

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

Permittee: The General Public in Wisconsin

Permit No. WDNR-GP18-2018

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

Issuance Date: June 1, 2018

Expiration Date: May 31, 2023

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of section 281.36 (3b)(b), Wis. Stats., no person may discharge/place dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department of Natural Resources (Department) or the discharge is exempt under s. 281.36(4). The Department has authority to issue general permits under s. 281.36(3g), Wis. Stats. In compliance with 281.36(3b)(a), Wis. Stats., a wetland general permit issued by the Department constitutes the water quality certification required by 33 USC 1341(a) (Clean Water Act section 401) for federal permits that authorize the discharge of dredged or fill material into wetlands regulated under 33 USC 1344(a) (Clean Water Act section 404).

In compliance with section 30.12(1) and (2m), Wis. Stats., 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 section 30.12(1), Wis. Stats., no person may place ford crossings upon the beds of any navigable waters unless an individual or a general permit has been issued or authorization has been granted by the legislature.

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

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

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

permit has been issued by the department.

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

Sections 281.36 (3g)(c), 30.12(1) and (2m), 30.19(3r), 30.20(1t), 30.206, and 31.12(5) Wis. Stats., authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP18-2018.

Note: WDNR GP18-2018 does not apply to proposed tribal activities located on Federal Indian Trust Land.

Note: Section 30.12(1g), Wis. Stats., 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: Section 30.12(2m), Wis. Stats., allows the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed in ASNRI designated waters or at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats., may be authorized by this general permit.

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

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP18-2018 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP18-2018 authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers wetland permits are required for discharges to federal wetlands. U.S. Army Corps of Engineers permits are also required for any deposit or removal of material from waters of the United States.

PROJECT DESCRIPTION AND LOCATION: WDNR-GP18-2018 applies to certain waterway and wetland activities undertaken as part of water quality improvement projects relating to agricultural best management practices and/or shoreland protection and stabilization projects.

The following activities are eligible for coverage under WDNR-GP18-2018:

- Sect. 1A: General eligibility conditions.
- Sect. 1B: Discharges affecting up to 10,000 square feet in size, of dredged and/or fill material into wetlands if the discharge is for agricultural best management projects for water quality improvement purposes, as described herein, in the State of Wisconsin except for proposed tribal activities located on Federal Indian Trust lands. Discharges to wetlands are regulated under s. 281.36 (3b), (3g), (3m), and (4), Wis. Stats.

- Sects. 1C: Construction, placement and maintenance of erosion control structures on the beds of watercourses for the purpose of improving water quality. Erosion control structures are regulated under ch. 31.12(5) and s. 30.12 (1), (1g) and (k), (2m), and (3), Wis. Stats.
- Sect. 1D: Removal of material from the bed of a navigable stream or adjacent to a navigable stream. Such removal is regulated under ss. 30.19(1)(a), 30.20(1), (1g), (1t), and (2), Wis. Stats.
- Sects. 1E: Grading or removal of topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet. Grading or removal of topsoil is regulated under s. 30.19(1g)(c), (1m)(f) & (g), (3r)(b), and (4), Wis. Stats.
- Sect. 1F: Construction or maintenance of a ford crossing in navigable streams. Such structures are regulated under s. 30.12(1), (3)(a)4, and (3m), Wis. Stats.

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

- Discharge dredged or fill material to wetlands where the Department requires a permit under s. 281.36, Wis. Stats.
- Construct, place or maintain a structure under this permit at a site where the Department requires a permit under s. 30.12(2m), Wis. Stats.
- Remove material where the Department requires a permit under s. 30.20, Wis. Stats.
- Construct a connected enlargement where the Department requires a permit under s. 30.19, Wis. Stats.
- Grade the bank where the Department requires a permit under s. 30.19, Wis. Stats.
- Construct a water control structure, berm or embankment that requires a plan review under ch. 31, Wis. Stats.

GENERAL PERMIT COVERAGE: Unless notified by the Department to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete application package has been received by the Department at the office designated in the permit application materials provided by the Department. **WDNR-GP18-2018 permit coverage is valid for 5 years after the date on which the discharge is considered to be authorized or until the discharge has been completed, whichever occurs first.** Therefore, permit coverage terminates unless another application is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

Ann Kipper
Ann Kipper – Interim Director
Bureau of Watershed Management

31 May 18
Date

TABLE OF CONTENTS

		<u>Page(s)</u>	
SECTION	1	ELIGIBILITY STANDARDS AUTHORIZATION	1
	1A	GENERAL STANDARDS	2
	1B	WETLAND STANDARDS	6
	1C	WATER STRUCTURE CONTROL STANDARDS	7
	1D	DREDGING STANDARDS	8
	1E	GRADING STANDARDS	9
	1F	FORD STANDARDS	10
SECTION	2	APPLICATION REQUIREMENTS	11
SECTION	3	CERTIFICATION & RESPONSIBILITIES	13
SECTION	4	GENERAL PERMIT CONDITIONS	13
SECTION	5	FINDINGS OF FACT	17
SECTION	6	CONCLUSIONS OF LAW	18
SECTION	7	DEFINITION OF TERMS	18

WDNR-GP18-2018 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP18-2018. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP18-2018.

Note: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the landowner. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (WDNR or DNR) Service Center, DNR Region or Central Office headquarters of the WDNR having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

SECTION 1 – WDNR-GP18-2018 ELIGIBILITY CRITERIA

The project must meet all the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work should note that Section 281.36 (3g)(h),

Wis. Stats. requires applicants to demonstrate that adverse impacts to wetlands functions and values have been avoided and minimized to the maximum extent practicable.

NOTE: Projects that do not meet all standards below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP18-2018. In these cases, persons may apply for an Individual Permit as outlined in s. 281.36(3m), Wis. Stats. The Department also has authority under s. 281.36(3g)(i), Wis. Stats. to require an individual permit in lieu of a general permit, if the Department has determined that conditions specific to the site require additional restrictions on the discharge to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

A. GENERAL STANDARDS APPLICABLE TO CONDUCT WATER QUALITY IMPROVEMENT ACTIVITIES

1. An Agency or Agencies consisting of the WDNR, the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP), the United States Department of Agriculture - Natural Resource Conservation Service (NRCS), the United States Fish & Wildlife Service (FWS), or a county agency charged with completing conservation practices (sometimes abbreviated to LWCD or LCD) is providing technical assistance or has entered into a binding agreement (such as a cost share agreement) with the landowner(s) to install and maintain a water quality improvement project.
2. The project purpose is to install water quality best management practices associated with a single and complete project.
3. The project **will not** be located in an Area of Special Natural Resource Interest (ASNRI) and will not be located in a Public Rights Feature (PRF) identified pursuant to s. NR 1.06(5), Wis. Stat.
4. The Agency(ies) have documented site conditions that show impacts to topography, soils, native vegetation or hydrology that have degraded surface water quality and are potentially reversible with conservation activities.
5. The project involves only the following list of conservation practices that are designed and will be constructed to meet the following applicable Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices: 412 - Grassed Waterways, 393 - Filter Strip, 468 - Lined Waterway, 410 - Grade Stabilization Structure, 578 - Stream Crossing, 638 - Water and Sediment Control Basin, 402- Dam, 350 - Sediment Basin, and, if associated with roof runoff structures, 587- Structure for Water Controls and 620- Underground Outlets. Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practice 656 - Constructed Wetlands may be used for improving the quality of storm water runoff or other water flows lacking specific water quality discharge criteria. Only if it is necessary for the functionality of the Field Office Technical Guide Standard Conservation Practices listed above may the project involve Natural Resources Conservation Service Field Office Technical Guide Standard

Conservation Practices 606 - Subsurface Drain, 500 - Obstruction Removal, and/or 572 - Spoil Spreading. The technical standards listed above may include the following activities:

- a. **Hydrology Alterations** include the following:
 - i. Constructing water control structures that include dikes, embankments, and low berms to impede surface water drainage or runoff.
 - ii. Removing pumps, breaching structures such as dikes, or re-routing drainage features or manipulating water control structures.
 - iii. Installing small weirs or flumes for the purpose of monitoring.
 - iv. Installing drain tile if needed to stabilize the grassed waterway or filter strip practice(s).
 - b. **Soil Disturbing Activities** include the following:
 - i. Removing soil, vegetation, or sediment deposits.
 - ii. Grading or adding material to stabilize channel side slopes or streambanks.
 - iii. Creating topography to improve infiltration and sediment deposition.
 - iv. Tilling as needed to install and maintain proper vegetation.
 - c. **Plant Management Activities** include introducing plants by planting, cultivating, stocking, or releasing. Controlling plants by cutting, destroying, or suppressing plant growth using manual or mechanical methods, introducing United States Department of Agriculture approved biological agents, manipulating water levels, burning, or using United States Environmental Protection Agency registered herbicides and chemicals applied according to label instructions.
 - d. **Monitoring Activities** include installing and maintaining devices such as staff gauges, water level recording devices, small weirs, and flumes whose purpose is to measure and record scientific data for monitoring the conservation activity, periodic water quality testing, and periodic sampling of flora and fauna composition and abundance.
 - e. **Management Activities** include reestablishing hydrology damaged by large storm events, removing soil deposition, installing and maintaining a stream crossing to access areas to comply with necessary management activities specified in the Field Office Technical Guides listed above. Ford crossings may also be installed under this general permit for livestock crossings to reduce sediment, nutrient, organic, and inorganic loading to the stream and to reduce streambank and streambed erosion.
6. Placement and sizing of subsurface drains must be limited to only what is necessary to ensure the functionality of the Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices 412 - Grassed Waterways and must be no larger than 12 inches in diameter.
 7. The project may 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. The project also may not cause more than minimal adverse environmental impacts, materially interfere with navigation, or have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am).
 8. The project is not eligible for authorization under a "Superior SAMP" permit reviewed by the

City of Superior, Wisconsin.

9. The project applicant is the landowner, easement holder, or someone who otherwise has legal authorization to proceed, unless the project creates a water control structure on a navigable waterway in which case the project applicant must be the landowner.
10. The project will not adversely impact any of the following wetlands: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, southern sphagnum bogs as defined in s. 281.36(3g)(d)5m, Wis. Stats., boreal rich fens, or calcareous fens.
11. A project **is not** eligible for this general permit if it has the potential to negatively impact a cold water community as defined in s. NR 102.04(3)(a), Wis. Admin. Code, or the project is proposed in an area with evidence of spring activity.
12. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
13. The project 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.
14. The activity will not result in adverse impacts to historical or cultural resources and will comply with s. 44.40, Wis. Stats., as determined by the Department.
15. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards of ss. NR 151.11 and 151.12, Wis. Admin. Code. The technical standards are found at: <http://dnr.wi.gov/topic/stormwater/>.
16. The project will not result in adverse impacts to adjacent properties, unless the affected landowners have authorized such impacts by recorded easement.
17. All equipment used for the project, including but not limited to tracked vehicles, hoses, sheet piles, and pumps, shall be de-contaminated for invasive and exotic viruses and species prior to use and after use.
18. The following steps must be taken every time you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested areas not be used on other non-infested areas.

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from any of your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, hoses, sheet pile, and pumps.
- c. Dispose of aquatic plants and animals in the trash. Never release or transfer aquatic plants, animals, or water from one waterbody to another.
- d. Wash your equipment with hot (>104°F) or high pressure water, steam clean or allow your equipment to dry thoroughly for 5 days.

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

20. The Agency(ies) and landowner must obtain any other local, state or federal permits before any work may proceed. This may include applicable U.S. Army Corps of Engineers wetland permits, local floodplain development permits, stormwater permits, and shoreland zoning permits.

21. The project will not have a significant adverse impact to fishery spawning or fishery spawning habitat. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, material may not be removed during any of these periods:

- a. September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), 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 at:
<http://dnr.wi.gov/topic/fishing/trout/streammaps.html>
- b. March 1st through June 15th for ALL OTHER waters.

The regional Department Fisheries Biologist may waive or modify these timing restrictions in writing. To request in writing a written waiver or modification of fish spawning timing restrictions for your project please use the checklist listed available at: <http://dnr.wi.gov/topic/Waterways/contacts.html> to find the county contact for your project to send the requested information.

22. With the exemption of projects authorized under Section C, repairs (not enhancements) associated with this project are allowed without additional waterway and wetland permits provided the repairs are within the scope and footprint of the original permit and do not have a significant adverse impact to fishery spawning or fishery spawning habitat. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, material may not be removed during any of these periods:

- a. September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), 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 at:
<http://dnr.wi.gov/topic/fishing/trout/streammaps.html>
- b. March 1st through June 15th for ALL OTHER waters.

The regional Department Fisheries Biologist may waive or modify these timing restrictions in writing. To request in writing a written waiver or modification of fish spawning timing restrictions for your project please use the checklist listed available at: <http://dnr.wi.gov/topic/Waterways/contacts.html> to find the county contact for your project to send the requested information.

23. The project meets all other applicable standards in Sections 1B-1F.

B. STANDARDS APPLICABLE TO WATER QUALITY IMPROVEMENT ACTIVITIES THAT IMPACT WETLANDS

In addition to the general standards in Section 1A, the following standards apply to all water quality improvement activities impacting wetlands.

1. Wetland impact is not for any type of constructed storm water treatment facility including but not limited to a pond, infiltration basin, or swale.

Note: Construction or land disturbance for a stormwater best management practice to comply with ch. NR 151 or 216, Wis. Adm. Codes, may occur outside of a natural wetland so long as the practice complies with applicable standards specified in this general permit.

2. Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practice, 656- Constructed Wetlands, may not be placed in wetlands or be associated with impacts to natural wetlands.

Note: It is not appropriate to use natural wetlands for water treatment. As stated in Section A5, constructed wetlands may be installed under this general permit so long as they are not constructed in a natural wetland.

3. The purpose of the project may not be to fill wetlands for a transportation project to construct, reconstruct or maintain a road, bridge, arch or culvert.
4. The project may not result in permanent placing or discharging fill (defined in section 7) onto more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete project.
5. The project may not result in temporary placing or discharging fill onto more than 2 acres of wetland as part of a single and complete project.
6. The project activities will not take place in or directly or indirectly result in the conversion of sedge meadows, forested wetlands, or rare wetland community types, such as calcareous fens and those listed in s. 281.36(3g)(d), Wis. Admin. Code, into other wetland types or non-wetlands. Project activities will not take place in undisturbed wetland plant communities dominated by non-invasive native hydrophytes.
7. Project sites that have existing wetlands on or adjacent to the project which meet one of the

following criteria are allowed.

- a. Wetland Community A: A degraded wetland plant community dominated by agricultural crops, early successional hydrophytes, invasive plants (native or non-native) or non-native plants. To determine which species are considered invasive, go to DNR's website at <http://dnr.wi.gov/> and search "invasive plants."
- b. Wetland Community B: A wetland plant community dominated by a mix of invasive, early successional, non-native, and non-invasive native plants that exhibits site alterations, such as ditching or tiling, that have impacted hydrology.

8. The proposed project cannot avoid wetland impacts.
9. The proposed project minimizes wetland impacts to the greatest extent practicable.
10. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.

C. STANDARDS APPLICABLE TO WATER QUALITY IMPROVEMENT ACTIVITIES THAT INSTALL WATER CONTROL STRUCTURES

In addition to the general standards in Section 1A, the following standards apply to all water quality improvement activities that install a water control structure on a watercourse.

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

Note: Small Dams have a structural height of less than or equal to 6 feet or a structural height of less than 25 feet provided that the maximum storage capacity is less than 50 acre-feet. Please reference "Large Dam vs. Small Dam Diagram" for the criteria of a small dam versus a large dam available at

http://dnr.wi.gov/topic/Wetlands/documents/Dam_Diagram_WRGP02011_WI.pdf.

3. A water control structure may only be placed by the landowner on property owned by the landowner.
4. A water control structure may not impound water on a permanent basis.
5. A water control structure may only be placed to reduce downstream flood damage, stabilize grade, reduce erosion, or trap sediment.
6. A water control structure must comply with Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices 410 - Grade Stabilization Structure, 638 - Water and Sediment Control Basin, 402- Dam, or 350 - Sediment Basin and approved by an individual with Natural Resources Conservation Service Engineering

Job Approval Authority (EJAA) or Department of Agriculture, Trade and Consumer Protection Conservation Engineering Practitioner Certification (DATCP certification).

7. The project will not flood or impede drainage of the adjacent properties or upstream properties unless recorded easements have been obtained from affected landowners.
8. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project does occur within a mapped floodplain the project will meet the local government's floodplain zoning standards and obtain applicable local floodplain development permit.
9. The water control structure is solely intended for water quality improvement purposes and will not be used for irrigation pursuant to s. 30.18, Wis. Stats., or recreational purposes.
10. Water control structures and any accompanying monitoring devices must be secured and prevented from moving.
11. Water control structures must be placed in a manner that prevents the collection, removal, or dispersal of sediment away from natural surface waters to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody after the structure installation activity is completed and the site is stabilized.
12. Any repair, modifications or alterations of dams beyond normal maintenance will require plan review by the Department.

D. STANDARDS APPLICABLE TO REMOVE MATERIAL FROM A NAVIGABLE WATERWAY OR ADJACENT TO A NAVIGABLE WATERWAY FOR WATER QUALITY IMPROVEMENT ACTIVITIES

In addition to the general standards in Section 1A, the following standards apply to all water quality improvement activities that dredge a navigable waterway or remove material adjacent to the navigable waterway creating a connected enlargement. This section does not apply to material excavation necessary to support a structure like a ford.

1. The removal of material shall be for the purposes of water quality improvement to comply with the NRCS technical standards listed in Section 1A, number 5.
2. The dredging **may not** be located on a lake or impoundment.
3. A connected enlargement may only be attached to an intermittent stream.

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

4. The amount of streambed material dredged may not exceed 25 cubic yards over the course of this general permit unless additional material must be removed to repair or re-establish

the project because of a catastrophic event or unless a waiver is granted by the WDNR Water Management Specialist (WMS).

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

5. Projects involving the removal of material where a sediment cap, cover, installed barrier or other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment are not eligible for this general permit. 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., ch. NR 700, Wis. Admin. Code, or both. For sediment cap or cover information see SWIMS database at <http://dnr.wi.gov/topic/surfacewater/swims/>.
6. Any material removed from the waterbody or adjacent area may be temporarily stockpiled in an upland area outside a mapped floodplain provided it is separated from the stream by an installed silt fence or a protective, vegetated buffer strip not less than 20 feet wide.
7. Any material removed from the waterbody or adjacent area may not be permanently placed in a wetland or floodplain or re-deposited below the ordinary high water mark (OHWM) of a navigable waterway unless it is included in the project design and submitted and approved by the Department and/or local zoning entity unless the deposit is exempt under federal, state, or local law.
8. No portion of any removed material shall be permanently piled up more than 2 feet deep or have a slope exceeding a slope of 2 to 1.
9. Dredging shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable pursuant to s. NR 102.04(1), Wis. Admin. Code.
10. Beaver dams may be removed for the purposes of installing and maintaining the water quality improvement project.
11. Native aquatic vegetation may be removed incidental to the dredging event under this general permit without needing an additional aquatic plant management permit as required by ch. NR 109, Wis. Admin. Code.
12. Dredging, including dewatering activities, shall be conducted to minimize objectionable deposits as described in s. NR 102.04(1)(a) and (c), Wis. Admin. Code, of sediment to the maximum extent practicable.

E. STANDARDS APPLICABLE TO GRADING IN OR ADJACENT TO A NAVIGABLE WATERWAY FOR WATER QUALITY IMPROVEMENT ACTIVITIES

In addition to the general standards in Section 1A, the following standards apply to all water

quality improvement activities that grade in or adjacent to a navigable waterway.

1. Vegetation shall be established as soon as possible in conformance with Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices Critical Area Planting (342) and monitored for at least one year after completing the project. During the monitoring period, the grading site shall be inspected regularly, and any areas requiring additional stabilization or re-vegetation shall be addressed to ensure final stabilization. Non-invasive cool season species such as Timothy (*Muhlenbergia glomerata*, *Muhlenbergia racemose*), Alfalfa (*Medicago x varia*), Alsike Clover (*Trifolium hybridum*), Smooth Brome Grass (*Bromus erectus*, *Bromus racemosus*), and Redtop (*Agrostis gigantea*) may be used to rapidly stabilize critical sites adjacent to agricultural fields. For other situations, the vegetation plan shall include species native to the area of Wisconsin where the project is located, such as Virginia Wild-Rye (*Elymus virginicus*) or Smooth Brome Grass (*Bromus inermis*).
2. A site-specific erosion control plan shall be implemented in accordance with s. NR 216.46, Wis. Admin. Code, and NRCS Wisconsin Construction Specification – 5, Construction Site Pollution Control.
3. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.
4. Unless part of a permanent storm water management system, all temporary erosion and sediment control practices shall be removed upon final site stabilization. All areas disturbed during removal of temporary erosion and sediment control practices will be restored.

F. STANDARDS APPLICABLE FOR FORD CROSSINGS OVER NAVIGABLE WATERWAYS

In addition to the general standards in Section 1A, the following standards apply to all water quality improvement projects that require a ford crossing over a navigable waterway.

1. 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 be designed and constructed following criteria in Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices 578, Stream Crossing and shall be maintained in good condition at all times.
3. A ford will consist of a 6 to 12 inch thick layer crushed stone (2 to 6 inch D50 diameter) over a base of graded rock with a total thickness not exceeding 30 inches or pre-cast reinforced concrete planks. Geotextile may also be included for stability under the graded rock.
4. No hoof contact material may be placed below the OHWM.
5. The ford crossing will be no more than 30 feet wide.
6. A ford's top surface shall be placed at the same elevation as the natural streambed

immediately upstream and downstream from the ford. The placement of the ford may not create an impoundment or dam upstream or a waterfall or riffle area downstream.

7. A ford may only be placed in a stream less than 100 feet wide and less than 2 feet deep. A ford may be placed in a wider or deeper stream if the WDNR Water Management Specialist (WMS) has approved in writing an alternative crossing location.

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

8. The approach road to the ford may not have bank slopes steeper than 5-foot horizontal to one-foot vertical (5H:1V) towards 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.
9. 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.
10. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project does occur within a mapped floodplain the project will meet the local government's floodplain zoning standards and obtain applicable local floodplain development permit.
11. If livestock are present, the ford (including the landing and approach) should be placed outside of a shady riparian area or include gates to discourage livestock from lingering in the stream.
12. If livestock are present, install cross-stream fencing at fords that includes breakaway wire, swinging floodgates, hanging electrified chain, or other devices to allow the passage of floodwater and large woody material during high flows. When stream fencing is installed, design and construct the fencing in accordance with NRCS Conservation Practice Standard, Fence, Code 382.

SECTION 2: WDNR-GP18-2018 APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed the proposed water quality improvement activity meets all the terms and conditions of this permit you must submit a *complete application package* as outlined in item 6 below to the Department. Pursuant to s. 30.206 (3), Wis. Admin. Code, 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 <http://dnr.wi.gov/permits/water>.
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 (s. 30.206 (3)(b), Wis. Stat.).

3. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped (s. 30.206 (3)(a), Wis. Stat.).
4. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the Department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit (s. 281.36 (3g)(h)2m, Wis. Stat.).
5. As provided under ch. 30 and s. 281.36 (3g)(i), Wis. Stats., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outlined in ch. 30 and s. 281.36(3m), Wis. Stats. If the Department determines your project is not eligible for this permit, you will be notified within 30 calendar days after your complete application package is received by DNR.
6. A complete application package must include all of the following information:
 - a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP18-2018. This form can be found at <http://dnr.wi.gov/permits/water>.
 - b. Permit fees except as follows:
 - i. Waterway projects authorized under ch. 30, Wis. Stat., *funded* in whole or in part by a state or federal agency are exempt from permit fees under s. 30.28(3), Wis. Stat.
 - ii. Wetland and dam projects are exempt from wetland permit fees under s. 281.36(12)(e) or s. 31.12(5), Wis. Stats., *only* if the project is *conducted* by a federal or state agency.
 - c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required under Section 1A standard number 15 and Section 1C standard number 3.
 - d. Project plans that include final project design and construction including a project diagram that shows all of the following:
 - i. The location of the completed project relative to any Ordinary High Water Mark (OHWM) or wetland boundaries with the location and size of all proposed wetland impacts (if applicable).
 - ii. The methods, materials, and equipment that will be used to carry out the project.
 - iii. The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - iv. Top, side, and cross section plan profiles with appropriate measurements for the proposed project.
 - v. The construction schedule and sequence of work.
 - vi. For disturbance or fill, a description of type, composition, and quality of materials.

- vii. Area impacted for projects that impact waterways.
- viii. The location of any disposal area for dredged or excavated materials; if applicable.
- ix. The location of any temporary or permanent ford crossings, if applicable.
- x. The location of any drain tile or underground outlet placement, if applicable.
- e. A completed document set specifying the water control structure design including:
 - i. Structure design:
 - ii. Elevation (design elevation) of top of embankment (low point in embankment crest)
 - iii. Elevation of the natural ground (low point) at the downstream toe of the embankment
 - iv. Drainage area (square miles or acres)
 - v. Planned pool elevation
 - vi. Elevation of watercourse bottom at toe
 - vii. Planned pool surface area (acres)
 - viii. Maximum pool surface area (acres)
 - ix. Planned storage (from bottom of impoundment to design elevation)
 - x. Structural height (difference between design elevation and elevation of watercourse at downstream toe) (feet)
 - xi. Design storm frequency/duration (if calculated for standard) (year) (hour)
 - xii. Design total discharge (if calculated for standard) (reservoir routing may reduce peak spillway outflow) (cfs)
- f. A completed document set specifying the outlet/spillway design including:
 - i. Outlet structure type, location, elevations, dimensions, joint treatment, corrosion protection
 - ii. Principal spillway type, location, elevations, dimensions, materials
 - iii. Auxiliary spillway type, location, elevations, dimensions, materials
 - iv. Auxiliary spillway construction in natural undisturbed soils or show stability/erosion analysis
 - v. Drawdown facilities
 - vi. Trash rack
 - vii. Access for gate operation
 - viii. Anti-vortex device
- g. Maps of the project site with information that includes: most recent Soil Survey map, WI Wetland Inventory map, topographic map, floodplain information, and aerial photographs. All maps must show basic map elements (e.g., scale) and clear directions to the project site with project and property boundaries clearly labeled. The aerial photo shall also show the locations of all proposed wetland fill or discharge clearly labeled, if applicable.
- h. Current photographs that represent existing site conditions where the project will occur.
- i. A copy of a concurred with wetland delineation, a wetland delineation conducted by an assured wetland delineator, or a waiver by the WDNR Water Management Specialist (WMS) stating that a delineation is not needed.
- j. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources.
- k. If applicable, detailed documentation that clearly demonstrates why any proposed wetland impacts cannot be avoided, the practicable alternatives that were considered, and how the impact to the wetland will be minimized as required by s. 281.36(3g)(h)1, Wis. Stats.

SECTION 3: WDNR-GP18-2018 CERTIFICATION AND RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to DNR, the wetland project will be conducted in compliance with all the terms and conditions of WDNR-GP18-2018.

SECTION 4: WDNR-GP18-2018 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 section 2 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 general permit WDNR-GP18-2018 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood, and agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the WDNR.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and is certified by you to comply with the terms and conditions of WDNR-GP18-2018
5. **Expiration.** This WDNR-GP18-2018 expires on May 31, 2023. The time limit for completing an activity authorized by the provisions of WDNR-GP18-2018 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP18-2018 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP18-2018 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining any other permit or approval that may be required for your project by local zoning ordinances, other local authority, other state permits, and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.

9. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any applicable conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. **Construction.** No other area of the wetland or waterway may be disturbed except the area designated in the submitted plans.
13. **Project Completion.** Within one week after completing the regulated activity, you shall submit to the Department a statement certifying the project complies with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP18-2018 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP18-2018 and applicable laws.
16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Admin. Code. These standards can be found at the following website: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html. Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.

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

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

20. **Federal and State Threatened and Endangered Species.** WDNR-GP18-2018 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats., and applicable state laws. No DNR authorization under this permit will be granted for projects found not to comply with these acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or state law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act. Documentation options include:

- a. An ER Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
- b. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located here: <http://dnr.wi.gov/topic/erreview/publicportal.html>.
- c. If the ER Preliminary Assessment from the NHI Public Portal shows that "Further actions are required" then submit one of the following:
 - i. A DNR ER Review letter. This request form for an ER Review letter is located here: <http://dnr.wi.gov/topic/erreview/review.html>.
 - ii. A Certified ER Review letter. The list of Certified Reviewers is located here: <http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf>.

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

22. **Historic Properties and Cultural Resources.** WDNR-GP18-2018 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No DNR authorization under this permit will be granted for projects found not to comply with these acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources

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

23. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at **1-800-943-0003**.
24. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Admin. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.
25. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. **Dam Transfers.** No transfer of ownership of the dam may take place without proper authority under s. 31.21, Wis. Stat.
28. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this General Permit WDNR-GP18-2018.
29. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:
 - a. The applicant fails to comply with the terms and conditions of WDNR-GP18-2018.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
 - c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

SECTION 5: WDNR-GP18-2018 FINDINGS OF FACT

1. The Department has determined that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to s. 30.206(1)(am), Wis. Stats., nor result in significant adverse impacts to the public rights and interest, cause environmental pollution as defined in s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to s. 30.206(3r)(a)2., Wis. Stats., if completed in accordance with this permit.
2. Pursuant to s. NR 299.04(1), Wis. Admin. Code, the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.
3. The Department has determined pursuant to wetland water quality standards under s. NR 103.03, Wis. Admin. Code, and s. 281.36(3g)(d), Wis. Stats., that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will only result in minimal adverse environmental effects.
4. For activities authorized under this general permit including those authorize under Section 1B, the Department has determined that projects that meet all eligibility criteria, for which all information required in Section 2 has been submitted, and for which the Department has not required a wetland individual permit pursuant to s. 281.36(3g)(i), Wis. Stats., have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted in Section 2 and the fact that the project scope is confined to the project area, which is limited to the minimum area needed to place, replace, or maintain the project.
5. Projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will not injure public rights or interests, or cause environmental pollution as defined in s. 299.01(4), Wis. Stats.
6. The Department has determined that projects meeting all eligibility criteria listing in Section 1 do not change a stream course under s. 30.195, Wis. Stats., since any changes to the stream course are limited to those needed to stabilize, prevent, or repair damage to a stream bed, bank or channel in order to improve water quality.
7. The Department and the applicant have completed all procedural requirements, and projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will comply with all applicable requirements of WDNR-GP18-2018, s. 281.36(3g) and ch. 31, Wis. Stats., and chs. NR 102, 103, 150, 299, and 310, Wis. Admin. Code.

SECTION 6: WDNR-GP18-2018 CONCLUSIONS OF LAW

1. The Department has authority under ss. 30.12, 30.19, 30.20, 30.206, 281.36, and 31.12(5) Wis. Stats., to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Admin. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits. The Department has determined that on that basis we have complied with ch. NR 105, Wis. Admin. Code, and s. 1.11, Wis. Stats.

SECTION 7: WDNR-GP18-2018 DEFINITION OF TERMS

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

1. 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. Admin. Code:
 - 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. Admin. 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 Internet site.
2. Affect includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland and

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

3. Boreal rich fens are a rare open peatland community of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
4. Calcareous fens occur mostly in southern Wisconsin, on sites that are fed by carbonate-enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
5. Channel means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
6. Coastal plain marshes are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and, possibly in glacial tunnel channels.
7. Complete Application Package means a completed and signed application, the information specified in Section 2 of this permit and any other information which can reasonably be required from an applicant that the department needs to make a decision.
8. 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 low to moderate, and a slow current is present.
9. Dam means any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse.
10. Department means the Department of Natural Resources or WDNR.
11. Dredged material means any material removed from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
12. Dredging means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal site, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purpose of ch. 30, Wis. Stats., dredging does not include "de minimus" activities.
13. 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 bottom elevation of any wetland. Examples of such fill material include, but are

not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.

14. Floodplain means land which has been or may be covered by flood water during the regional flood. It includes the floodway and flood fringe, and may include other designated floodplain areas for regulatory purposes.
15. Ford means a structure consisting of rock or gravel or pre-cast concrete, placed on the bed of a navigable waterway to facilitate crossing the waterway.
16. Great Lakes ridge and swale complexes are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.
17. 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.
18. Invasive Plants are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin visit DNR's website at <http://dnr.wi.gov/invasives/plants.asp>.
19. Impact to wetlands includes temporary or permanent conversion of a wetland.
20. 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).
21. 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.
22. Riparian means an owner of land abutting a navigable waterway.
23. Single and complete project means the total project proposed by the project proponent. For example, if construction of a residential development affects several different wetland areas, the cumulative total of all impacted areas is the basis for deciding the project's total wetland

impact. For “phased” developments, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases were constructed.

24. Small dam means a barrier in or across a watercourse that impounds water and has a structural height of less than or equal to 6 feet **or** a structural height of less than 25 feet provided that the maximum storage capacity is less than 50 acre-feet.
25. 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.
26. 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.
27. Watercourse means a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.
28. Water Control Structure for the purposes of this general permit has the meaning of an embankment or structure that ponds water and meets the following Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices: 410 - Grade Stabilization Structure, 638 - Water and Sediment Control Basin, 402- Dam, and 350 - Sediment Basin.
29. Water Quality Improvement Project for the purposes of this general permit has the meaning of a project designed and constructed to meet the following Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practices: 412 - Grassed Waterways, 393 - Filter Strip, 468 - Lined Waterway, 410 - Grade Stabilization Structure, 350 - Sediment Basin, 578 - Stream Crossing, or 656- Constructed Wetlands.
30. Wetland has the meaning in s. 23.32, Wis. Stats., and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.
31. Wetland Functional Values means the physical, chemical and biological process or attributes that occur in a wetland and the benefit society derives from certain functions as listed in s. NR 103.03(1), Wis. Admin. Code, and include the following: (1) Floral Diversity (2) Fish and Wildlife Habitat; (3) Flood Protection; (4) Water Quality Protection; (5) Shoreline Protection; (6) Groundwater Recharge and Discharge and (7) Aesthetics, Recreation, Education and Science.

