1.05.

**Note:** Wis. Admin. Code s. NR 1.05 (4) includes wild rice waters as identified in a written agreement between the department and the Great Lakes Indian Fish and Wildlife Commission.

2. "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 and secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reduction in flood capacity, etc.).

3. "Approach Road" for the purpose of this general permit means a constructed approach to a structure used to cross a river or stream. The approach road begins where there is a change in slope from the existing road grade to travel up and over a crossing from either direction. The approach road ends at the crossing structure.

**Note:** For the purpose of a Ford Crossing, the approach road begins where there is a change in slope from the existing road grade to travel down towards the ford crossing from either direction.

4. "Bankfull width" means the elevation or line where the water fills the channel just before beginning to spill onto the floodplain.

5. "Biological materials" means living or organic materials that are biodegradable such as native grasses, sedges, forbs, shrubs and trees; live stakes and posts; non-treated wood; jute netting; fiber rolls and mats; logs; and branches, etc.

6. "Boat Landing" means a structure installed on the bed and bank of a navigable waterway for the purpose of launching and landing watercraft.

7. "Boardwalk" is an elevated trail structure built on pilings.

8. "Boreal rich fens" are 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.

9. "Bridge" means any private or public structure except municipal highway bridges that is constructed in or over a navigable waterway to provide a walkway or roadway for pedestrians, animals or vehicles, and includes pipe arches and culverts.
10. "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.
11. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
12. "Clear Span Bridge" means a continuous span of which no portion of the bridge piling or other supporting structure is located within the channel except for abutment protection.
13. "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.
14. "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.
15. "Culvert" - see definition of "Bridge."
16. "Dams" are any artificial barrier in or across a watercourse that impounds or diverts water. A dam includes structures such as embankments, roadway fill, dikes, weirs, cofferdams, water control structures and ditch plugs.
17. "De minimus" 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 Wis. Admin. Code s. NR 109.06 (2). **Note:** Where the bed material is privately owned, the permission of the property owner is required.
18. "Department" means the Department of Natural Resources.
19. "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.
20. "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, re-handling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purpose of Wis. Stats. ch. 30, dredging does not include "de minimus" activities.
21. "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.
22. "Fish Habitat Structure" means a man-made structure composed of biological or inert materials designed specifically for the purpose of providing habitat for fish.
23. "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.

24. "Flat" means that a structure should be placed so that the horizontal interior streambed surface of the culvert is without a slope, tilt or curvature.

25. "Floodplain" has the meaning in Wis. Admin. Code ch. NR 116 which means the land which has been or may be hereafter covered by flood water during the regional flood. **Note:** <http://dnr.wi.gov/topic/floodplains/ordinances.html>

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

27. "Great Lakes ridge and swale complexes" are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges that 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.

28. "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics, and synthetic polymers.

29. "Impact to wetlands" includes temporary or permanent conversion of a wetland.

30. "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.

31. "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 Wis. Stats. s. 30.13 the line of navigation is the municipal pierhead line.

32. "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 be capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes on a regularly recurring basis, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).

33. "Natural water depths, widths, and velocities in the natural stream channel" means the normal bank to bank flow event generally associated with a spring runoff event at a 1.5-year storm flow.

34. "Ordinary high water mark" 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.

35. "Perched Culvert" means a culvert where the inlet or outlet elevation is higher than the streambed elevation, thereby effectively reducing or eliminating fish migration and fish passage.

36. "Previous channelization" at or adjacent to roads or trails means the stream was diverted from its historic channel sometime in the past to avoid a crossing or to change the alignment to allow a shorter culvert.

37. "Professionally engineered" means designed by a person registered as a professional engineer under Wis. Stats. [s. 443.04](#) and Wis. Admin. Code [ch. A-E 4](#).

38. "Puncheon" is a trail structure built on sills placed directly on the wetland surface.

39. "Public Rights Feature" has the meaning in Wis. Admin. Code s. NR 1.06. **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 are 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 include shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows

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

41. "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

42. "Southern sphagnum bogs" are 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. 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.

43. "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.

44. "Temporary Wetland Fill" means non-permanent wetland discharge during access, construction, or structure installation, but 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.

45. "Temporary Waterway Crossings" means crossings eligible for consideration under Section 1A of GP12-2015-WI.

46. "Watercraft" under Wis. Stats. s. 30.01(7) means any device used and designed for navigation on water.

47. "Wetland" has the meaning in Wis. Stats. s. 23.24 and Wis. Admin. Code s. NR 103.02(5), 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 as defined in statute.

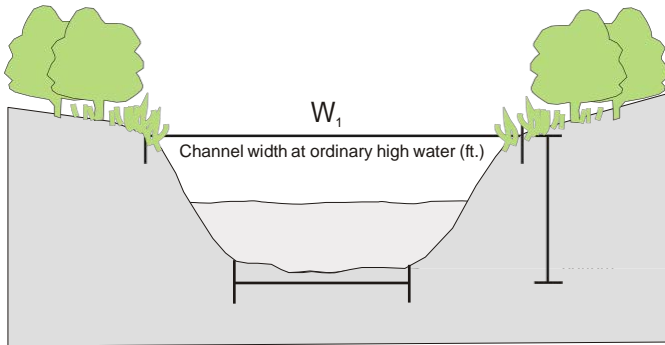
48. "Wildlife Nesting Structure" or "Wildlife Habitat Structure" means any structure or device constructed for the purpose of improving nesting habitat for wildlife, including birds, mammals, amphibians and reptiles.

APPENDIX 1

General Permit  
Worksheet  
Culvert Placement on Navigable  
Waterways

The information contained in this sample worksheet should accompany general permit application materials submitted for the placement of a culvert in navigable waters

CULVERT SIZING



Calculating Culvert area

To determine the required culvert area, 3 measurements should be made: channel width of the stream in feet at the ordinary high water mark ( $W_1$ ), channel width of the stream in feet at the stream bottom ( $W_2$ ), and the height in feet of the ordinary high water above the stream bottom ( $H$ ) (see diagram). These 3 measurements are made at each of 3 locations or transects along the stream: the location of the proposed crossing, 100 feet upstream from the crossing, and 100 feet downstream from the crossing. The individual measurements of  $W_1$ ,  $W_2$  and  $H$  are averaged to derive the final  $W_1$ ,  $W_2$  and  $H$  values. The required culvert area is then calculated with the following equation:

Required Culvert area (square feet) =  $H \times (W_1 + W_2)$

Height:  \*  $W_1$   +  $W_2$   = Culvert Area (square feet)

## APPENDIX 2

### PRACTICABLE ALTERNATIVES ANALYSIS EXAMPLE FOR WETLAND IMPACTS INCIDENTAL TO ANOTHER PROJECT

The Following information is an example of what the Department looks for in a completed practicable alternatives analysis for projects impacting wetlands incidental to the completion of another project. In the example below, peripheral wetland impacts are proposed for a culvert replacement project located at the site of an existing stream crossing. A project narrative should describe how wetland impacts have been avoided and minimized to the greatest extent.

This section describes best management practices that the applicant will employ to avoid and minimize wetland impacts at existing road and trail stream crossings while meeting the eligibility standards of the DNR general permit to repair, maintain, and replace existing culverts. These best management practices acknowledge that many existing culverts are undersized, set too high, and are too short. These shortcomings frequently result in existing culvert failures, embankment erosion, sedimentation, or impacts to channel morphology. Existing culverts also may restrict aquatic organism passage due to their size or placement. Replacing such existing culverts using the eligibility standards in Section 1E of this general permit will solve these water quality and aquatic ecology problems, but may require minimal amounts of additional wetland fill in order to place a larger culvert with stable slopes and adequate cover.

Avoiding wetland impacts is not always practicable when repairing, maintaining, or replacing existing road and trail stream crossings. In these cases, replacement culverts will be designed using the eligibility criteria in Section 1E of this general permit to protect water quality, restore the aquatic ecology of the stream, and minimize any adverse environmental effects. To minimize the volume of additional fill that will be placed in wetlands when repairing, maintaining, or replacing culverts, the applicant will use 2:1 side slopes and a top width appropriate for the class of road or trail and will only add fill to the road or trail as needed to provide adequate cover over the structure to prevent it from being crushed during use. The combination of top width, fill height, skew angle and 2:1 side slopes will determine the culvert length and the minimum amount of fill required for the culvert replacement. For many existing culverts, this may result in some minor additional fill when compared to the existing culvert. Frequently some of the additional fill is offset by a much wider culvert which provides for less fill in the "bridged" portion of the stream.

When repairing, maintaining, or replacing existing road and trail stream crossings, evaluating alternative crossing locations where they do not presently exist is not practical due to consideration of cost, site availability, available technology, logistics, and proximity to the proposed project. The construction of new infrastructure associated with an alternate (new) crossing location requires additional project planning, construction, and maintenance costs, and increased impacts to natural features presently not impacted in the area of the existing crossing.

The narrative description above contains two separate avoidance and minimization components which must be addressed in a practicable alternatives analysis:

#### A. PRACTICALITY OF AVOIDANCE ALTERNATIVES:

In the example above, avoidance is determined to be not practicable based on the following factors:

- An alternative crossing location that completely avoids wetland impacts may not exist
- An alternative crossing location would require placement of new infrastructure where it presently does not exist, which leads to increased project planning, construction, and maintenance costs and increased impacts to natural features (forests, streams, corridors) not presently impacted.

#### B. PRACTICALITY OF MINIMIZATION ALTERNATIVES

In the example above, wetland impacts are minimized to the greatest extent practicable by acknowledging that even if a minimal amount of fill must be placed into wetlands to stabilize the existing crossing being repaired, maintained or replaced, the best management practices that will be followed for culvert placement, slope stability, and fill over the culvert will reduce total impacts to the waterway compared to the total impacts to the waterway from the existing culvert crossing.

#### **\*\*IMPORTANT NOTE FOR PRACTICABLE ALTERNATIVES ANALYSIS FOR WETLAND IMPACTS ASSOCIATED WITH OTHER ACTIVITIES**

While the above example addresses the practical alternatives analysis associated with peripheral wetland fill for replacement of an existing culvert, other project activities covered in this General Permit may have different avoidance and minimization factors which must be evaluated when considering a project which also proposes peripheral wetland impacts; however, many of the general avoidance and minimization provisions stated in the example above may apply. It is the applicant's responsibility to clearly state why peripheral wetland impacts cannot be practically avoided and how impacts have been minimized to the greatest extent practicable through project design.