WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WETLAND GENERAL PERMIT
FOR RECREATIONAL DEVELOPMENT

Permittee: The General Public in Wisconsin

Permit No. WDNR-GP4-2013

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

Issuance Date: July 19, 2013

Expiration Date: July 19, 2018

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of section 281.36 (3b)(b), Wis. Stats., no person may permanently or temporarily 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. The Department has authority to issue general permits under s. 281.36(g), Wis. Stats. Sections 281.36 (3g)(a)4., 5. and 6., 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-GP4-2013.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP4-2013 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP4-2013 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 permits are required for discharges to waters of the U.S., including wetlands.

PROJECT DESCRIPTION AND LOCATION: WDNR-GP4-2013 applies to certain permanent or temporary discharges affecting up to 10,000 square feet in size, of dredged and/or fill material into wetlands if the discharge is for the purpose of building, reconstructing or maintaining a recreational structure or facility as described herein, in the State of Wisconsin except for proposed tribal activities located on Federal Indian Trust lands.

Bridges that completely span wetlands, and boardwalks built on driven pilings are typically not regulated as wetland fill. Direct placement of soil, dirt, gravel or other material, and placement of puncheons are regulated as wetland fill and require a permit. If you have a question about whether your project may need a permit, contact your local WDNR WMS or the local Army COE staff. Note, crossing a navigable waterway requires a WDNR permit, may require an ACOE

permit, and must also meet local shoreland and/or floodplain zoning requirements.

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-GP4-2013 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

Pam Biersach

Pamela Biersach - Director
Bureau of Watershed Management

7-19-13
Date

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WDNR-GP4-2013 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP4-2013. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP4-2013. WDNR-GP4-2013 does not obviate the need to obtain other federal, state, or local authorizations required by law. WDNR-GP4-2013 does not grant any property rights or exclusive privileges.

NOTE: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the landowner, easement holder or otherwise has legal authorization to proceed. The term "the Department" or "DNR 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-GP4-2013 ELIGIBLITY CRITERIA

The project must meet **all** of 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-GP4-2013. 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.

1. Project purpose is to conduct construction activities to build, reconstruct or maintain a recreational structure or facility.

2. Project discharge does not affect more than 10,000 square feet (0.23 acre) of wetland as part of a single and complete project.

3. Project applicant is the landowner or easement holder or otherwise has legal permission to proceed.

4. Discharge will not occur in any of the following wetland resources: Great Lakes ridge and swale complexes, inter-dunal wetlands, coastal plain marshes, emergent marshes containing wild rice, southern sphagnum bogs, boreal rich fens, or calcareous fens.

5. The proposed project cannot avoid wetland impacts.

6. The proposed project minimizes wetland impacts to the greatest extent practicable.

7. The discharge will cause only minimal adverse environmental effects.

8. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.

9. Clearing of vegetation for trail construction through the wetland that results in a conversion of one wetland type to another type shall be no more than 25%of the width of the trail or 2 feet on each side of the trail structure, whichever is greater.

10. The project meets or exceeds the stormwater management technical standards of ss. NR 151.11 and 151.12, Wis. Adm. Code for stormwater discharges. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/

11. 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.

12. The activity shall not result in significant adverse impacts to fishery spawning habitat including obstruction of fish passage, to bird breeding areas, or to 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.

13. The activity will not result in adverse impacts to historical or cultural resources and will comply with s. 44.40, Wisconsin Statutes as determined by the Department.

SECTION 2: WDNR-GP4-2013 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* to the DNR office designated on the application materials provided by the department. Application materials, including an application checklist and alternatives analysis requirements can be found at http://dnr.wi.gov/topic/Waterways/construction/wetlands.html.

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 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 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. Applications shall be submitted on forms supplied by the Department. Details for a complete application can be found at http://dnr.wi.gov/topic/Waterways/construction/wetlands.html. The application shall include:

   a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP4-2013.
   b. Project plans that include final project design and construction, location and size of all proposed wetland impacts. For example, existing and/or proposed trail dimensions and total acreage of wetland impact.
   c. Maps of the project site. Information to include: most recent soil survey map, WI Wetland Inventory map, topographic map, floodplain information and aerial photographs. All maps must show 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 and structures in wetlands clearly labeled.
   d. Current photographs that represent existing site conditions where the project will occur.
   e. Wetland delineation report unless the Department and applicant agree that a delineation is not necessary for a given site or area of impact.

f. Documentation verifying project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources.
g. Detailed documentation that clearly demonstrates why the impact to the wetland functional values cannot be avoided and how the impact to the wetland will be minimized as laid out in the application checklist.

SECTION 3: WDNR-GP4-2013 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-GP4-2013.

SECTION 4: WDNR-GP4-2013 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, 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-GP4-2013 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-GP4-2013

5. **Expiration**. This WDNR-GP4-2013 expires on July 19, 2018. The time limit for completing work authorized by the provisions of WDNR-GP4-2013 ends 5 years after the date on which the discharge is considered to be authorized under WDNR-GP4-2013 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, floodplain ordinance, 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 before starting construction.

9. **Permit Posting**. You must post a copy of this permit coverage letter at a conspicuous location on the project site prior to the execution of the permitted activity, and remaining at least five days after stabilization of the area of permitted activity. You must also have a copy of the permit coverage letter and 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**. Construction should take place during frozen or dry conditions where practicable.

12. **Construction**. No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.

13. **Project Completion**. Within one week of completion of the regulated activity, you shall submit to the Department a statement certifying the project is in compliance 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-GP4-2013 in good condition and in conformance with the terms and conditions of this permit utilizing 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-GP4-2013 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 NR 151.11and 151.12, Wis. Adm. Code.

17. **Equipment use**. All equipment used for the project will be designed and properly sized to minimize the amount of disturbance to the wetland.

18. **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 as outlined in NR 40, Wis. Adm. Code. For more information, refer to http://dnr.wi.gov/topic/Invasives/bmp.html.

19. **Federal and State Threatened and Endangered Species**. WDNR-GP4-2013 does not affect the DNR's responsibility to insure 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.

20. **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 to the species of concern.

21. **Historic Properties and Cultural Resources**. WDNR-GP4-2013 does not affect the DNR's responsibility to insure 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.

22. **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**.

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

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

25. Projects that impact wetland must comply with the wetland water quality standards outlined in Wis. Stat. s. 281.36(3g)(d) and Wis. Admin. Code NR 103, including the submission of a narrative describing avoidance and minimization of wetlands.

26. **Transfers**. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.

27. **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-GP4-2013.

28. **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-GP4-2013.
    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 was not available at the time of the application that this office did not consider in reaching the original decision.

SECTION 5: WDNR-GP4-2013 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 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. 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.

5. 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-GP4-2013, s. 281.36(3g), Wis. Stats., and chapters NR 102, 103, 150, and 299, Wis. Admin. Code.

SECTION 6: WDNR-GP4-2013 CONCLUSIONS OF LAW

1. The Department has authority under s. 281.36(3g) Wis. Stats., to issue this general permit.

2. The Department has complied with s. 1.11, Wis. Stats.

SECTION 7: WDNR-GP4-2013 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. Boardwalk is an elevated trail structure built on pilings.

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. 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.

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. Emergent marshes containing wild rice are typically emergent aquatic communities that have wild rice as a component. Substrates supporting wild rice usually consist of poorly-consolidated, semi-organic sediments. Water fertility is usually low to moderate, and a slow current is typically present.

8. Fill material has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.

9. 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.

10. 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.

11. Invasive plants Invasive Species include nonnative species, hybrids, cultivars, sub specific 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.

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

13. Recreational facility for the purposes of this general permit is defined as a facility that provides recreational opportunities to the public and private, including but not limited to trails, parks, sports fields, shooting ranges, and golf courses.

14. Single and complete project means the total project proposed by the project proponent. For example, if construction of a recreational trail 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.

15. 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.

16. Structure means an object that is arranged in a definite pattern of organization. Examples of structures for the purposes of this general permit include but are not limited to elevated boardwalks and puncheons.

17. Wetland has the meaning in s. NR 103.02(5), Wis. Adm. Code, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions as defined in statute.

18. 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. Adm. 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.