

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**



**GENERAL PERMIT TO CONDUCT WETLAND  
RESTORATION ACTIVITIES IN WATERS & WETLANDS OF THE STATE**

PERMITTEE: USDA Natural Resources Conservation Service (NRCS)  
U.S. Fish & Wildlife Service (FWS)

PERMIT NO.: WETLAND RESTORATION-GP-2011-WI (WRGP-2011-WI)

ISSUING OFFICE: Waterways & Wetland Protection Section, Bureau of Watershed  
Management, Water Division, Wisconsin Department of Natural  
Resources (DNR)

ISSUANCE DATE: June 1, 2011

EXPIRATION DATE: May 31, 2016

**GENERAL PERMIT AUTHORIZATIONS:** In compliance with the provision(s) of Section 30.2065, Wisconsin Statutes, the USDA Natural Resources Conservation Service and the U.S. Fish and Wildlife Service, in the State of Wisconsin are authorized to perform certain wetland restoration activities that comply with the terms and conditions of WRGP-2011-WI. 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 WRGP-2011-WI.

WRGP-2011-WI authorizations are provisional and require that project proponents obtain any other local, state or federal permits before any work is authorized. WETLAND RESTORATION-GP-2011-WI (WRGP-2011-WI) authorizations are subject to all applicable terms and conditions specified in this permit.

**PROJECT DESCRIPTION AND LOCATION:** WRGP-2011-WI applies to certain wetland restoration activities that will occur within and adjacent to waters of the State, including wetlands.

**GENERAL PERMIT COVERAGE:** Unless notified by the DNR to the contrary, the effective date of coverage under this general permit is 15 calendar days after a complete notification package has been received by the designated DNR office found at [http://dnr.wi.gov/waterways/about\\_us/county\\_contacts.html](http://dnr.wi.gov/waterways/about_us/county_contacts.html) for the county where the project is located. **WCGP-2011-WI permit coverage for any project is limited to a maximum of 3 years per application or the expiration of this permit, 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

*Susan L Sylvester*

5/24/2011

\_\_\_\_\_  
Susan Sylvester  
Acting Watershed Bureau Director

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

## **WRGP-2011-WI TERMS AND CONDITIONS**

The following sections describe the general permit authorization procedures implemented by the DNR in WRGP-2011-WI. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WRGP-2011-WI.

Italicized terms throughout the permit are defined in Section 4 on pages 8 through 10.

NOTE: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the USDA Natural Resources Conservation Service (NRCS) and U.S. Fish and Wildlife Service (FWS). 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.

### **TABLE OF CONTENTS**

<b><u>SECTION 1</u></b>	ELIGIBILITY STANDARDS	3-5
<b><u>SECTION 2</u></b>	APPLICATION REQUIREMENTS	6
<b><u>SECTION 3</u></b>	CERTIFICATION & RESPONSIBILITIES	7
<b><u>SECTION 4</u></b>	DEFINITION OF TERMS	8-10
<b><u>SECTION 5</u></b>	GENERAL PERMIT CONDITIONS	11-13
<b><u>SECTION 6</u></b>	FURTHER INFORMATION	14

## **SECTION 1 – ELIGIBILITY STANDARDS FOR WRGP-2011-WI AUTHORIZATION**

Your wetland restoration project must meet all the following standards to be eligible for coverage and authorization under this general permit.

**NOTE:** Projects that do not meet all standards are not eligible for this general permit and are therefore excluded from coverage under WRGP-2011-WI. For wetland restoration projects that do not qualify for WRGP-2011-WI, you may apply for state waterway and wetland permits as outlined in Chapter NR353, Wisconsin Administrative Code.

1. The NRCS or the FWS are the *project sponsor* for the wetland restoration project. For wetland restoration projects conducted on private lands NRCS and/or FWS have obtained a binding wetland conservation project agreement with the landowner(s).
2. Project purpose is for *wetland conservation* that will result in the *re-establishment* of drained wetlands, *enhancement* of existing *degraded* wetlands or *creation* of new wetlands.
3. Project will result in net gains to wetland functions and will not result in a net loss of existing wetland acreage. For example, if the project places fill into an existing wetland, there must be a gain in at least the same amount of wetland as the existing wetland acreage lost due to filling. When assessing wetland functional values use the Wisconsin Rapid Assessment Methodology found at <http://dnr.wi.gov/wetlands/documents/RapidWetlandAssessment.pdf>.
4. Project proponent has documented site conditions show impacts to topography, soils, native vegetation or hydrology that has *degraded* the wetland and are potentially reversible with wetland conservation activities.
5. Project involves only the following wetland restoration activities that are designed and will be constructed to meet following applicable Natural Resources Conservation Service Field Office Technical Guide Standard Conservation Practice 378-Pond (7/01), 410-Grade Stabilization Structure (7/01), 638-Water & Sediment Control Basin (7/01) and 657-Wetland Restoration (9/00) found at <http://efotg.sc.egov.usda.gov/treemenuFS.aspx> in Section IV in the Conservation Practices folder.
  - a. **Hydrology Alterations** that include the following:
    - *Drain tile removal* by disabling a section of *drain tile* in the project area.
    - Disabling artificial surface drains by filling lengths of the ditch downstream of the drainage system to be altered. Ditch fills may be added upstream of ditch plugs.
    - Constructing *dams* or *water control structures* that include dikes, embankments and low berms to impede surface water drainage or runoff.
    - Altering the hydrology of an area by removing pumps, breaching structures, such as dikes, or re-routing artificial drainage features or manipulation of water control structures.
  - b. **Soil Disturbing Activities** that include removing soil and vegetation or *post European settlement deposition* that has accumulated over historic wetland soils or creating micro-topography to enhance hydrologic diversity including shallow

- wetland scrapes*, channels, submerged islands and interconnected open water areas.
- c. **Plant Management Activities** that include introducing plants by planting, cultivating, stocking or releasing. Controlling plants by cutting, destroying or suppressing using manual or mechanical methods, introducing United States Department of Agriculture approved biological agents, manipulating water levels, burning, or using United States Environmental Protection Agency registered herbicides and chemicals applied according to the label instructions.
  - d. **Monitoring Activities** that include installing and maintaining devices such as staff gauges, water level recording devices, small weirs and flumes whose purpose is to measure and record scientific data for monitoring of the conservation activity, periodic water quality testing and periodic sampling to show changes in the flora and fauna composition and abundance.
6. Project activities will occur only within *artificial ditches* that have no prior stream history and will not occur in navigable waters with stream history.
  7. Project will not impact a *cold water community*, as defined in NR102.04(3)(a) . The project is not eligible for this general permit for the following scenarios:
    - a. Project will result in a *permanent flow* or discharge that drains to a cold water community.
    - b. The artificial ditch has permanent flow that discharges to a cold water community, unless the project fills the entire ditch. This scenario includes drain tiles with permanent flow that discharge to the artificial ditch.
    - c. The artificial ditch has intermittent flow that discharges to coldwater community, unless the project fills the entire ditch or fills a portion of the ditch starting at the distal end of the ditch from the coldwater stream and continues to fill the ditch toward the coldwater stream.
    - d. Scrape is not proposed in an area with evidence of spring activity.
  8. Project will not result in an obstruction to fish passage to existing spawning areas. Please reference DNR's Fisheries Maps to determine which watersheds contain artificial ditches that are known to provide fish passage to existing spawning areas.
  9. Project will not result in an adverse impact to federal or state threatened or endangered species and you have obtained all required reviews, approvals and consultation from DNR's Bureau of Endangered Resources to verify there will not be an adverse impact to these sensitive resources.
  10. Project will not result in an adverse impact to historical or cultural resources and will comply with s. 44.40, Wisconsin Statutes. If there is a historical or cultural resource present you have contacted the Wisconsin State Historical Society to verify and receive documentation that the project will not result in an adverse impact to the resource.
  11. Project activities will not take place in or result in the *conversion* of sedge meadows, *forested wetlands*, rare wetland community types, such as calcareous fens, and undisturbed wetland plant communities, such as wetlands *dominated* by non-invasive native hydrophytes on sites where hydrology has not been altered.

12. Project sites that have existing *wetlands* on or adjacent to the project meet the criteria that is applicable to the wetland community listed below:

**Wetland Community A:** A degraded wetland plant community *dominated* by agricultural crops, *early successional hydrophytes*, *invasive plants* (native or non-native) or non-native plants. No restrictions are placed on the wetland restoration activity method(s) selected. To determine which species are considered invasive, you may reference DNR's website at <http://dnr.wi.gov/invasives/plants.asp>.

**Wetland Community B:** A wetland plant community *dominated* by a mix of invasive, early successional, non-native and non-invasive native plants. This wetland plant community type must also exhibit site alterations, such as ditching or tiling, that have effectively impacted wetland hydrology. Restrictions are placed on the wetland restoration activity method selected. Wetland restoration activity selected to restore the wetlands natural or original hydrology is restricted to the following methods: (1) ditch fills; (2) ditch plugs; (3) tile breaks and (4) tile removals. Earth disturbing activities, such as scrapes necessary for borrow material, shall be restricted to invasive or non-native plant species dominated areas.

13. Any *dam* or *water control structure* placed across a *watercourse* does not exceed the definition of a *small dam* and dam failure will not endanger life, health or property. Wetland conservation projects that propose construction of *large dams* must be reviewed through the individual permit process.

NOTE: Small Dams have a *structural height* of less than or equal to 6 feet **or** a structural height of less than 25 feet provided that the *maximum storage capacity* is less than 50 acre-feet. Please reference dam diagram for the criteria of a small dam versus a large dam.

14. Project will not result in adverse impacts to adjacent properties, unless appropriate signed agreements have been made with the affected landowners. For example, project activities that result in water impoundment can not flood or impede drainage of the adjacent properties.

Note: Some wetland conservation projects may involve several landowners that have signed on to binding NRCS and FWS agreements that includes their property within the boundaries of the wetland conservation project.

15. Project will not occur in a mapped floodplain (official FEMA or local zoning maps) or if project does occur within a mapped floodplain NRCS and FWS will meet the local governments floodplain zoning standards by following the 8-step process outlined in Executive Order 11988 found at <http://www.fema.gov/plan/ehp/ehplaws/eo11988.shtm> to identify floodplain impacts, investigate alternatives and if no feasible alternative is available, take the necessary steps to mitigate any harms caused by the project.
16. Erosion control measures will be implemented that adequately control or prevent erosion, and prevent damage to waterways and wetland soils and meet or exceed the technical standards for erosion control outlined in NR 151, WI Administrative Code in subchapter V. found at <http://dnr.wi.gov/runoff/stormwater/techstds.htm>.

## **SECTION 2: APPLICATION REQUIREMENTS FOR WRGP-2011-WI COVERAGE**

You are required to comply with the following application requirements:

1. After you have carefully confirmed the proposed wetland restoration project meets all the terms and conditions of this permit you must submit two copies of a *complete application package* to the designated DNR office for the county where the project is located a minimum of 20 calendar days prior to the desired project construction start date. A listing of the designated DNR offices for application submittal can be found at [http://dnr.wi.gov/waterways/about\\_us/county\\_contacts.html](http://dnr.wi.gov/waterways/about_us/county_contacts.html).

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

2. The Department must receive a complete application package in accordance with the requirements of this section, outlined in item 4 below, at least 15 calendar days prior to project commencing. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 15 calendar days after the designated DNR office receives a complete application package.
3. The Department may request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. If additional information is needed, the Department will notify you within 15 calendar days after receiving your application package.
4. The Department may determine the project is not eligible for this general permit and require the project be reviewed through the general permit or individual permit process outlined in Chapter NR 353, Wisconsin Administrative Code. If the Department determines your project is not eligible for this permit, you will be notified within 15 calendar days after your complete application package is received by DNR.
5. Application shall be submitted on forms supplied by the Department and must include the following information to be deemed a complete application package:
  - a. Complete Application certifying project meets the terms and conditions of WRGP-2011-WI.
  - b. Project plans that include final project design and construction.
  - c. Maps of the project site that include Soil Survey Maps, WI Wetland Inventory Maps, and recent 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 each wetland conservation activity clearly labeled (i.e. ditch fill, scrape, etc.)
  - d. Photographs that represent existing site conditions where project will occur.
  - e. Documentation verifying 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. DNR Fish Biologist consult feedback).
  - f. Two Copies of complete application package.

### **SECTION 3: CERTIFICATION AND RESPONSIBILITIES FOR WRGP-2011-WI**

You certify and agree to the following:

1. You agree to be the project sponsor and responsible party that supervises and oversees all aspects of the wetland conservation project to ensure compliance with the terms with the terms and conditions of WRGP-2011-WI. This includes landowners, contractors and other parties associated with the project design, engineering and construction.
2. Upon submittal of a complete application package to DNR, you have certified the wetland conservation project will be conducted in compliance with all the terms and conditions of WRGP-2011-WI.
3. You agree to establish and follow the Memorandum of Agreement for Wetland Restoration Activities between NRCS, FWS and DNR.
4. You are responsible for obtaining binding wetland conservation project agreements between the landowner(s) and NRCS or FWS to carry out wetland restoration activities on private lands and have received authorization to serve as the landowner's agent for purposes of applying for required permits.
5. You certify the wetland restoration project will not result in adverse impacts to adjacent lands that are outside the project boundaries. If an adverse impact occurs that was not anticipated you agree to take the necessary corrective action immediately to remedy the adverse impact and minimize harm to all persons or parties impacted.
6. For projects where small dams are proposed, you agree to notify the landowner they will become the owner of a small dam and provide them with the DNR's Dam Owner's Responsibility Fact Sheet available at <http://dnr.wi.gov/org/water/wm/dsfm/dams/documents/OwningADam.pdf>.

### **SECTION 4: WRGP-2011-WI DEFINITION OF TERMS**

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

1. **Artificial Ditch** means a constructed channel that was not previously a natural stream that holds or conveys water some portion of the year, which may or may not connect to another waterbody. Artificial ditches are typically excavated or dug on agricultural lands to improve drainage and enhance crop production.
2. **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)).

3. **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.
4. **Conversion** means alterations made to existing wetlands that result in a change in wetland classification from one wetland community type to another (i.e. conversion of a sedge meadow to a shallow marsh or a forested wetland to a wet meadow).
5. **Creation** means the construction of a wetland in an area that was not wetland in the past.
6. **Dams** are any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes structures such as embankments, dikes, weirs, water control structures and ditch plugs. A complete ditch fill is not considered a dam.
7. **Degraded** means a wetland subjected to deleterious activities such as drainage, excessive nutrient runoff, grazing, cultivation, increased stormwater input and partial filling, to the extent that the natural wetland characteristics are compromised and where wetland function is reduced.
8. **Ditch Fills** are complete or partial closure of an artificial surface drainage system (main and/or laterals) in hydric soil, applied to disable or render inoperable existing wetland drainage. A combination of soil, vegetation and woody debris may be used, and compaction is not required. This practice can be used in conjunction with a ditch plug at the lower end of the ditch fill.
9. **Ditch Plugs** are a partial block installed in an artificial drainage system in hydric soils, applied to disable or render inoperable existing wetland drainage. Earth fill used in ditch plug construction must be free of vegetation and compacted into place for a minimum distance as specified in NRCS Tech Guide Practice 657.
10. **Dominated** refers to those plant species with a vegetative cover of 20% or more.
11. **Drain Tile Removal** is the destruction or impairment of a subsurface drainage system in hydric soils, used to disable or render inoperable existing wetland drainage. Tile drains encountered can be made of clay, concrete or plastic and typically exist as a single tile line or series of tile lines installed as a network, typically 36 – 48 inches below the soil surface. In very flat agricultural landscapes with high water tables, tile drains may include pumping stations and underground storage tanks that must be removed in addition.
12. **Enhancement** is alterations made to existing wetlands that result in a net increase in wetland function (i.e. vegetation management techniques or changes to the hydrologic regime). Wetland enhancement generally does not include wetland conversion, unless the purpose of the conversion is to return the wetland to known pre-disturbance conditions AND also represents a net increase in wetland function.
13. **Early Successional Hydrophyte** means a plant adapted to quickly colonize open, disturbed wetlands, which does not persist over time and is replaced by perennials that hold space and persist over time. Examples of these plants include nut sedge

(*Cyperus spp.*), nettle (*Urtica dioica*), smartweed (*Polygonum spp.*), wild millet (*Echinochloa spp.*), ragweed (*Ambrosia spp.*), Beggar's tick (*Bidens spp.*) and foxtail (*Setaria spp.*).

14. **Forested Wetlands** are those areas with  $\geq 17$  trees per acre with  $> 50\%$  canopy of trees  $\geq 3$ -inch DBH (diameter at breast height).
15. **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. To assess wetland functional values please use the Wisconsin Rapid Assessment Methodology found at DNR's website at <http://dnr.wi.gov/wetlands/documents/RapidWetlandAssessment.pdf>.
16. **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.
17. **Invasive Plants** are non-native or native plant species that invade natural plant communities and wild areas replacing desirable native vegetation. For a listing of common invasive plants found in Wisconsin visit DNR's website at <http://dnr.wi.gov/invasives/plants.asp>.
18. **Large Dams** have a structural height of 25 feet or impounds more than 15 acre-feet of water; or have a structural height of more than 6 feet and impounds more than 50 acre-feet of water.
19. **Management** means actions taken at a wetland to establish and maintain desired habitat and human use conditions including water level manipulations, herbicide application, wetland species introduction and control, fencing, monitoring, signage and vandalism repair.
20. **Maximum Storage Capacity** means the total volume of water in acre-feet capable of being stored behind a dam at the maximum water surface elevation before overtopping would occur using the design elevation.
21. **Monoculture** means a single plant species occupying a large area.
22. **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.
23. **Post European Settlement Deposition** means sediment accumulated over original hydric soils since European settlement of the area.
24. **Preservation** means the protection of ecologically important wetlands in perpetuity through implementation of appropriate legal and physical mechanisms.

25. **Project Sponsor** means NRCS or FWS has supervision over of all phases of the wetland restoration 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 WRGP-2011-WI.
26. **Re-establishment** or restoration of wetlands means the re-introduction of wetland vegetation AND wetland hydrology to an area where these vegetative and hydrologic qualities previously existed (re-establishment of hydric soils may rarely be required). This alteration results in the re-establishment or restoration of previously existing wetland.
27. **Small Dams** have a structural height of less than or equal to 6 feet or a structural height of less than 25 feet provided that the maximum storage *capacity* is less than 50 acre-feet. Please reference dam diagram for the criteria of a small dam versus a large dam found on DNR's Wetland Conservation Activity Permit webpage.
28. **Structural Height** means the difference in elevation in feet between the point of lowest elevation of the top of the dam before overtopping and the lowest elevation of the natural stream or lake bed at the downstream toe of the dam.
29. **Water Control Structures** are typically installed as fixed crest weirs or variable weirs, these devices are used to manipulate water levels to a desired elevation for a prescribed period of time. Examples of fixed crest weir structures include: pipes and culverts, rock spillways, drop-inlet spillways, and sheet-piling structures. Variable weir structures include: in-line dos-r valves, stop-log pipe structures (half-round or full-round risers), sheet-piling weirs with stop log channels and radial gate or screw gate pumping systems.
30. **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.
31. **Wetland** 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.
32. **Wetland Conservation** means activities used in the restoration/re-establishment, enhancement, preservation and management of wetlands.
33. **Wetland Scrapes** are shallow excavations, typically 12" to 36" maximum depth, located in hydric soils. This practice is used to enhance wetland wildlife habitat condition, to remove accumulated sediment, to expose the water table, or to remove unwanted invasive native or non-native plants and is often applied in conjunction with other wetland restoration techniques such as ditch fills and embankments. Size varies between 10,000 – 60,000 sq ft. with 8:1 or flatter side slopes and irregular shape.

## **SECTION 5: WRGP-2011-WI 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 WRGP-2011-WI and efforts to begin work on the wetland conservation 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. **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 WRGP-2011-WI
4. **Expiration**. This WRGP-2011-WI expires on May 31, 2016. The time limit for completing work authorized by the provisions of WRGP-2011-WI ends upon the expiration date of WRGP-2011-WI or three years from the date of the DNR letter confirming the project complies with the requirements for the WRGP-2011-WI, but no more than 3 years unless a permit extension (2 yr. maximum) is granted by the Department.
5. **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 state permits and by the U.S. Army Corps of Engineers before starting your project.
6. **Project Start**. You shall notify the Department at the telephone number provided on the confirmation of coverage letter you receive before starting construction and again not more than 5 days after the project is complete.
7. **Permit Posting**. You must post a copy of this permit at a conspicuous location on the project site for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. **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. 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.
9. **Project Completion**. Within one week of project completion you shall submit to the Department a statement certifying project is in compliance with all the terms and conditions of this permit and photographs of the wetland conservation activities

authorized by this permit. This information must be submitted to the same DNR office you submitted your notification package to.

10. **Proper Maintenance.** You must maintain the activity authorized by WRGP-2011-WI in good condition and in conformance with the terms and conditions of this permit. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety, and preventive actions to avoid the spread of invasive plant species. You are not relieved of this requirement if you abandon the permitted activity. Should you wish to cease to maintain an activity authorized by WRGP-2011-WI or should you desire to abandon it, you must obtain a modification of the authorization from this office, which may require restoration of the area.
11. **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 the terms and conditions of WRGP-2011-WI and applicable laws.
12. **Wetland Fill.** Any removed vegetation or soil shall be deposited on uplands (non-hydric soils) or used in other approved wetland conservation practices that include ditch fills, ditch plugs, embankments, low berms and dikes. Additionally, all fill must consist of suitable material (i.e. no trash, debris, asphalt, etc.) free from toxic pollutants in other than trace quantities (see Section 307 of the Clean Water Act).
13. **Wetland Buffer.** Project sites, whenever possible, should include an adjacent zone of vegetated upland pursuant to NRCS Field Office Technical Guide Standard Conservation Practice 657- Wetland Restoration, unless the site conditions or configuration will not accommodate such a zone.
14. **Dam Owner Responsibilities.** For projects that result in the construction of a small dam the following conditions apply:
  - a. All embankments shall be kept free of trees and maintained with sufficient grass cover.
  - b. The dam can not be altered or removed without approval from the department.
  - c. Any sale of the dam or property containing the dam is subject to the provisions of Sections 710.11 and 31.14(4), Wis. Stats., which requires proof of financial responsibility and department approval.
  - d. The impoundment can not flood or adversely impact drainage of adjacent lands.
15. **Adverse effects from impoundments.** If the project creates an impoundment of water, adverse effects on the aquatic system shall be minimized to the maximum extent practicable.
16. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.
17. **Spawning areas.** Restoration activities in fish, amphibian and reptile spawning areas during spawning seasons, and wildlife nesting must be avoided to the maximum extent practicable.
18. **Erosion and siltation controls.** Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark

must be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved published practices that meet or exceed the technical standards for erosion control approved by the DNR under subch. V of ch. NR 151, Wis. Adm. Code. Any areas prone to erosion shall be immediately seeded and mulched or rip-rapped to stabilize disturbed areas and prevent soils from being eroded and washed into a water of the state, including wetlands.

19. **Invasive Species**. All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by washing equipment or utilizing other best management practices to avoid the spread invasive species.
20. **Removal of temporary fills**. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.
21. **Federal and State Threatened and Endangered Species**. WRGP-2011-WI 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.
22. **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.
23. **Historic Properties and Cultural Resources**. WRGP-2011-WI 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.
24. **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**.
25. **Drainage Districts**. Project will not occur within a Drainage District or if the project does occur within a Drainage District you have received approval from the Drainage District for the project.

## **SECTION 6: WRGP-2011-WI FURTHER INFORMATION**

1. **Authorization** to undertake the activities described above is pursuant to s. 30.2065, Wisconsin Statutes.
2. **Other Permit Requirements**. No WRGP-2011-WI authorization eliminates the need for other local, state or Federal authorizations.
3. **Discretionary Authority**. The DNR retains discretionary authority to require an individual waterway or wetland permit for any activity eligible for authorization under WRGP-2011-WI based on concern for the aquatic environment or for any public interest factor.
4. **Reliance on Applicant's Data**. The determination by this office that a confirmation of authorization is not contrary to the public interest will be made in reliance on the information provided by the applicant and any other information required by the DNR.
5. **Record Keeping**. All WRGP-2011-WI confirmations will be recorded in the DNR's permit database for impact tracking and program evaluation.
6. **Limits of Authorization**.
  - a. WRGP-2011-WI does not obviate the need to obtain other federal, state, or local authorizations required by law.
  - b. WRGP-2011-WI does not grant any property rights or exclusive privileges.
  - c. WRGP-2011-WI does not authorize any injury to the property or rights of others.
  - d. WRGP-2011-WI authorized activities are non-transferable.
7. **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 WRGP-2011-WI.
8. **Reevaluation of Decision**. This office may reevaluate its decision on any individual authorization under WRGP-2011-WI at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity and may result in enforcement action. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. The applicant fails to comply with the terms and conditions of WRGP-2011-WI.
  - 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.