

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WETLAND AND WATERWAY GENERAL PERMIT
FOR MUNICIPALITIES TO CONSTRUCT, RECONSTRUCT OR MAINTAIN HIGHWAYS,
BRIDGES, ARCHES AND CULVERTS

Permittee: Municipalities such as a city, town, village or county

Permit No.: WDNR-GP2-2012

Issuing Office: Office of Business Support and Sustainability, Office of Energy and Environmental Analysis, Wisconsin Department of Natural Resources (DNR)

Issuance Date: November 6, 2012

Expiration Date: November 6, 2017

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of Wis. Stats. § 281.36 (3b)(b), , 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 by statute. In compliance with the provision(s) of Wisconsin Statutes § Chapter 281.36 (3g)(a)10 and Section 30.123(7), municipalities are authorized to construct, reconstruct or maintain highways, bridges, arches and culverts and will comply with the terms and conditions of WDNR-GP2-2012. 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-GP2-2012.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP2-2012 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP2-2012 authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work may proceed.** Please contact the county zoning administrator to determine if permits are needed. U.S. Army Corps of Engineers wetland permits are required for discharges to federal wetlands.

PROJECT DESCRIPTION AND LOCATION: WDNR-GP2-2012 applies to a discharge to wetland and waters of the state that is affecting up to 10,000 square feet in size and necessary for the construction, reconstruction, or maintenance of a highway, bridge, arch or culvert that is part of a municipal public transportation project and is being carried out under the direction and supervision of a city, town, village or county.

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-GP2-2012 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



David Siebert – Director
Office of Energy and Environmental Analysis

November 6, 2012

Date Permit Signed

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WDNR-GP2-2012 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP2-2012. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP2-2012.

NOTE: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the municipality. 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-GP2-2012 ELIGIBILITY STANDARDS

The municipal highway, bridge, arch or culvert 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 Wis. Stats § 281.36 (3g)(h), requires applicants to demonstrate that adverse impacts to wetlands have been avoided and minimized to the maximum extent practicable.

NOTE: Projects that do not meet all standards are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP2-2012. For municipal highway, bridge, arch and culvert projects that do not qualify for WDNR-GP2-2012, the department has authority under Wis. Stats. § 281.36(3g)(i) and 30.206(3r), 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.

Project Description

1. Contact the local [WDNR Transportation Liaison](#) during the development of the project to have a pre-application discussion.
2. A municipality is the applicant and the project purpose is a public transportation project to construct, reconstruct or maintain a highway, bridge, arch or culvert associated with a single and complete project.
3. If the project includes a bridge or culvert that is greater than 36” in diameter, the plans must be signed and approved by either the County Highway Commissioner or a professional engineer that is a designated agent for the municipality on transportation engineering projects.
4. Structures over lake outlets and lake systems or any culvert installed with the intent to back up water are not eligible for a general permit.
5. Projects that are administered (or “let”) by WisDOT are not eligible for this general permit.
6. Projects that are new roads or new crossings of a navigable waterway where there was previously no crossing, are not eligible for this general permit.
7. Projects that may impact tribal lands or rights, may need additional coordination. Please contact the WDNR Transportation Liaison as soon as possible to begin coordination.
8. 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.
9. The proposed project avoids and minimizes wetland impacts to the greatest extent practicable.
10. The discharge will cause only minimal adverse environmental impacts.
11. 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.
12. The permit does not authorize the placement of a culvert on a stream that is more than 35 feet wide, measured from ordinary high water mark to ordinary high water mark, unless otherwise approved by the WDNR Transportation Liaison.
13. Bridges authorized by this permit must be clear-span, with no new piers in the waterway.

Project Impacts

14. The project shall not impact more than 10000 square feet (0.23 acre) of wetland or waterway for a single and complete project. Disturbance should include only the amount of wetland fill necessary to properly construct the highway and shall minimize alteration of critical features of waterway or wetland habitats. If the project includes ONLY a bridge, arch or culvert replacement, the project should not impact more than 4356 square feet

(0.1 acre) of wetland and disturbance should include only the amount of wetland fill necessary to properly construct and stabilize the bridge, arch or culvert.

15. Projects that impact wetland must comply with the wetland water quality standards outlined in Wis. Stat. § 281.36(3g)(d) and Wis. Admin. Code § [NR 103](#), including the submission of a narrative describing avoidance and minimization of wetlands and “Municipal Highways, Bridges, Arches and Culverts Alternatives Analysis” found in the WDNR-GP2-2012 General Permit Checklist.
16. The permit does not authorize the replacement or reconstruction of a bridge, arch or culvert on a wild river designated under Wis. Stat. §30.26 and Wis. Admin. Code [NR 302](#), or where similar federal, state or local regulations prohibit the construction.
17. Project activities will not take place in or result in adverse impacts to Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, southern sphagnum bogs, boreal rich fens, or calcareous fens.
18. Project will not result in a deleterious impact to any publicly owned trails or property.
19. The project will not result an adverse impact on navigation, and must allow for portage to anyone legally navigating the waterway. All bridges shall either maintain a clearance of not less than 5 feet, or comply with requirements of Wis. Adm. Code § [NR 320](#) (NR 320.04(3)).
20. For bridge, arch or culvert projects, to minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, the project may not occur during the following time periods:
 - **September 15th through May 15th for trout streams; and the Root River (Racine County), Kewaunee River (Kewaunee County), and Strawberry Creek (Door County) upstream to the first dam or barrier.**
 - **March 1st through June 15th for ALL other waters.**

Note: Per Wis. Admin. Code§ NR 1.02 (7), the Department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may check [WDNR Trout Maps](#).

The timing restrictions described above apply to work below the ordinary high water mark (OHWM), on waterways that have standing or flowing water. The timing restrictions listed may be waived or modified by the regional WDNR Transportation Liaison.

Design of the Project

21. The grade-line of any existing overflow sections passing a portion of the regional flood will not be raised and the existing highway water-crossing must have a history of adequately passing flood water, be free of significant controversy concerning public rights in navigable waters, and shall conform to the requirements of Wis. Admin. Code § ch. [NR 116](#), Wisconsin’s Floodplain Management Program.

22. The proposed road grade and structure must have water passing characteristics at least as effective as the existing road grade and structure.
23. Appropriate culvert sizing and invert elevations will be determined using the Municipal Supplemental Worksheet for Sizing and Setting Bridges, Arches and Culverts, which can be found at <http://dnr.wi.gov>, keyword "Transportation". Plans should show the existing structure, as well as the proposed structure.
24. Project shall not result in a significant obstruction to *aquatic organism passage* (AOP). **The local [WDNR Transportation Liaison](#) will be able to assist you with determining if the existing or proposed structure is an obstruction, and whether designing for AOP is necessary.** Please follow these general guidelines for designing a structure so that it allows passage for aquatic organisms:
 - The proposed structure should be as wide as bankfull width (see definitions). Structures cannot be designed or installed in a way that results in higher water surface elevations upstream of the crossing compared to downstream.
 - The crossing needs to 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 in the natural stream channel.
 - The structure needs to be set flat for low gradient streams, i.e., less than 1% gradient. The inlet and outlet invert elevation of the culvert needs to be set below the natural stream bottom flow line elevation. Structures need to be set low enough to allow streambed material to deposit in the bottom of the culvert, or where appropriate, natural streambed material can be added.

Construction of the Project

25. Any dredging that is necessary to bury the culvert will be limited to greatest extent possible and deposition of sand, gravel, or stone will only occur immediately underneath and within 2 feet of the culvert.
26. Unless the waterway is dry for the duration of the construction activities, you must install a cofferdam and diversion channel or cofferdam and pump bypass system upstream and downstream of your construction area, unless otherwise directed by WDNR Transportation Liaison. Protection of the stream during construction must be shown on plans.
27. 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.
28. The temporary diversion of the stream must be shown in the plans and placement shall not exceed 5 working days. Stream flow needs to be maintained to downstream throughout construction.
29. Except for a temporary bypass system during construction, the project will not involve the creation, modification, or enhancement of any dam structures.

SECTION 2: WDNR-GP2-2012 APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed the proposed discharge of dredged and/or fill material into wetland meets all the terms and conditions of this permit you must submit a complete application package, including a [WRAPP form](#), an application checklist and alternatives analysis to **Deborah Lee, Wisconsin DNR, Water Permit Central Intake, WT/3, P.O. Box 7185, Madison, WI, 53707-7185**. Application materials can be found at <http://dnr.wi.gov>, keyword "Transportation".
2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete application package.
3. The Department has one opportunity to request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 30 calendar days after receiving your application package.
4. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the Department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
5. As provided under Wis. Stat. § 281.36 (3g)(i), 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 Wis. Stats. § 281.36(3m). 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. Applications shall be submitted on forms supplied by the Department. Details for a complete application can be found at <http://dnr.wi.gov>, keyword "Transportation". The application shall include:
 - a. Complete and Signed Water Resources Application for Project Permits ([WRAPP form](#)) certifying project meets the terms and conditions of WDNR-GP2-2012.
 - b. Project plans or schematic drawings
 - c. Maps of the project site that show clear directions to the project site with project and property boundaries clearly labeled
 - d. Photographs that represent existing site conditions where project will occur
 - e. Alternatives Analysis for municipal highway, bridges, arches, and culverts, including detailed documentation that clearly demonstrates why the impact to the wetland cannot be avoided and how the impact to the wetland will be minimized.

SECTION 3: WDNR-GP2-2012 CERTIFICATION AND RESPONSIBILITIES

The applicant certifies and agrees to the following:

1. Upon submittal of a complete application package to DNR, you have certified that you are the responsible party and the highway, bridge, culvert, or arch construction project will be conducted in compliance with all the terms and conditions of WDNR-GP2-2012.
2. If the project includes a bridge or culvert greater than 36" in diameter, the plans must be signed and approved by the County Highway Commissioner or a professional engineer that is a designated agent for the municipality on transportation engineering projects.

SECTION 4: WDNR-GP2-2012 GENERAL PERMIT CONDITIONS

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in Section 2 of this permit. If requested, you shall furnish 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-GP2-2012 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 have 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 DNR.
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 you certified is in compliance with the terms and conditions of WDNR-GP2-2012.
5. **Expiration.** This WDNR-GP2-2012 expires on November 6, 2017. The time limit for completing work authorized by the provisions of WDNR-GP2-2012 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP2-2012 or until the discharge is completed, whichever occurs first.
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. **Project Start.** You shall notify the Department before starting construction.

8. **Permit Posting.** A copy of the permit coverage letter and approved plan must be maintained and available on the project site prior to construction, and remaining at least five days after construction.
9. **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 the public interest or wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any conditions of this permit are 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. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
12. **Project Completion.** Within one week of project completion you shall submit to the WDNR Transportation Liaison a statement certifying project is in compliance with all the terms and conditions of this permit and photographs of the activities authorized by this permit.
13. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP2-2012 in good condition and in conformance with the terms and conditions of this permit, and must avoid additional impacts to waterways and wetlands. Remove accumulated brush, debris or other obstructions that are trapped in or underneath the structure regularly.
14. **Site Access.** Upon reasonable notice, you shall allow access to privately owned area of the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance the terms and conditions of WDNR-GP2-2012 and applicable laws.
15. **Rip Rap.** Rip rap used to stabilize a road will consist of clean stone 6 to 24 inches in diameter, not exceed a 2:1 slope, must underlain by filter fabric or clean-washed gravel and no fill material or soil will be placed in a wetland or below the ordinary high water mark of a public waterway.
16. **Erosion and Sediment Control Practices.** The project site shall 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 § ch. [NR 151](#).

Note: If the project includes any grading, excavation or land-disturbance activity in excess of one acre, you may also need to receive coverage under a [Construction Site Stormwater Permit](#) in addition to this permit. Contact the [WDNR Transportation Liaison](#) to determine the need for additional review.

- Pump intakes and discharges shall prevent impacts to fisheries, wildlife, and their habitat, and must be placed to prevent the disturbance, removal and scour of bed material.
- You shall remove all coffer dams in such a way that minimizes the release of sediment and other downstream impacts.
- Consistent with stream flows reasonably predictable during the time period of use, temporary structures shall have sufficient waterway opening, either inherent in the structure or combined with an overflow area, to prevent damage from back-up of water and downstream siltation due to washout or scouring of temporary facilities.
- All grading, excavation and land-disturbance activity will be confined to the minimum area necessary for the placement of the structure and will not exceed one (1) acre.
- Construction and dewatering activities shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures must meet or exceed the [WDNR Technical Standards](#).
- Construction of the bridge, culvert, or arch shall be completed as quickly as possible in order to minimize disruption. Construction shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark (OHWM), unless otherwise directed by the WDNR Transportation Liaison. Construction equipment should not operate on the bed of the stream, below the OHWM, except for that which is necessary for the placement of the structure.
- You are not allowed to do construction during periods of high water levels to avoid overwhelming the construction site.

17. **Bats.** As a result of the recent listing of 4 species of bats as Threatened in Wisconsin, bridges should be inspected for bat use prior to demolition or repair. Specific guidance is in development and will be available upon request.

18. **Swallows.** Swallows may nest under bridges. Nesting swallows are protected under the Migratory Bird Treaty Act. The nesting season for swallows has been established as May 1 through August 30. The need for a US Fish and Wildlife Service depredation permit may be avoided by removing the existing bridge superstructure prior to nest occupation by swallows, and clearing the nests from and installing a suitable netting device on the remaining existing superstructure prior to nesting activity to prevent the swallows from nesting.

19. **Contaminated Sites.** The Department provides an on-line database of contaminated sites, called the [Contaminated Lands Environmental Action Network \(CLEAN\)](#). You must check the site to see if a hazardous substance release has been reported in your project area, and if there has been a release, contact WDNR before submitting your application for WDNR-GP2-2012.

20. **Asbestos.** Any bridge or culvert that is not wood, metal, glass or fiberglass may contain asbestos. WDNR needs to be notified by the [Asbestos removal and notification forms](#) 10 days before the demolition of any existing structure, which may contain asbestos.
21. **Hazardous Sites.** You must determine if there are any Environmental Repair and Solid Waste disposal sites may be within the project boundaries by checking the [Historic Registry of Waste Disposal Sites](#). You must check the site to see if a hazardous substance release has been reported in your project area, and if there has been a release, contact WDNR before submitting your application for WDNR-GP2-2012.
17. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by utilizing [best management practices to avoid the spread of invasive species](#).
22. **Wetland protection.** You shall not store any vegetation, material, or equipment in wetlands. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
23. **Temporary fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation and vegetated.
24. **Federal and State Threatened and Endangered Species.** WDNR-GP2-2012 does not affect the DNR's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, Wis. Stat. § 29.604, 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.
25. **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 activities to prevent significant adverse impacts or to enhance the habitat for the species of concern.
26. **Historic Properties and Cultural Resources.** WDNR-GP2-2012 does not affect the DNR's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and Wis. Stat. § 44.40. 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 until the State Historic Preservation Officer is contacted for further instruction.
27. **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**.

28. **Reporting a violation.** You shall report any violations of this permit that you become aware of to the Department within 24 hours of the incident occurrence.
29. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil material, as defined by Wis. Stat. §281.36(1) and Wis. Admin. Code § NR 500.03(214), free from hazardous substances as defined by Wis. Stats. § 289.01(11), and free from solid waste as defined by Wis. Stat. § 289.01(11) and (33).
30. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
31. **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 or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.
32. **Transfers.** Coverage under this permit is not transferable to any person.
33. **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 WDNR-GP2-2012.
34. **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-GP2-2012.
 - 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 this office did not consider in reaching the original public interest decision.

SECTION 5: WDNR-GP2-2012-WI 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.
2. Pursuant to Wis. Admin. Code § 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.
3. The Department has determined pursuant to wetland water quality standards under Wis. Admin. Code § NR 103.03, and Wis. Stats. § 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.
4. Need to make a finding that a project meets Wis. Stats. § 30.123(7) standards.
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 Wis. Stats. § 299.01(4).
6. 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-GP2-2012, Wis. Stats. § 281.36(3g), and Wis. Admin. Code § chapters NR 102 and 150.

SECTION 6: WDNR-GP2-2012-WI CONCLUSIONS OF LAW

1. The Department has authority under ch. 30 and Wis. Stats § 281.36, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with Wis. Stats. § 1.11.

SECTION 7: MBGP-2012-WI DEFINITION OF TERMS

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

1. 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.).
2. Aquatic Organism Passage (AOP) means designing a stream crossing (bridge, arch or culvert) that allows for easy movement of fish and reptiles through the structure. More information can be found on the Conserve Online web page, found at [Map and Assess Potential Barriers](#).
3. Bankfull width is the point where the water fills the channel, just before beginning to spill onto the floodplain.

4. Boreal rich fen is a rare open peat-land community of northern Wisconsin that is associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
5. 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.
6. Coastal plain marshes are 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. Cold Water Community includes surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species. This subcategory includes, but is not restricted to, surface waters identified as trout water by the department of natural resources (Wisconsin Trout Streams, publication 6-3600 (80)).
8. 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.
9. Dams are any artificial barrier in or across a watercourse which impound or divert water. A dam includes structures such as embankments, roadway fill, dikes, weirs, water control structures and ditch plugs.
10. Fill material means material placed in wetlands or waterways where the material has the effect of replacing any portion of a waterway or wetland with dry land; or changing the bottom elevation of any wetland or waterway. 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 or waterway. The term fill material does not include trash or garbage.
11. 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.
12. Floodplain as defined by Ch. NR 116 (<http://dnr.wi.gov/topic/floodplains/ordinances.html>) means the land which has been or may be hereafter covered by flood water during the regional flood.
13. Great Lakes ridge and swale complexes are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.

14. Highway means all public ways and thoroughfares. Does not include trails.
15. Highway Bridge means any city, town, village or county-owned bridge, arch, or culvert built in or over a navigable stream for public highway purposes.
16. Impact to wetlands includes temporary or permanent conversion of a wetland.
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. Intermittent Flow typically will cease flowing for weeks or months each year especially in the summer months when lack of rainfall runoff or soil moisture will dry out drainage systems. The time period to determine intermittent versus permanent flow is typically July through Sept in most years with average weather conditions.
19. 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/topic/Invasives/what.html>.
20. Maintenance includes rip rap placement and repairs to any municipal bridge or culvert on a navigable waterway below the OHWM, culvert liners, culvert and bridge extensions, and bridge re-decking.
21. Municipality is a city, town, village or county.
22. Natural water depths, widths, and velocities in the natural stream channel is a normal bank to bank flow event generally associated with a spring runoff event at a 1.5-year storm flow.
23. Navigable waterway means any body of water with defined bed and banks, which is navigable under the laws of the state. In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly occurring basis.
24. 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 characteristics.
25. Permanent Flow typically occurs throughout the year and flow will be present even during the summer months when lack of rainfall runoff or soil moisture will dry out intermittent drainage systems. The time period to determine intermittent versus permanent flow is July through Sept in most years with average weather conditions.
26. Project Sponsor or Applicant means the municipality has supervision over of all phases of the bridge, arch or culvert project from project design through project construction and is responsible for making sure the project and all parties involved comply with the terms and conditions of this permit.

27. Provisional Permit means a permit that is temporary and has an expiration date.
28. Public Highway is any highway, road, street or alley which is open for public use and is maintained and owned by a city, town, village or county.
29. Replacement means any degree of structural changes to the bridge, arch, or culvert by which some or all of the structure is being removed and recreated.
30. Single and complete project connects logical termini, demonstrates independent utility, and does not restrict consideration of alternatives for other reasonably foreseeable projects.
31. Southern Sphagnum bogs are 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. Sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, are not eligible for a General Permit.
32. Transportation project includes construction or reconstruction of a public highway that is owned and maintained by a city, town, village or county.
33. 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.
34. Wetland has the meaning in Wis. Stats. § 23.24, 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.