

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**



**GENERAL PERMIT FOR UTILITIES TO PLACE STRUCTURES ON THE BED OR TO PLACE  
TEMPORARY BRIDGES ACROSS WATERWAYS, OR TO PLACE FILL IN WETLANDS**

PERMITTEE: Utilities

PERMIT NO. WDNR-GP3-2013

ISSUING OFFICE: Office of Business Support and Sustainability, Bureau of Energy, Transportation and Environmental Analysis, Wisconsin Department of Natural Resources (Department or WDNR)

ISSUANCE DATE: 07/09/2013

EXPIRATION DATE: 07/08/2018

**GENERAL PERMIT AUTHORIZATIONS:** In compliance with the provision(s) of s. 281.36 (3b)(b), Wis. Stats., no person may discharge/place dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department of Natural Resources (Department) or the discharge is exempt by statute. In compliance with the provision(s) of ss. 30.025, 30.12, 30.123, 30.20, 30.206 and 182.017, Wis. Stats., utilities are authorized to construct, reconstruct or maintain utility facilities provided they comply with the terms and conditions of WDNR-GP3-2013. Please refer to the following sections of this permit for the specific eligibility standards, notification requirements, certification requirements and responsibilities, definitions and conditions required by WDNR-GP3-2013.

**OTHER AUTHORIZATIONS NECESSARY:** WDNR-GP3-2013 authorizations are subject to all applicable terms and conditions specified in this permit. Moreover, **WDNR-GP3-2013 authorizations are provisional and require that project proponents obtain all necessary local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers permits may be required for discharges to waters of the United States, including most wetlands.

**PROJECT DESCRIPTION AND LOCATION:** WDNR-GP3-2013 applies to the removal of materials from or discharge of materials to waters of the State when such removal or discharge is necessary for the construction, reconstruction, repair, or maintenance of utility facilities. WDNR-GP3-2013 applies to certain discharges of dredged or fill material into wetlands if the discharge is for routine utility construction and maintenance projects and activities. WDNR-GP3-2013 does not apply to the removal or discharge of materials in the course of routine construction or maintenance of any storm sewer, sanitary sewer, or routine watermain utility projects.

**GENERAL PERMIT COVERAGE:** A utility in the state of Wisconsin is authorized to perform work, subject to the terms and conditions specified below, if it meets the eligibility criteria for the non-reporting general permit. For all other projects, unless notified by the Department to the contrary, the effective date of coverage under this general permit is thirty (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-GP3-2013 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  
Bureau Energy, Transportation  
and Environmental Analysis

July 8, 2013  
Date Permit Signed

<b><u>TABLE OF CONTENTS</u></b>		<b><u>Page(s)</u></b>
<b><u>SECTION 1</u></b>	ELIGIBILITY CRITERIA	3-8
<b><u>SECTION 2</u></b>	APPLICATION REQUIREMENTS	8-11
<b><u>SECTION 3</u></b>	CERTIFICATION & RESPONSIBILITIES	11-12
<b><u>SECTION 4</u></b>	GENERAL PERMIT CONDITIONS	12-15
<b><u>SECTION 5</u></b>	FINDINGS OF FACT	15
<b><u>SECTION 6</u></b>	CONCLUSION OF LAW	15
<b><u>SECTION 7</u></b>	DEFINITION OF TERMS	16-19

**WDNR-GP3-2013 TERMS AND CONDITIONS**

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP3-2013. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP3-2013.

NOTE: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the utility proposing the project. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (Department or WDNR) Service Center, Department 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-GP3-2013 ELIGIBILITY CRITERIA**

The utility project must meet **all** the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work under this general permit are subject to the ss. 281.36(3g)(h), Wis. Stats., requirements that applicants must demonstrate that adverse impacts to wetlands cannot be avoided and have been minimized to the greatest extent practicable.

**NOTE:** Only projects that meet all the standards in this general permit are eligible for this general permit. All other projects are excluded from coverage under WDNR-GP3-2013. For utility projects that do not qualify for WDNR-GP3-2013, the department is authorized under ss. 281.36(3g)(i) and 30.206(3r), Wis. Stats., to require an individual permit. Pursuant to ss. 281.36(3g)(i) and 30.206(3r), the department also may require an applicant to apply for an individual permit if the department has inspected the site and determined that conditions specific to the site require additional restrictions upon the discharge or upon the activity to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur or to prevent significant adverse impacts to the public rights and interest, environmental pollution, or material injury to the riparian rights of any riparian owner.

### **General Standards**

1. A utility is the project applicant and the project purpose is to access, construct, reconstruct, repair or maintain a utility facility in or over a wetland or navigable waterway.
2. The project applicant is the owner, or holds an easement over, or has other legal authorization to undertake the project on the land shown in the application.
3. Utility projects that are necessary for the placement, reconstruction, maintenance, repair or removal of utility facilities must be defined as a single and complete project, and cannot be segmented for the purpose of meeting the eligibility requirements of this general permit.
4. 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 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.
5. 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.
6. Projects that may impact tribal lands or rights may require additional coordination. Please contact the Department Office of Energy staff to initiate coordination.

### **General Waterway Standards**

7. The permit does not authorize access or construction on or across a wild river designated under s. 30.26, Wis. Stats, and ch. NR 302, Wis. Adm. Code, or in a location where similar federal, state or local regulations prohibit the construction.
8. This permit does not authorize bridges across waterways that are more than 35 feet wide, measured from ordinary high water mark to ordinary high water mark.
9. This permit does not authorize the placement of structures on the bed that could materially obstruct navigation or impact designated public rights features (PRF).
10. Upon completion of waterway work, the bed shall be restored to pre-existing conditions, and the banks shall be restored to pre-existing or stable conditions.

### **General Wetland Standards**

11. The project will not result in more than 10,000 square feet (0.23 acres) of permanent wetland fill.
12. The project will not result in more than two (2) acres of total temporary wetland impact associated with underground utility placement, repair, maintenance, or removal.

13. The project will not result in more than five (5) acres of total temporary wetland impact associated with construction matting.
14. The project will not result in more than 10,000 square feet (0.23 acres) of forested wetland clearing.
15. The project is not eligible for authorization under a "Superior SAMP" permit reviewed by the City of Superior, Wisconsin.
16. Projects above the non-reporting threshold that impact wetlands must comply with the standards outlined in s. 281.36(3g)(h), Wis. Stats., including the submission of narrative describing avoidance and minimization of wetland impacts found in the application attachment for WDNR-GP3-2013.
17. The proposed project cannot avoid wetland impacts.
18. The proposed project minimizes wetland impacts to the greatest extent practicable.
19. Except where permanent fill is authorized, all wetlands shall be restored to pre-existing elevations and hydrology. Where permanent fill is authorized, the project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.

#### **Temporary Bridge Standards - Waterways**

20. All clear span bridges shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
21. This permit authorizes the placement of temporary clear span bridges (TCSBs) and does not authorize permanent bridges or channel relocation.
22. This permit does not authorize the removal of any material below the ordinary high water mark for the placement of TCSBs.
23. You shall inspect the bridge openings periodically for debris, and shall remove any restriction of flow. Removed debris must not be placed in a wetland.
24. You shall ensure that all bridges and mats are secure and prevent them from being transported downstream during high flow conditions.
25. Bridge approach should be open ramp style, or approach fill shall be limited to a maximum of one (1) foot deep at the bank, and zero (0) feet deep at the fifteen (15) feet landward mark, and shall be removed with the bridge.
26. Bridges shall be removed no later than 7 days after the necessary waterway crossing activities have been completed, unless the removal conflicts with a required timing restriction.

#### **Miscellaneous Structure on Bed Standards - Waterways**

27. If the utility does not own the land adjacent to the waterway where the miscellaneous structure is placed, then you shall provide documentation that all affected riparians have been notified of the proposed project.
28. This permit authorizes the maintenance, repair, and replacement of existing miscellaneous structures below the OHWM, or placement of new submarine utility structures on the bed of public waters.
29. This permit does not authorize new utility miscellaneous structures below the OHWM that are exposed above the water, or could affect natural scenic beauty as determined by the Department.
30. Miscellaneous structures shall not impair navigation, flood flows, water quality, fisheries or wildlife habitat.
31. All miscellaneous structures placed in the waterway shall be appropriately marked to prevent navigational hazards.
32. This permit does not authorize any change in the course of a navigable stream under s. 30.195, Wis. Stats., and only allows removal of material from the bed of any waterway under s. 30.20, Wis. Stats., sufficient to place or remove miscellaneous structures.
33. Unless the waterway is dry for the duration of the construction activities, you shall install a cofferdam system to isolate the workzone from the waterway.
34. You shall remove all cofferdams gradually, in such a way that minimizes the downstream sediment impacts.
35. You shall minimize the need to operate construction equipment on the bed of the waterway, below the OHWM.
36. All stockpiled spoils, supplies or materials shall be isolated from the waterway to prevent impacts beyond the work area.
37. All construction vessels, vehicles, and equipment used shall be appropriate for the job, and can be brought to and removed from the project site without unreasonable harm to fish, wildlife, and their habitats.
38. Installation of the miscellaneous structure(s) shall be completed as quickly as possible in order to minimize waterway disruption. Construction shall minimize the removal of shoreline vegetation above the OHWM.
39. You are not allowed to begin construction if the water elevation or flow is expected to be above the OHWM before completion.

**Wetland Construction Standards**

40. The project will not result in permanent wetland impacts to Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, southern sphagnum bogs, boreal rich fens, or calcareous fens.
41. Temporary wetland excavation activities shall segregate topsoil from subsoil. Topsoil shall be replaced to its original stratum. Subsoil shall be removed or replaced to its original stratum.
42. This permit does not authorize any permanent or temporary earthen, soil, or gravel roads in wetlands.
43. To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, must be low ground pressure equipment, or shall work during stable conditions.
44. All construction waste materials shall be removed from wetlands at the completion of construction.
45. Final site stabilization in wetlands requires the re-establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative cover.

#### **General Construction Standards**

46. Measures shall be implemented to prevent fluid leaks (e.g., fuel, oil, hydraulic, coolant, etc.) from vehicles and equipment into wetlands or adjacent to waterways. Leaks shall be corrected before the equipment is allowed back into operation in wetlands or adjacent to waterways.
47. 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 shall meet or exceed the Department approved technical standards of ss. NR 151.11 and 151.12, Wis. Adm. Code. The technical standards are found at:  
<http://dnr.wi.gov/topic/stormwater/standards/index.html>
48. At no time shall dewatering activities directly discharge to wetlands or waterways without prior effective water quality treatment.
49. Pump intakes and discharges shall be placed to prevent impacts to fisheries, wildlife, and their habitat.
50. Pump intakes and discharges shall be placed to prevent the disturbance, removal and scour of bed material.
51. The project shall not result in a material obstruction of or result in a significant adverse impact upon navigation of public waters, and shall allow for portage to anyone legally navigating the waterway. All bridges and structures shall comply with standards in ch. NR 320.04(3), Wis. Adm. Code.

52. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement and removal of the TCSB or work below the OHWM, may not occur during the following time periods:
- **September 15th through May 15th for trout streams, and the segments upstream to the first dam or barrier of the following waterways: the Root River (Racine Co.), Kewaunee River (Kewaunee Co.), Strawberry Creek (Door Co.).**
  - **March 1st through June 15th for ALL other waters.**

Note: The timing restrictions described above apply to waterways that have standing or flowing water. The timing restrictions listed may be waived by the Department's regional Fisheries Biologist. Trout stream maps are available on line at: <http://dnr.wi.gov/fish/species/trout/streammaps.html>.

53. To prevent the spread of invasive species, you shall ensure that all machinery and equipment used for the project is free of invasive and exotic species and viruses prior to use and after use in any waterway and wetland. Utility right-of-way best management practices for invasive species can be found at: <http://dnr.wi.gov/topic/Invasives/bmp.html>
54. You shall report all incidents of non-compliance with this permit to the Department within 24 hours of the incident occurrence.

#### **Clean-Up of Releases of Drilling Fluids Standards**

55. The project involves the placement of temporary structures in wetlands associated with the clean-up of an inadvertent release of drilling fluid from a directional bore.
56. The project involves the placement of a temporary miscellaneous structure below the OHWM for up to five (5) consecutive days associated with the clean-up of an inadvertent release of drilling fluid from a directional bore.
57. The project will not result in more than 2 cubic yards of dredging below the OHWM associated with the clean-up of an inadvertent release of drilling fluid from a directional bore.

**Non-Reporting Standards for Minor Projects Affecting Wetlands** Projects meeting any of the following standards and all the applicable standards above may qualify for non-reporting coverage under Section 2.

58. The project involves only minor fills associated with the clean-up of an inadvertent release of drilling fluid, the installation of scientific measuring devices, or the restoration of wetlands disturbed by scientific surveying or geotechnical exploration.
59. The project will not result in more than 400 square feet of total wetland fill.
60. The project consists of maintenance of a previously authorized utility facility within an existing utility easement that will not result in more than 0.5 acres of temporary wetland fill within an existing easement.

#### **SECTION 2: APPLICATION REQUIREMENTS FOR WDNR-GP3-2013 COVERAGE**

## **A. Non-Reporting**

1. Projects that qualify under one or more of the Non-Reporting standards in Section 1, and all other terms and conditions of WDNR-GP3-2013, are regulated and authorized under this general permit.
2. Project proponents shall ensure that the proposed construction, reconstruction, repair, or maintenance of a utility facility meets all applicable terms and conditions of WDNR-GP3-2013.
3. Upon request by the Department for auditing purposes, you shall provide records documenting compliance with Section 2 (A)(2).
4. Activities that would adversely affect state or federal threatened / endangered species or cultural / archaeological resources are not authorized by WDNR-GP3-2013.
5. As provided under s. 281.36(3g)(h)4 and (i), Wis. Stats., the Department may determine the project may not proceed under the Non-Reporting section of this general permit and require that the project be reviewed through the Reporting section, or the individual permit process outlined in s. 281.36(3m), Wis. Stats.

## **B. Reporting - Notification**

1. Projects that qualify under one or more of the following standards, and all other terms and conditions of WDNR-GP3-2013, may use the notification application process (outlined in Section B. 9.):
  - a. The project involves the placement of a TCSB across a navigable waterbody for a maximum of two weeks.
  - b. The project is the clean-up below the OHWM of an inadvertent release of drilling fluid from a directional bore and meets standards 55, 56, and 57.
  - c. The project will result in more than 0.5 acres and not more than two (2) acres of total temporary wetland impact associated with the placement of construction matting.
  - d. The project involves the maintenance or removal of a previously authorized utility facility below the OHWM, but does not include dredging in excess of 2 cubic yards, the placement of other miscellaneous structures, or vehicle access below the OHWM.
2. Project proponents shall ensure that the proposed construction, reconstruction, repair, or maintenance of a utility facility meets all applicable terms and conditions of WDNR-GP3-2013.
3. Activities that would adversely affect state or federal threatened / endangered resources species or cultural / archaeological resources are not authorized by WDNR-GP3-2013.
4. You must submit a *complete notification package* (outlined in Section B. 9. below) to the Department office designated in the application materials provided by the Department. Notification materials, including an application/notification checklist and practicable alternatives analysis, can be found at: <http://dnr.wi.gov/topic/Waterways/>

NOTE: You are responsible for sending a copy of your complete application package to the US Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

5. Unless notified by the Department to the contrary, the effective date of coverage under this permit is thirty (30) calendar days after the designated Department office receives a complete notification package.
6. 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 thirty (30) calendar days after receiving your notification package.
7. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts, the Department shall give notice during the thirty (30) calendar day period to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
8. As provided under s. 281.36(3g)(i) Wis. Stats., the Department may determine the project may not proceed under the Notification section of this general permit and require the project be reviewed through the Reporting section, or the individual permit process outlined in s. 281.36(3m), Wis. Stats. If the Department determines your project may not proceed under the Notification section of this permit, you will be notified within thirty (30) calendar days after the Department receives your complete notification package.
9. Notifications shall be submitted on forms supplied by the Department. Details for a complete notification can be found at: <http://dnr.wi.gov/topic/Waterways/>. Notification shall include:
  - a. Complete and Signed Application Form (or up to date application form on file with the Department) certifying that the project meets the terms and conditions of WDNR-GP3-2013, including project plan and total square feet of wetland fill.
  - b. Maps or tables of the project site that include Township, Range and Section(s), and a description of the jurisdictional work. Maps shall include Soil Survey or Wetland Indicators Maps, WI Wetland Inventory Maps, and recent Aerial Photographs.
  - c. Documentation that the project will not result in an adverse impact to federal or state threatened/endangered resources or cultural/historical resources.

### **C. Reporting – GP Application**

1. Project proponents shall ensure that the proposed construction, reconstruction, repair, or maintenance of a utility facility meets all the terms and conditions of this permit you must submit a *complete application package* (outlined in C. 6. below) to the Department office designated in the application materials provided by the Department. Application materials, including an application checklist and practicable alternatives analysis, can be found at: <http://dnr.wi.gov/topic/Waterways/>

NOTE: You are responsible for sending a copy of your complete application package to the US Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

2. Unless notified by the Department to the contrary, coverage under this general permit takes effect thirty (30) calendar days after the designated Department 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 thirty (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, the Department shall give notice during the thirty (30) day application period to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
5. As provided under s. 281.36(3g)(i), Wis. Stats., the Department may determine the project may not proceed under this general permit and require that the project be reviewed through the individual permit process outlined in s. 281.36(3m), Wis. Stats. If the Department determines your project may not proceed under this permit, you will be notified within thirty (30) calendar days after the Department receives your complete application package.
6. Applications shall be submitted on forms supplied by the Department. Details for a complete application or notification can be found at: <http://dnr.wi.gov/topic/Waterways/>. An application shall include:
  - a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP3-2013, including the utility plan / design worksheets.
  - b. Project plans that include final project design and construction and total acreage of wetland impact.
  - c. Maps of the project site that include Township, Range and Section(s), Soil Survey or Wetland Indicators Maps, WI Wetland Inventory Maps, topographic map and recent Aerial Photographs. All maps must show clear directions to the project site with project and property / easement boundaries clearly labeled.
  - d. Photographs that represent existing site conditions where project will occur.
  - e. Documentation that the project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources if the respective databases document these resources within or adjacent to the project site or any other documentation that may help verify project is eligible (e.g. Department Bureau of Endangered Resources consultation feedback).
  - f. Detailed documentation that clearly demonstrates why any proposed wetland impact cannot be avoided and how the wetland impacts will be minimized.

**SECTION 3: WDNR-GP3-2013 CERTIFICATION AND RESPONSIBILITIES** The applicant certifies and agrees to the following:

1. You agree to be the responsible party that supervises and oversees all aspects of the project to ensure compliance with the terms and conditions of WDNR-GP3-2013.

2. Upon submittal of a complete application or notification package to the Department, you have certified that the project will be conducted in compliance with all the terms and conditions of WDNR-GP3-2013.
3. You certify the project will not result in adverse impacts to riparian rights of riparian owners.

**SECTION 4: WDNR-GP3-2013 GENERAL PERMIT CONDITIONS** You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application or notification 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-GP3-2013 and efforts to begin work on the activities authorized by this general permit signify that you have certified that 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 Department.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans that you submitted to the Department and certified to comply with the terms and conditions of WDNR-GP3-2013.
5. **Expiration.** This WDNR-GP3-2013 expires on 07/08/2018. The time limit for completing work authorized by the provisions of WDNR-GP3-2013 ends five (5) years after the date on which the discharge is considered to be authorized under WDNR-GP3-2013 or until the discharge is completed, whichever occurs first.
6. **Other Permit Requirements.** You are responsible for obtaining all other permits or approvals 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 shall supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department at the telephone number or email address provided on the confirmation of coverage letter you receive before starting construction.
9. **Permit Posting.** A copy of the permit coverage letter and approved plan shall be maintained and available on the project site prior to and during the execution of the regulated activity.
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 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.

11. **Construction Timing.** Once waterway work below the OHWM commences, all construction activities in those waterways shall be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands shall be continuous to the extent practicable. During periods of inactivity in wetlands, the site shall be stabilized until the work is resumed and completed.
12. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** For projects authorized under the Notification or Reporting sections, within two (2) weeks after completing of the regulated activity, you shall submit to the Department a statement certifying the permitted 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.** The activity authorized by WDNR-GP3-2013 must remain in good condition and in conformance with the terms and conditions of this permit, and shall avoid additional impacts to waterways and 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 compliance with the terms and conditions of WDNR-GP3-2013 and applicable laws.
16. **Erosion and Sediment Control Practices.** Erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in NR 151.11(6m), Wis. Adm. Code, shall be implemented on the project site.
17. **Invasive Species.** All project equipment shall be free of invasive species before and after each use on the project site by using best management practices to avoid the spread of invasive species. More information can be found at: <http://dnr.wi.gov/topic/Invasives/bmp.html>
18. **Federal and State Threatened and Endangered Species.** WDNR-GP3-2013 does not affect the Department's responsibility to insure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats and any other applicable state laws. The Department may not grant authorization under this permit for projects found not to comply with these laws. No activity is authorized that: (a) is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act or state law; or (b) is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
19. **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.

20. **Historic Properties and Cultural Resources.** WDNR-GP3-2013 does not affect the Department's responsibility to insure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No Department authorization under this permit will be granted for projects found not to comply with these 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 or appropriate Tribal Historic Preservation Officer must be contacted for further instruction.
21. **Equipment Use.** To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, shall be low ground pressure equipment, or shall work during stable conditions.
22. **Preventive Measures.** Measures shall be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, may not be stored in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a reportable spill 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**. More information can be found at: <http://dnr.wi.gov/topic/Spills/Define.html>
23. **Waste Restrictions.** You shall follow field protocols for activities in proximity to known landfills. Any solid waste encountered shall be disposed of in accordance with chs. NR 500 et. seq., Wis. Adm. Code.
24. **Suitable Fill Material.** All permanent fill authorized under this permit shall consist of clean suitable soil material, as defined by s. NR 500.03(214), Wis. Adm. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.
25. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
26. **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.
27. **Transfers** Coverage under this permit is not transferable to any other utility.
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 WDNR-GP3-2013.

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-GP3-2013.
  - b. The information provided by the applicant in support of the permit application or notification 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-GP3-2013 FINDINGS OF FACT**

- 1. The Department has determined that the project site and project plans meet the standards in WDNR-GP3-2013 to qualify for this General Permit.
- 2. Pursuant to s. NR 299.04(1), Wis. Adm. Code, the Department has reasonable assurance that the proposed project will meet all applicable water quality standards.
- 3. The Department has determined pursuant to wetland water quality standards under s. NR 103.03, Wis. Adm. Code, and ss. 281.36(3g)(d), and 30.206(1)(am), Wis. Stats., that the proposed project will cause only minimal adverse environmental effects or impacts.
- 4. The proposed project will not injure public rights or interests, or cause environmental pollution as defined in s. 299.01(4), Wis. Stats.
- 5. The proposed project will not materially interfere with navigation.
- 6. The proposed project will not have an adverse impact on the riparian rights of adjacent riparian owners, if constructed in accordance with this permit.
- 7. The Department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of 33 U.S.C.S. § 1341 (CWA §401), WDNR-GP3-2013, ss. 30.206 and 281.36(3g), Wis. Stats., and chs. NR 102, 103, 150, 299, 310, 320, and 328, Wis. Adm. Code.

**SECTION 6: WDNR-GP3-2013 CONCLUSIONS OF LAW**

- 1. The Department is authorized by ss. 30 and 281.36(3g), Wis. Stats., to issue a General Permit for the construction, reconstruction, repair, or maintenance of the utility facilities authorized in this permit.
- 2. The Department has complied with s. 1.11, Wis. Stats.

**SECTION 7: WDNR-GP3-2013 DEFINITION OF TERMS** For the purposes of this general permit, you accept the following definitions:

1. 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.
2. 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.
3. 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.
4. Cofferdams are structures that isolate a portion of a waterway to limit impacts from construction disturbance. Cofferdams can include, but are not limited to, sheetpile, sandbags, Portadam®, Aquabarrier®, or culverts placed on end (e.g. vertically). Cofferdams do not include earthen dams.
5. 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 (Wisconsin Trout Streams, publication 6-3600 (80)).
6. 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.
7. Critical Habitat Areas means any waters or wetland necessary for any life stage of a threatened or endangered species.
8. Emergent Marshes Containing Wild Rice are emergent aquatic communities that have wild rice as the dominant macrophyte. 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. Fill Material 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 portion of any wetland. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood products, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.
10. Forested Wetlands are dominated by woody vegetation at least twenty (20) feet in height with more than seventy five (75) percent canopy cover.

11. 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.
12. 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.
13. 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.
14. Invasive Species include nonnative species, hybrids, cultivars, subspecific taxa, and genetically modified variants that invade natural communities and wild areas replacing desirable native species. For a listing of common invasives found in Wisconsin, visit Department's website at: <http://dnr.wi.gov/topic/Invasives/what.html>.
15. Maintenance means the inspection, repair, replacement or reconstruction of a previously authorized utility facility within an existing easement, or the upkeep of the easement, that does not result in an increase in capacity or volume.
16. Miscellaneous Structures are facilities placed on the bed of a waterway (below the ordinary high water mark), and can include utility poles, utility pole foundations, guy anchors or cables, electric cables, telecommunication cables or fiber optic lines, timber mats, or composite mats.
17. Navigable waterway means any body of water with defined bed and banks that 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.
18. 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 characteristics.
19. 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.
20. Permanent Wetland Fill means physical placement of fill material in a wetland with the intent of, or resulting in, the area becoming upland.
21. Public Rights Feature is defined in s. NR 1.06(5), Wis. Adm. Code.

22. Routine Utility Project means the customary installation, construction, reconstruction, repair, or maintenance of a utility facility, on land or easements owned by a utility.
23. Scientific Measuring Device means equipment necessary to record technical data used to assess hydrology, water quality, or other parameters.
24. Single and complete project means the total project proposed by the project proponent. For example, if construction of a linear utility facility affects several different waterway and wetland areas, the cumulative total of all regulated areas is the basis for deciding the project's total waterway and wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has an independent objective and would accomplish its intended purpose whether or not other phases were constructed.
25. Southern Sphagnum Bogs are 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. Southern sphagnum bogs located in the area south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, are not eligible for a General Permit.
26. Temporary Clear Span Bridges (TCSBs) are structures placed above the OHWM and completely across a waterway that allow vehicles, equipment or people to safely cross from one side of a waterway to the other. TCSBs are generally constructed from timber or composite construction mats.
27. Temporary Wetland Fill or Impact means non-permanent wetland discharge during access, construction, or utility installation, but does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, construction mats used for equipment access, or stockpiling segregated soils from trench excavation before placing an underground pipeline.
28. Upland means non-wetland areas above the OHWM.
29. Utility means a corporation, company, cooperative, or organization that owns, operates, manages or controls the production, transmission, or distribution of electricity, heat, light, natural gas, petroleum products, or telecommunication, either directly or indirectly to or for the public or members of a cooperative.
30. Utility facility means an aboveground or underground conduit, duct, cable, fiber, wire, or pipeline, or any appurtenance structures associated with these facilities, used to transmit or distribute electricity, heat, light, natural gas, petroleum product, or telecommunication.
31. 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.

32. Wetland is defined in s. 23.324(1), 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.