

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY AND WETLAND GENERAL PERMIT**



GENERAL PERMIT FOR PROJECTS DESIGNED BY GOVERNMENT AGENCIES TO PLACE STREAM HABITAT STRUCTURES AND MATERIALS, PLACE STREAM CROSSINGS (FORDS/TEMPORARY CROSSINGS) IN NAVIGABLE WATERS, DREDGE OR PLACE MATERIAL ON THE BED OF A STREAM CHANNEL, AND DISCHARGE RELATED FILL INTO WETLANDS OF WISCONSIN FOR THE PURPOSE OF IMPROVING STREAM HABITAT, AND ISLAND HABITAT

Permittee: The Wisconsin Department of Natural Resources (WDNR), Land Conservation Department (LCD) or other federal, state, county, or local (municipal) agencies, such as Natural Resources Conservation Service (NRCS), US Fish and Wildlife Services (USFWS), and Army Corps of Engineers (ACOE)

Permit #: WDNR-GP15-2023

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

Issuance Date: 01/17/2023

Expiration Date: 01/17/2028

GENERAL PERMIT AUTHORIZATIONS

In compliance with the provision(s) of Wisconsin Statutes section 30.12(1) and (2m), no person may place any structure or deposit material upon the bed of any navigable water unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with the provision(s) of Wisconsin Statutes section 30.123(2), no person may construct, reconstruct, or maintain ford crossings in, on, or over navigable waters unless an individual or a general permit has been issued or authorization has been granted by the legislature.

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

In compliance with the provision(s) of Wisconsin Statutes section 30.20(1), no person may remove any material from the bed of any lake, outlying water, or navigable stream unless authorization has been granted by the legislature, or an individual or general permit has been issued by the department.

In compliance with the provision(s) of Wisconsin Statutes section 281.36(3b)(b), no person may permanently or temporarily discharge dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department or is exempt by statute. In compliance with Wisconsin Statutes section 281.36(3b)(a), a wetland general permit issued by the Department constitutes the water quality certification required by 33 USC 1341(a) (Clean Water Act section 401) for federal permits that authorize the discharge of dredged or fill material into wetlands regulated under 33 USC 1344(a) (section 404 Clean Water Act).

The Department has authority to issue general permits under Wisconsin Statutes sections 30.12(3), 30.123(7), 30.19(3r), 30.20(1t), 30.206(1)(am), and s. 281.36(3g) that 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-GP15-2023.

Note: WDNR GP15-2023 does not apply to tribal activities located within the exterior boundary of a reservation.

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

Note: Wisconsin Statutes section 30.12(1g) and Wis. Admin. Codes exempt from permitting requirements certain structures that are placed for specific purposes in waters that are **not** designated as Areas of Special Natural Resource Interest (ASNRI).

Note: Wisconsin Statutes section 30.123(6)(d) exempts from permitting requirements the construction or placement and maintenance of a Replacement Culvert as long as the Replacement Culvert is placed in substantially the same location as the culvert being replaced and the replacement culvert is constructed or placed using best management practices to comply with water quality standards under subch. II of Wisconsin Statutes Ch. 281 (available online at <https://legis.wisconsin.gov> using keywords "Ch 281").

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

OTHER NECESSARY AUTHORIZATIONS

WDNR-GP15-2023 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP15-2023 **authorizations do not supersede any other local, state, or**

federal authority so additional permits may be required before any work may proceed. U.S. Army Corps of Engineers Clean Water Act s. 404 permits are required for discharges of dredged or fill material to Waters of the United States, including discharges to federal wetlands. Rivers and Harbors Act Section 10 permits are required for work including the placement of structures and dredging in navigable waters of the United States. Floodplain permits (Ch. NR 116, Wis. Adm. Code) or other local zoning permits may be required. Please contact your local zoning authority; county zoning administrator contact information is available at <https://www.wccadm.com/wcca-contacts>.

Additional waterway and wetland permitting may also be necessary depending on the project size, scope and purpose and need. Please visit <https://dnr.wisconsin.gov/>, keywords “water permitting” for more information.

This permit does not supersede any applicable easement(s) within the project boundary. It is the responsibility of the applicant to ensure that the proposed project does not conflict with existing land use or development restrictions, including easements, applicable to the property. This permit also does not authorize flooding or impeding drainage of the adjacent properties or upstream properties. It is the responsibility of the applicant to secure any necessary easements or other permissions from affected landowner(s).

PROJECT DESCRIPTION AND LOCATION

WDNR GP15-2023 applies to certain waterway and wetland activities undertaken as part of projects designed by government agencies to place stream habitat structures and materials, to place stream crossings (fords/temporary crossings) in navigable waters, dredge or place material on the bed of a stream channel, and discharge related fill into wetlands of Wisconsin for the purpose of improving stream habitat, island habitat, and water quality.

The following federal, state, county, and local government agencies such as (but not limited to) federal (Army Corps, NRCS, USFWS), state (WDNR), LCD or other county agencies, and municipal activities are eligible for coverage under WDNR GP15-2023. These activities are:

- Grading or removal of topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet. Grading or removal of topsoil is regulated under Wis. Stats. s. 30.19(1g)(c), (1m)(f) & (g), (3r)(b), and (4)
- Construction, placement, and maintenance of habitat structures on the bed of navigable waters for the purpose of improving stream habitat. Habitat structures are regulated under Wis. Stats. s. 30.12 (1), (1g) (c) and (d), (2m) and (3m).
- Removal of material from the bed of a lake or navigable stream. Such removal is regulated under Wis. Stats. s. 30.20(1), (1g), (11), and (2).
- Construction or maintenance of a temporary or permanent ford crossing in navigable streams, if necessary, for installation or maintenance of habitat structures. Such structures are regulated under Wis. Stats. s. 30.12(1), (3)(a)4, and (3m).
- Discharge of dredged or fill material to wetlands when necessary for the construction, reconstruction, or maintenance of a fish or wildlife habitat structure, and when authorization of the discharge is included in the authorization for that specific activity. Discharges to wetlands are regulated under Wis. Stats. s. 281.36

(3b), (3g), (3m), and (4).

WDNR GP15-2023 applies to certain federal, state, county, and local government agencies such as (but not limited to) federal (ACOE), state (WDNR), LCD or other county agencies, NRCS, USFWS, and municipalities stream improvement projects located on one of the following:

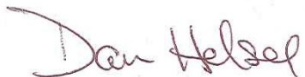
- State, Federal, County, Municipal owned lands or lands under easement.
- Lands owned by other public or private entities with whom the DNR, LCD or other county agencies, NRCS and USFWS are cooperating by providing evaluation and/or design of the project, resource assessment and alternative(s), and/or engineered design and construction quality assurance of the project.

WDNR GP15-2023 does not apply to projects in which the sole intent and purpose is shoreland protection and stabilization. The intent and purpose of WDNR GP15-2023 is for habitat structures. Armoring of the habitat structure is eligible under this permit but is limited to the protection of the habitat structure. Armoring above and beyond the limits of the habitat structure is considered an erosion control project and does not fit the eligibility of GP15-2023.

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-GP15-2023 permit coverage is valid for 5 years after the date the coverage is granted by the department.** If the project is not completed within 5 years after the date of coverage another application must be submitted. If the project scope changes within the valid period of the permit coverage the department may require a new application or modify coverage if the project continues to meet all eligibility criteria. The 5-year timeline is based on the date coverage is granted by the department, not the expiration date of **WDNR-GP15-2023**.

State of Wisconsin Department of Natural Resources
For the Secretary



Daniel Helsel – Director
Bureau of Waterways

January 17, 2023
Date

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WDNR-GP15-2023 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the WDNR in WDNR-GP15-2023. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP15-2023.

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

The project must meet all the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work should note that s. 281.36 (3g)(h), Wis. Stats., requires applicants to demonstrate that adverse impacts to wetland 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-GP15-2023. In these cases, persons may apply for an Individual Permit as outlined in ss. 30.208 and 281.36(3m), Wis. Stats. The Department also has authority under ss. 30.206(3r) and 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 and floristic integrity will occur.

Note: Projects that may impact tribal lands or a legally recognized treaty right may need additional coordination.

SECTION 1 -WDNR-GP15-2023 ELIGIBILITY STANDARDS FOR AUTHORIZATION

A. GENERAL STANDARDS FOR ALL WATERWAY PROJECTS ELIGIBLE UNDER WNDR-GP15-2023

1. Your signature on the application and General Permit checklist indicates your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood, and agreed to follow all conditions of this permit.
2. 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.
3. The applicant has certified that the project will not flood or impede drainage of the adjacent properties or upstream properties, or the applicant has a recorded easements from affected landowner(s).
4. The applicant or co-applicant is the riparian owner, or the applicant or co-applicant has obtained written permission of the riparian owner to place a structure, impact wetlands or remove material from the waterway.
5. This GP **cannot be used** to authorize activities for the conversion of a natural stream to another aquatic use, such as the creation of waterfowl

impoundments. This GP cannot be used to authorize realignment of a stream and does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments, where a forested wetland previously existed.

6. Placement of the structure will not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in Wis. Stats. s. 299.01(4) or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., nor will it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am).
7. The DNR can be the sole applicant for projects that will occur within a streambank protection easement, fisheries, or wildlife management easement. The Department should share all applications and permits with the landowner. The permitted activity will adhere to the purposes/scope for which the easement was granted, and the entire project is contained within the area burdened by the easement.
8. Projects must be designed by the WDNR, NRCS, LCD or other county agencies, municipality, or USFW Service or other federal, state, county, or local government agency and be approved by the WDNR Fisheries Biologist. For a current list of Department Fisheries Biologists, please visit <https://dnr.wisconsin.gov/> and use keywords “fisheries biologists”.
 - a) By signing and submitting the application for GP15, the government agent is certifying certification and/or job training has provided expertise to successfully implement the specific proposed project design.
 - b) Projects with the purpose of habitat improvement and that are designed to comply with criteria meeting NRCS Field Office Technical Guide (FOTG) standards are considered eligible for this General Permit. For example, the following FOTG’s may be some but not all of the options relevant to stream habitat projects: Code 395 for stream habitat improvement, Code 369 for improving aquatic organism passage, Code 410 for channel grade stabilization, Code 584 for channel bed stabilization, Code 646 for shallow water habitat development, or Code 649 for wildlife habitat structures.

Note: The full library of FOTG documents applicable to projects located in Wisconsin are searchable online at [Wisconsin | Field Office Technical Guide | NRCS - USDA](#) under “Section 4 – Practice Standards and Supporting Documents” and listed under the expandable list of “Conservation Practice Standards & Support Documents”.

9. 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.

10. The stream habitat activity shall not result in significant adverse impacts to fishery spawning habitat (including obstruction of fish passage) or bird breeding areas. The stream habitat activity shall not substantially disrupt 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.

11. Unless a waiver to construct has been granted by the department, the project plans specify the activity shall not occur during the following restricted time periods:
 - a) Adverse **impacts on fish** movement, fish spawning, egg incubation periods and high stream flows are minimized by not occurring during the following time periods:
 1. September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps.
 2. September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
 3. November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 4. September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 5. March 1st through June 15th for all other waters.

Note: Per s. NR 1.02(7), Wis. Adm. Code, the Department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the Designated Waters Theme on DNR's Surface Water Data Viewer found at <https://dnr.wisconsin.gov/>, keywords "surface water data viewer".
 - b) State listed *threatened* or *endangered* (T/E) **bird species** and migratory bird breeding areas are protected by avoiding nest disturbance between May 1st and August 15th in areas known to have breeding birds.
 - c) Movement of **wildlife species** that normally migrate from open water to upland or vice versa (i.e., amphibians, reptiles, and mammals) is minimized by appropriate project scheduling to the maximum extent possible.

12. Unless the intended purpose of the project is to facilitate sediment mobility or deposition (i.e., in-stream habitat restoration), structures must be placed in a manner that prevents sediment from collecting, removing, or dispersing away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody no more than 24 hours after the project is completed and only when the water behind the barrier (in the construction site) has equal or greater clarity than the waterway or waterbody.

13. Temporary sediment control measures must allow for adequate space for navigation around the project area, must maintain base flow of the stream, and must not block a stream.

14. Minimal removal of live, living or growing aquatic plants may be completed within the footprint of the project for construction and placement of habitat structures. Native aquatic plants beyond the project footprint are not to be removed unless the removal is exempt under Wis. Stats. s. 23.24(4) or complies with the provisions for waiver of the permit requirement under Wis. Admin. Code s. NR 109.06.
15. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the department approved technical standards of ss. NR 151.11 and 151.12, Wis. Adm. Code. The technical standards are found at <https://dnr.wisconsin.gov/>, keywords "stormwater technical standard.
16. Unless part of a permanent stormwater management system, all *temporary* erosion and sediment control practices must be removed upon final site stabilization. Areas disturbed during construction or installation must be restored.
17. Unless eligible under section 1D, this general permit does not authorize any realignment of a navigable stream or removal of material from the bed of any waterway except for what is necessary to conduct the stream habitat project.
18. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the placement and repair of the structure.
19. All equipment used for the project shall be of an appropriate size and properly operated related to the size and scope of the project or disturbance to minimize the amount of material that is at risk for becoming mobilized to runoff into adjacent wetlands and/or streams.
20. Follow the most recent department approved washing and disinfection protocols and department approved best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <https://dnr.wisconsin.gov/>, keywords "invasive species BMPs".
21. Placement, repair, and/or removal of a structure(s) or material(s) shall minimize the removal of native trees, shrubs and other shoreline vegetation above the ordinary high-water mark, unless those species are adversely impacting the riparian and/or stream habitat. If invasive species will be removed as part of the project, the cutting, management, and disposal of the invasive plant material must be properly conducted. Please contact a DNR Water Quality Biologist to determine how to manage and remove invasive species without further spreading the species.
22. The structure shall be maintained to prevent upstream flooding and ensure structural integrity. Accumulated brush, debris and other obstructions that are

trapped in or underneath the structures shall be removed to maintain stream flow and avoid creating an obstruction in the waterway.

23. The permittee shall submit a series of photographs to the department's Water Management Specialist within one week of project completion. The photographs shall be taken from different vantage points and depict all stream habitat work authorized by the permit.
24. All structures and materials must be placed fully within the riparian zone of interest as defined in Wis. Admin. Codes. NR 326.07 but may extend waterward beyond the line of navigation (3 ft. water depth).
25. While the use of motorized equipment is allowed on the bed of the waterway during construction as part of this permit, equipment operation on the bed is to be minimized and limited to what is necessary for completion of the proposed restoration project.
26. The project will not occur in a mapped floodplain (official Federal Emergency Management Agency [FEMA] or local zoning map), or if the project is located in a regulated floodplain, the applicant has certified that they are obtaining or have obtained applicable floodplain permits from the local zoning authority.

NOTE: Local zoning ordinances may place restrictions on activities located in mapped floodplains or in shoreland zones.

- For projects proposed within a mapped *floodplain zone*, placement of the structure(s) shall conform to the requirements of Wis. Admin. Code ch. NR 116, Wisconsin's Floodplain Management Program, if applicable. Contact your local municipal or county zoning department to determine how to meet these requirements.
- Projects proposing removal of vegetation along a navigable waterbody and within the *shoreland zone* shall comply with local zoning ordinances in accordance with Wisconsin's Shoreland Management Program, if applicable. Contact your local municipal or county zoning department to determine how to meet these requirements. The applicant is responsible for ensuring that their project complies with any local zoning requirements as well as the provisions of this general permit, if applicable.

B. ELIGIBILITY STANDARDS - FISH HABITAT STRUCTURES

In addition to the general standards in Section 1A, the following standards apply to all fish habitat projects.

1. Materials and/or structures must be placed for the purpose of improving fish habitat and be related to the placement of other habitat structures. In the driftless area, rock may be used for streambank stabilization in conjunction with habitat work. Any rock placed on immediate, adjacent streambanks for the purpose of protection of the habitat structure must be covered with topsoil, seeded and mulched.

2. Placement of the fish habitat structure may not impair use of any of the following:
 - a. a publicly accessible boat ramp and its associated piers used for the purpose of loading and unloading watercraft.
 - b. a designated carry-in only watercraft access site.
3. The applicant or co-applicant is the riparian owner. The department may accept written authorization from the riparian landowner authorizing temporary wetland impacts or removal of material from the waterway.
4. Structures must be secured and prevented from moving and becoming dislodged.
5. Fish Habitat Structures may consist only of biological materials, rocks or gravel, except that any fastening and anchoring devices may consist of inert materials.
6. Structures placed in flowages entirely waterward of the line of navigation must provide adequate navigational clearance over the top of the structure of no less than 5 feet during normal summertime low water levels.
7. Fish habitat structures must be designed by a federal, state, local, or municipal agency such as WDNR, ACOE, NRCS, LCD (or other county agencies), or USFW Fisheries Biologist and must be approved by the Local WDNR Fisheries Biologist. For a current list of Department Fisheries Biologists, please visit <https://dnr.wisconsin.gov/> and use keywords “fisheries biologists”.
 - a. If the government entity contracts with a consulting firm or third party to prepare and submit the application materials on behalf of the government entity, the application is to include clear documentation that the third party has been hired as an extension of (subcontracted by) the government entity to be considered as eligible under this General Permit option.
8. The following fish habitat structures are allowed and considered eligible under this permit: boulder placement, log placement, weirs, lunkers, cross-logs, rock, brush bundles, root wads, cross channel logs, log deflectors, skyhook, rock deflectors, coconut fiber rolls, island creation, spawning material placement, temporary pens, side channels (construction or protection of), or similar habitat structures.
9. The following are allowed to be removed for the purpose of improving fish habitat: beaver dams, natural obstructions, and natural deposits to expose spawning beds.

NOTE: Design and placement of habitat structures *may use* the prescriptions in NRCS Field Office Technical Guide (FOTG), Practice Standard 395; Stream Habitat Improvement and Management as resource for design assistance. The full library of FOTG documents applicable to projects located in Wisconsin are searchable online at [Wisconsin | Field Office Technical Guide | NRCS - USDA](#) under “Section 4 – Practice Standards and Supporting Documents” and listed under the expandable list of “Conservation Practice Standards & Support Documents”.

C. ELIGIBILITY STANDARDS - WILDLIFE NESTING STRUCTURES IN AREAS OF SPECIAL NATURAL RESOURCE INTEREST (ASNRI)

In addition to the standards in Section 1A, the following standards apply to all wildlife habitat projects.

1. Wildlife nesting structures must be designed to meet all state exemption requirements (the exemption checklist is available online at <https://dnr.wisconsin.gov> using keywords “nesting structure checklist”) but structures may be located in an ASNRI-designated waterbody.
2. The applicant or co-applicant is the riparian owner. The department may accept written authorization from the riparian landowner authorizing temporary wetland impacts or removal of material from the waterway.
3. A deposit of sand, gravel, or stone may be associated with the placement of a wildlife habitat structure, provided the deposit is limited to the area underneath or within one foot of the structure and is less than 2 cubic yards.
4. The wildlife habitat structure shall be placed solely for the purpose of improving wildlife habitat.
5. Dredging under Wis. Stats. s. 30.20(1g)(b)1 is allowed for the placement of a wildlife habitat structure provided the dredging removes only the amount needed to place the structure and that amount does not exceed 2 cubic yards.
6. Wildlife habitat structures shall be designed and constructed of rock, unpainted wood, or of materials that are non-gloss earth tone colors that blend into a natural shoreline setting during leaf-on condition.
7. Wildlife habitat structures may not impair navigational use of a waterway.
8. Wildlife habitat structures must be designed by the DNR, NRCS, LCD or other county agencies, municipalities, or USFW Service and be approved by the Local WDNR Wildlife Biologist.
9. The installation of the following habitat structures is allowed and considered eligible under this permit: Backwater Hook, Basking Logs/Escape Logs, Backwater Refuge, Turtle/snake Hibernaculum, Vertical Bird Nesting Banks, nesting platforms, or similar habitat structures.

D. ELIGIBILITY STANDARDS - REMOVING MATERIAL FROM OR ADDING MATERIAL TO THE BED OF A PREVIOUSLY CHANNELIZED STREAM TO CREATE A THALWEG

In addition to the standards in Section 1A, the following standards apply to a

project to remove excess material from, or place needed material upon the bed of a previously channelized stream to create a thalweg.

1. WDNR-GP15-2023 allows for Stream Channel Modification, which may include dredging or placement of materials, only when the material is being removed or placed specifically to create a thalweg within a previously channelized stream or channel.
2. Stream Channel Modification may impact a maximum of 2,000 feet in each mile of stream for the purpose of stream restoration only if it is accompanied by all the following:
 - a. Appropriate sediment control, dewatering, and disposal of materials in an upland location, if necessary.
 - b. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.
 - c. The amount of material requested to be removed is justified by a longitudinal stream profile.
 - d. The amount of material requested to be placed is justified by a series of cross-sectional profiles showing channel widening.
 - e. Documentation of any prior channelization with a plan-view survey showing the existing and abandoned stream channels. Longitudinal stream profiles and cross-sectional profiles must also be used to document existing conditions and provide evidence for restoration activities. Profiles should show existing conditions and post restoration conditions.
3. Material added for the purpose of confining a stream channel shall be designed to prevent erosion of the recreated bank.

E. ELIGIBILITY STANDARDS - PERMANENT FORD CROSSINGS

In addition to the standards in Section 1A, the following standards apply to all Ford Crossings.

1. Ford placement may not occur in a Public Rights Feature (PRF) as described in Wis. Admin. Code s. NR 1.06. Locations of Public Rights Features (PRF) can be found using the Department's Surface Water Data Viewer (SWDV) found online at <https://dnr.wisconsin.gov/>, keywords "surface water data viewer".
2. The applicant or co-applicant is the riparian owner. The department may accept written authorization from the riparian landowner authorizing temporary wetland impacts or removal of material from the waterway.
3. Fords may only be placed in areas that are identified as the Driftless Area and Prairie Pothole Region, or the Southeastern Wisconsin Till Plains and Chiwaukee Prairie Region.
4. A ford shall be designed and constructed to prevent structural failure and shall

be maintained in good condition at all times.

5. A ford is eligible for this particular permit (GP15) when proposed and constructed in association with a fish habitat project. If the ford crossing is not associated with a stream habitat project, this is not an eligible permit process for the ford project.
6. A ford shall only be located in a stream.
7. A ford shall be constructed only at a location where the stream is less than 100 feet wide, the stream depth is less than 2 feet deep, and the streambed does not contain more than 6 inches of soft silt and organic sediment.
8. A ford shall have its top surface at the same level as the natural streambed immediately upstream and downstream from the ford. The placement of the ford may not result in the creation of an impoundment or dam upstream or a waterfall or riffle area downstream.
9. The approach road to the ford may not have *bank slopes* steeper than 5-foot horizontal to one-foot vertical (5H:1V) toward the stream; *Side slopes* must be constructed to facilitate drainage away from the road surface and to minimize runoff flowing directly into the navigable waterway.
10. Construction of the ford may not occur during periods of high stream flow velocities or high-water level conditions where the flow is not confined to the immediate stream channel.

F. ELIGIBILITY STANDARDS - CERTAIN PROJECTS PROPOSING WETLAND DISCHARGES

The following standards only apply to discharges to wetlands that are necessary in order to place fish and wildlife habitat structures under Sect. 1B or 1C, slope and shape a stream bank, or undertake stream restoration associated with prior stream channelization under Sect. 1D.

1. This section only applies to a project whose purpose is to do any of the following:
 - a) **Place, replace, or maintain** a fish or wildlife habitat structure on a stream or river where the project will result in impacts to wetlands within the project area.
 - b) **Add material for stream restoration** which will result in impacts to wetlands within the project area.
 - c) **Disturb** wetlands for the purpose of bank shaping, temporary spoil storage, temporary haul roads, and/or temporary staging of habitat materials and equipment. Material may be temporarily stored in wetlands during the growing season for a period of up to 90 days.
2. The project purpose for wetland discharges is to place a fish or wildlife habitat structure under Sect. 1B or 1C or restore or shape a stream under Sect. 1D.
3. This permit does not authorize any new permanent roads in wetlands.

4. The project may require a local shoreland wetland permit from the County or municipal zoning office. The applicant will need to meet all local shoreland wetland zoning requirements.
5. This GP does not authorize discharges of fill or dredged material that would result in conversion of sedge meadow or forested wetland to any other wetland types.
6. The proposed project will first avoid and then minimize wetland impacts to the greatest extent practicable and will cause only minimal adverse environmental impacts.
7. The project shall not result in more than 10,000 square feet (0.23 acres) of **permanent** wetland fill for the purpose of wetland improvement and no more than 2 acres of total **temporary** wetland impact associated with habitat structures, repair, maintenance, or removal for projects with the primary purpose of environmental enhancement and/or wetland improvement. Disturbance should include only the amount of wetland fill necessary to properly construct and stabilize the project and shall minimize alteration of critical features of waterway or wetland habitats by following the practicable alternatives analysis.
8. Cutting and/or clearing of woody vegetation to the elevation of the soil surface (or at grade) without excavating the stump or roots is required to meet state regulations associated with wetlands and navigable streams. All non-native species can be removed as needed within the *riparian management zone* (RMZ).

Note: For more detailed information regarding navigable waterway *riparian management zones* (RMZ) and other wetland disturbance *best management practices* (BMP's), please review the Wisconsin's Forestry Best Management Practices for Water Quality Field Manual available online at <https://dnr.wisconsin.gov/>, keywords "forestry BMP".

9. The proposed project cannot practicably avoid wetland impacts.
10. The proposed project minimizes wetland impacts to the greatest extent practicable.
11. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetlands.
12. Wetland fill or discharge of material will not occur in the following resources: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, boreal rich fens, calcareous fens, or sphagnum bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago.
13. To avoid topsoil and subsoil mixing and compaction, the vehicles and equipment used in wetlands shall work from construction mats, or must be low ground pressure equipment, or shall work only during frozen or dry conditions.

14. Where wetland soil is to be excavated and replaced (for temporary impacts), the spoils are to be separated by horizon and replaced in reverse order to restore wetland soils in the appropriate horizon location with topsoil being the last layer to replace/restore.
15. Final site stabilization in wetlands requires the re-establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative aerial cover or at least 70 percent stem density as described in your application and plans.
16. The project is not eligible for authorization under a “Superior SAMP” permit reviewed by the City of Superior, Wisconsin.

G. ELIGIBILITY STANDARDS – OTHER AQUATIC AND HABITAT REHABILITATION, RESTORATION, AND IMPROVEMENT PROJECTS ON THE UPPER MISSISSIPPI RIVER (UMR)

In addition to the standards in Section 1A, the following standards apply to all government-led stream habitat projects on the Upper Mississippi River.

1. Applicant must be a federal or state government agency (as identified in A.8 above) or documentation of a contract or agreement with another entity where the state or federal government is granted responsibility for maintenance, repair, installation, construction, etc. at the property.
2. If the applicant is a municipality (City, Town, or Village) and the proposed project will be located on property legally owned by the federal government, the project must have a signed contract demonstrating the project is a cooperative effort with a state or federal agency.
3. The placement of material and/or structures for restoration of or creation of island habitat or the placement of stabilization materials and structures to protect existing, restored, or created island habitat on the Upper Mississippi River are eligible under this General Permit.
4. The placement of rock riprap or other material for the purpose of riverbank stabilization associated with remnant islands stabilization or creation, and/or island habitat is limited to only the amount necessary to protect against erosion or no more than 1,000 linear feet (LF), whichever is smaller.

SECTION 2: WDNR-GP15-2023 APPLICATION REQUIREMENTS FOR COVERAGE

1. After you have carefully confirmed the proposed project(s) meet(s) all the terms and conditions of this permit, you must submit a *complete application package* to the Department as outlined in item 6 below. Pursuant to ss. Ch 30.206(3) and ss. 281.36(3g), Wis. Stats., the complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <https://dnr.wisconsin.gov>, using keywords “water permits”.

NOTE: This is a *joint application for state and federal waterway/wetland permitting*. The Department will forward a 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. 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. If the Department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped (s. 30.206 (3)(a), Wis. Stats.).
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 (pursuant to ss. 281.36(3g)(h)2m, Wis. Stats.).
5. As provided under Ch. 30 and s. 281.36 (3g)(i), Wis. Stats., the Department may determine the project is not eligible for this general permit and require the project be reviewed through the individual permit process outlined in Ch. 30 and s. 281.36(3m), Wis. Stats. If the Department determines your project is not eligible for this permit, you will be notified within 30 calendar days after your complete application package is received by DNR.
6. A complete application package must include all of the following information:
 - a. A complete and signed application form certifying that the project meets the terms and conditions of WDNR-GP15-2023. This form can be found online at <https://dnr.wisconsin.gov>, using keywords “water permits”.
 - b. Permit fees as shown on the fee sheet at <https://dnr.wisconsin.gov/>, keywords “Waterway Permit Fee” except as follows:
 - i. Waterway projects authorized under Ch. 30, Wis. Stats., funded in whole or part by a state or federal agency are exempt from permit fees under ss. 30.28(3), Wis. Stats.
 - ii. Wetland projects are exempt from wetland permit fees under Wis. Stats. s. 281.36(12)(e) *only* if the project is *conducted* by a federal or state agency.
 - c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) as is required by Section 1A, standard number 3 and 4 of this

General Permit.

- d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 1.
- e. Project plans that include final project design and construction including a project diagram that shows all the following:
 - i. Final proposed project plans relative to wetland boundaries with the location and size of all proposed wetland impacts clearly identified and quantified in square feet (SF). Project plans must clearly differentiate between proposed *permanent* and *temporary* wetland impacts. Where applicable, provide the project location relative to an *Ordinary High-Water Mark* (OHWM) of navigable waterways.
 - OHWM is a state jurisdictional determination. Information is available online at <https://dnr.wisconsin.gov>, using keywords “waterway jurisdictions”.
 - Information regarding identification of wetland boundaries is available online at <https://dnr.wisconsin.gov>, using keywords “wetland boundary”.
 - ii. The methods, materials, and equipment that will be used to carry out the project.
 - iii. The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.
 - iv. Top (aerial), side (longitudinal), and cross section plan profiles with appropriate measurements for the proposed project.
 1. If applicable, longitudinal stream channel profile or other waterway crossing sizing documentation (e.g., bankfull width to bankfull width documentation).
 - v. The construction schedule and sequence of work.
 - vi. For disturbance or fill, a description of type, composition, and quality of materials.
 - vii. Area impacted for projects that impact navigable waterways.
 - viii. The location of any disposal area for dredged or excavated materials, if applicable.
 - ix. Maps of the project site with information that includes the most recent Soil Survey map, WI Wetland Inventory map, topographic map, floodplain information, and aerial photographs. All maps must show basic map elements (e.g., scale) and clear directions to the project site with project and property boundaries clearly labeled. The aerial photo shall also show the locations of all proposed wetland fill or discharge clearly labeled, if applicable.
 - x. Current photographs that represent existing site conditions where the project will occur.
 - xi. A copy of a concurred wetland delineation, a wetland delineation conducted by an assured wetland delineator, or a waiver by the WNDR Water Management Specialist (WMS) stating that a delineation is not needed.

Note: A delineation waiver or wetland identification service may be available on a case-by-case basis. A pre-application meeting with a water management specialist is required to determine if this waiver is acceptable for the specific project. For more information about the wetland identification or confirmation

service, visit <http://dnr.wisconsin.gov/>, keyword: "wetland identification".

- xii. Documentation verifying that the project will not result in an adverse impact to federal or state threatened/endangered (T/E) resources. Documentation options include:
 - 1. An Endangered Resources (ER) Review Verification Form showing that the project is covered by the Broad Incidental Take Permit for no/low impact activities and therefore does not require a review.
 - 2. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located at <https://dnr.wisconsin.gov/>, keywords "NHI public portal".
 - 3. If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit one of the following:
 - a. A Department ER Review letter. This request form for an ER Review letter is located at <https://dnr.wisconsin.gov/>, keyword "endangered species review".
 - b. A Certified ER Review letter. The list of Certified Reviewers is located at <https://dnr.wisconsin.gov/>, keywords "NHI certification".
- xiii. Documentation verifying that the project will not result in an adverse impact to federal or state cultural/historical resources. Visit <https://dnr.wisconsin.gov/>, using keywords "cultural resources", to learn about what cultural and historical resources mean to our state.
- xiv. Detailed documentation that clearly demonstrates why any proposed wetland impacts cannot be avoided, the practicable alternatives that were considered, and how the impact to the wetland will be minimized as required by s. 281.36(3g)(h)1, Wis. Stats. This documentation is not required if the project does not impact wetlands.
 - 1. If applicable, a detailed explanation of why any proposed permanent wetland impacts cannot be avoided and how the wetland impacts will be minimized to the greatest extent practicable as required by Wis. Stats. s. 281.36(3g)(h)1 (See Appendix 1).
- xv. Other project-specific documentation to support the proposed design, such as a certified hydrologic and hydraulic (H&H) study, flooding easements, etc.

SECTION 3: WDNR-GP15-2023 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-GP15-2023.

SECTION 4: WDNR-GP15-2023 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 application requirements section of this permit. If requested, within a reasonable timeframe you shall furnish the Department any information it needs to verify compliance with the terms and conditions of this permit.

2. Certification. Acceptance of coverage under general permit WDNR-GP15-2023 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 above 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 submitted to the Department and is certified by you to comply with the terms and conditions of WDNR-GP15-2023.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP15-2023 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP15-2023 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP15-2023 expired before the activity is completed. The Department's use of general permit WDNR-GP15-2023 established under s. 281.36(3g) Wis. Stats. expires on January 13, 2028.
6. Written authorization for modification of scope. Any modification to the waterway and/or wetland impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. Project Start. You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. Permit Posting. You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
10. Permit Compliance. The department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.
11. Construction Timing. Once waterway work below the OHWM begins, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
12. Construction. No other area of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
13. Project Completion. Within one week after completing the regulated activity, you shall submit to the Department a statement certifying the project complies with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must

reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.

14. Proper Maintenance. You must maintain the activity authorized by WDNR-GP15-2023 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.
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-GP15-2023 and applicable laws.
16. Erosion and Siltation Controls. The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Admin. Code. These standards can be found at the following website: <https://dnr.wisconsin.gov/>, keyword "stormwater technical standards". Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
17. Equipment Use. The equipment used in waterways and wetlands must be low ground weight equipment as specified by the manufacturer specifications.
18. Wetland Protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex, if applicable.
19. Invasive Species. All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by following the most recent department approved washing and disinfection protocols and department approved best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: "equipment operator" and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>.
20. Federal and State Threatened and Endangered Species. WDNR-GP15-2023 does not affect the Department's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats., and applicable state laws. No Department 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.
21. Special Concern Species. If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.
22. Historic Properties and Cultural Resources. WDNR-GP15-2023 does not affect the Department's responsibility to ensure 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 acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately, and the State Historic Preservation Officer must be contacted for further

instruction.

23. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. **If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-943-0003.**
24. Suitable Fill Material. All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. 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. Transfers. Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.
27. Dam Transfers. No transfer of ownership of the dam may take place without proper authority under s. 31.21, Wis. Stats.
28. Reevaluation of Decision. The Department may suspend 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-GP15-2023.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.

SECTION 5: WDNR-GP15-2023 FINDINGS OF FACT

1. The Department has determined that the issuance of this general permit, with conditions, will not injure public rights or interests, cause environmental pollution, as defined in s. 299.04(1), or result in material injury to the rights of any riparian owner.
2. The Department has determined that the cumulative adverse environmental impact of activities authorized under and constructed in accordance with the conditions of this is insignificant.
3. The Department has determined that activities subject to this permit, with conditions, will cause only minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners.
4. The Department has determined that projects that meet the eligibility criteria and conditions of this general permit will cause only minimal adverse environmental effects.
5. The Department has reasonable assurance that the applicant has adequately avoided and minimized wetland impacts to the greatest extent practicable based on the information submitted in accordance with the application requirements listed above and the fact that the project scope is confined to the project area, which is limited to the minimum area needed to place, replace, or maintain the project.
6. Pursuant to s. NR 299.04(1), Wis. Adm. 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.

7. The Department has determined pursuant to wetland and surface water quality standards under s. NR 102.04, and NR 103.03, Wis. Adm. 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.
8. 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-GP15-2023, s. 281.36(3g) and Ch's. 30 and 31, Wis. Stats., and Ch's. NR 102,103,150, 299, and 300, Wis. Adm. Code.
9. The Department has reasonable assurance that the project will comply with floodplain zoning requirements because the project will not occur in a mapped floodplain (official Federal Emergency Management Agency (FEMA) or local zoning map), or if the project is located in a regulated floodplain, the applicant has certified that they are obtaining or have obtained applicable floodplain permits from the local zoning authority.
10. For activities authorized under Section 1A, the Department has determined that projects that meet all eligibility criteria in section 1, for which all information required in section 2.5 has been submitted, and for which the Department has not required a wetland individual permit pursuant to Wis. Stat. s. 281.36(3g)(i) have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted under section 2.5 and the fact that the project scope is confined to the project area, which is limited to the minimum area needed to place, replace, or maintain the project.
11. For activities authorized under Section 18, 1C, or 1D, the Department has determined that projects meeting eligibility criteria in section 1 have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts due to the scope of the project being wetland dependent and the area of the project being confined to the minimum area necessary to:
 - a) place, replace, or maintain fish or wildlife habitat structures or
 - b) undertake stream restoration because of the failure of a waterway crossing or prior channelization.

SECTION 6: WDNR-GP15-2023 CONCLUSIONS OF LAW

1. The Department is authorized by Wis. Stats. ss. 30.12, 30.123, 30.19, 30.20, 30.206, 281.36, and 31.12(5) to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under Wis. Admin. Codes. NR 150.20(3)(b) based on the Environmental Analysis and Environmental Impact statements prepared for previous statewide general permits. The Department has determined that on that basis we have complied with Ch's. NR 102 and 103, Wis. Adm. Code, and s. 1.11, Wis. Stats.
3. Issuance of coverage under this general permit constitutes federal Water Quality Certification under 33 U.S.C. s. 1341 if the project has not already been certified through a separate action.
4. Projects that do not meet all standards listed in GP-15 are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP15-2023. For projects that do

not qualify for WDNR-GP15-20172023, other general permits may be an appropriate fit for the proposed project. You may also apply for an Individual Permit as outlined in Wis. Stats. s. 30.208(2) and s. 281.36(3m). The Department is authorized under Wis. Stats. s. 30.206(3r) for waterway activities and s. 281.36(3g)(i) for wetland discharges of dredged or fill materials to require an individual permit in lieu of a general permit if the Department has determined that the proposed activity is not authorized under WDNR-GP15-2023 or has conducted an investigation, visited the site, and determined that conditions specific to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution as defined in Wis. Stats. s. 299.01(4), or material injury to the riparian rights of any riparian owner.

SECTION 7: WDNR-GP15-2023 DEFINITION OF TERMS

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

1. "Area of special natural resource interest" for purposes of this permit means only the following areas listed in Wis. Stats. s. 30.01 (1am) and identified by the department in Wis. Admin. Code s. NR 1.05. **NOTE:** "Area of special natural resource interest" means any of the following:
 - a. state natural area designated or dedicated under Wis. Stats. ss. 23.27 to 23.29 and shown on a map published on the Department's Internet site.
 - b. A surface water identified as a trout stream by the Department in Wis. Admin. Code s. NR 1.02(7) and shown on a map published on the Department's Internet site.
 - c. A surface water identified as an outstanding or exceptional resource water under Wis. Stats. s. 281.15 and shown on a map published on the Department's Internet site.
 - d. A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.
 - e. A body of water in a wetland along Lake Michigan or Lake Superior that the Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.
 - f. A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26 and shown on a map published on the Department's Internet site.
 - g. The portion of a body of water that contains a sensitive area and shown on a map published on the department's Internet site.
 - h. A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the department's Internet site.
 - i. An area that possesses significant scientific value as identified by the Department in Wis. Admin. Codes. NR 1.05. "Affect wetlands" 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. 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, reducing flood capacity, etc.).
2. "Boreal rich fens" are a rare open peat land communities of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
3. "Bridge" means any private or public structure except municipal highway bridges constructed in or over a navigable waterway to provide a walkway or roadway for pedestrians, animals, or vehicles, and includes pipe arches and culverts.

4. "Calcareous fens" occur mostly in southern Wisconsin, on sites that are fed by carbonate enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
5. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
6. "Coastal plain marshes" are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and possibly in glacial tunnel channels.
7. "Complete application" package means a completed and signed application, the information specified in Section 2 of this permit, and any other information which can reasonably be required from an applicant that the Department needs to make a decision.
8. "De minimus" activity means the dredging of less than 2 cubic yards in a calendar year from a specific waterbody or disturbance of bottom material during the manual removal of aquatic plants that meet the requirements of Wis. Admin. Code s. NR 109.06(2).
9. "Department" means the Department of Natural Resources.
10. "Dredged material" means any material removed from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
12. "Dredging" means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purpose of Wis. Stats. Ch. 30, dredging does not include "de minimus" activities.
13. "Emergent marshes containing wild rice" are typically emergent aquatic communities that have wild rice as a component.
14. "Fish Habitat Structure" means a man-made structure composed of biological or inert materials designed specifically for the purpose of providing habitat for fish.
15. "Fill material" has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands and below the ordinary high-water mark (OHWM) where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland or riverbed. 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.
16. "Floodplain" has the meaning in Wis. Admin. Code Ch. NR 116 which means the land which has been or may be hereafter covered by flood water during the regional flood.
Note: Information for floodplain regulations and ordinances is available online at <https://dnr.wisconsin.gov/>, keywords "floodplain regulations".

17. "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.
18. "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.
19. "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics, and synthetic polymers.
20. "Impact to wetlands" includes temporary or permanent conversion of a wetland.
21. "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.
22. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth based on the normal summertime low levels on the waterway or summer minimum levels where established by department order.

NOTE: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under Wis. Stats. s. 30.13, the line of navigation is the municipal pierhead line.

23. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin a body of water is navigable if it is capable of floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at Wis. Stats. s. 30.01(4m) and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).
24. "Natural water depths, widths, and velocities in the natural stream channel" means the normal bank to bank flow event, such as the spring runoff event or at a 1.5-year storm flow event.
25. "Ordinary high-water mark" (OHWM) means the point on the banks or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognizable characteristic.
26. "Previous channelization" at or adjacent to roads or trails means the stream was diverted from its historic channel sometime in the past to avoid a crossing or to change the alignment to allow a shorter culvert.
27. "Professionally engineered" means designed by a person registered as a professional

engineer under Wis. State Stats. Ch 443.04 (available online at <https://legis.wisconsin.gov> using keywords "Ch 443") and Wis. Admin. Code NR Ch A-E 4 (using keywords "NR E-E 4").

28. "Public Rights Feature" has the meaning in Wis. Admin. Codes. NR 1.06.

NOTE: "Public Rights Feature" means any of the following:

- a) Fish and wildlife habitat, including specific sites necessary for breeding, nesting, nursery and feeding. Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated *above*; areas of lake or streambed where fish nests are visible; large woody cover.
- b) Physical features of lakes and streams that ensure protection of water quality. Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).
- c) Reaches of bank, shore or bed that is predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features. Reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.
- d) Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty. Physical features indicative of navigation thoroughfares includes shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows.

29. "Riparian" means an owner of land abutting a navigable waterway.

30. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a linear project 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.

31. "Southern sphagnum bogs" (pursuant to ss. 281.36(3g)(d)(5m), state statute) are 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. 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.

32. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.

33. "Thalweg" means a line connecting the lowest points of successive cross- sections

along the course of a valley or river.

34. "Temporary Wetland Fill" means non-permanent wetland discharge placed for no more than 60 days for purpose of access, construction, or structure installation that 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 are temporary wetland fill.
35. "Temporary Waterway Crossings" means crossings eligible for consideration under Section 1A of GP12-2015-WI.
36. "Watercraft" under Wis. Stats. s. 30.01(7) means any device used and designed for navigation on water.
37. "Wetland" has the meaning in Wis. Stats. s. 23.24 and Wis. Admin. Codes. NR 103.02(5), 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.
38. "Wildlife Nesting Structure" or "Wildlife Habitat Structure" means any structure or device constructed for the purpose of improving nesting habitat for wildlife, including birds, mammals, amphibians and reptiles.

APPENDIX 1

Practicable Alternatives Analysis - Informational Supplement

Stream Habitat Structures Alternatives to Avoid & Minimize

Wetland Impacts

This document outlines the Wisconsin Department of Natural Resources (WDNR) supplemental information required from the applicant for Section 2 of the Informational Requirements for Practicable Alternatives Analysis (PAA) for Projects Impacting Wetlands specifically for stream fish/wildlife habitat projects (e.g., log deflectors, vortex weirs, hibernaculum, etc.). This information will also be used by the U.S. Army Corps of Engineers (ACOE) during the federal review process. The information you provide for this supplement is in addition to the information you are required to provide as outlined in the four sections of the PAA. Your PAA will be used by WDNR and ACOE staff to assist with their responsibility to determine the overall project purpose and need, and least environmentally damaging practicable project alternative.

The term "practicable" means reasonably available and capable of being implemented after taking into consideration cost, available technology, and logistics in light of overall project purpose (see NR 103.07(2), Wis. Adm. Code).

NOTE: Should your project impact other aquatic resources regulated by the ACOE such as lakes, rivers, and streams, you may use this supplement to describe practicable alternatives to impacting those resources.

The PAA is required to thoroughly evaluate and verify that the proposed project cannot avoid wetland impacts, and that the project alternative chosen minimizes wetland impacts to the maximum extent practicable while meeting the basic project purpose. It is very important to provide as much detailed information and supporting documentation as possible on the range of alternatives you considered, since Department Permit Review Staff uses your information to verify that the project meets the legal requirements in Wis. Stats. s. 281.36 and all applicable General Permit eligibility standards.

If the project results in more than a minimal adverse environmental effect to wetlands, it will not meet the legal requirements to issue a permit and a permit will not be granted.

DIRECTIONS: For proposed fish/habitat wildlife structures, applicants are required to consider the following "avoid and minimize" project alternatives outlined below. The alternatives listed below are the minimum set of project alternatives that the applicant must consider. Since each site and project is different there may also be project specific alternatives that the applicant should consider in addition to the standard alternatives below. For each alternative analyzed, please clearly label the alternative, and note its location on an aerial photograph.

TIP: If federal, local, or other state requirements limit your ability to avoid and minimize wetland impacts, it can help to request a meeting with all parties to try to determine what possible options for all parties find acceptable to avoid and/or minimize wetland impacts.

ASSISTANCE: If you have questions about this PAA Supplement, please contact the WDNR Water Management Specialist (WMS) and/or the U.S. Army Corps of Engineers Project Manager for the county where your project is located for assistance. You may also request a pre-application meeting with DNR and ACOE permit reviewers to help you further understand the PAA process, the minimum project alternatives required, and any project specific alternatives that should be considered for your project.

DEVELOPING PROJECT ALTERNATIVES

STEP 1: PROJECT ALTERNATIVES THAT AVOID WETLAND IMPACTS

The first step in the PAA process is to determine if a practicable alternative is available that completely avoids wetland impacts. If a practicable "avoid" alternative exists that meets the overall project purpose, the applicant should select this alternative unless doing so would result in other significant adverse environmental consequences. DNR and the ACOE define the overall project purpose for these types of projects as commercial, residential, or industrial development.

The applicant should analyze the following project alternatives to determine if the project can avoid wetlands, even if they are not your preferred alternatives. In Section 3 of the PAA you will be asked to evaluate and provide information as to why each alternative analyzed is or is not practicable to meet your overall project purpose.

1. **Use Existing Structure/Feature.** If an existing habitat structure needs maintenance, can it be upgraded or remodeled to meet needs without impacting wetlands?
2. **Relocate Proposed Structure/Feature.** Can wetland impact be avoided by moving the structure to a location that is not a wetland? Must the structure be placed in this part of the stream? Or can it be placed further downstream or upstream to avoid wetlands?
3. **Reduce Proposed Structure/Feature.** Can you reduce the size or number of habitat structure(s) proposed to be placed in wetlands and still meet the basic project purpose for placing a habitat structure(s)? If an area has wetlands and uplands, could you use smaller structures placed to avoid wetlands, then place larger structures in uplands?
4. **Wetland Amenity.** Consider conserving wetlands on your site and incorporating them into your development as a site amenity. If the wetland is degraded, could you enhance or restore it? For example, could you remove and control non-native invasive plants, replace

them with native wetland plantings, or maintain vegetated buffers adjacent to the wetland?

STEP 2: PROJECT ALTERNATIVES THAT MINIMIZE WETLAND IMPACTS

If wetland impacts are not avoidable, the second step in the PAA process is for the applicant to determine which practicable alternative will minimize wetland impacts while meeting overall project purpose of a fish/wildlife habitat project. The following project alternatives should be analyzed by the applicant to determine how the project can minimize fill into the wetland and limit project impacts to the lower quality and functioning wetlands onsite. To qualify for the wetland portion of the general permit, the applicant is required to select the project alternative that minimizes wetland impacts to the maximum amount practicable if no "avoid" alternative is available that meets the overall project purpose.

The project alternative that results in the least amount of impact to wetlands will likely include a combination of the alternatives listed above and below. For example, the applicant selects a project alternative that avoids wetland encroachment to the maximum extent practicable and the impact is minimized to occur along the edge of the wetland and/or within a degraded portion of the wetland complex (e.g., a portion dominated by non-native invasive plants such as reed canary grass).

1. **Use Existing Structure/Feature.** If an existing habitat structure needs maintenance, can it be upgraded or remodeled to minimize wetland impacts?
2. **Relocate Structure/Feature.** Could wetland impact be decreased by moving structure?
3. **Relocate Other Site Features.** If the project proposes multiple structures or other development features such as a wetland scrape, can the scrape or other site features be shifted or reconfigured to minimize wetland impacts?
4. **Redesign Structure/Feature.** Can wetland impact be minimized by moving the structure to a different location? Does the structure need to be placed in this part of the stream or can it be placed further downstream or upstream to minimized impacts to wetlands?
5. **Reduce Structure.** Can you reduce the size or number of habitat structure(s) proposed to be placed in wetlands and still meet the basic project purpose for placing a habitat structure(s)? If an area has wetlands and uplands, could you use smaller structures in the wetland areas, then place larger structures in uplands?
6. **Limit Impact to Degraded Wetlands & Avoid High Quality Wetlands.** Using the most accurate wetland information available, such as a wetland delineation, and in consultation with a DNR Water Management Specialist and/or ACOE Project Manager, determine which wetlands on the site are considered degraded and which are high quality, including rare or difficult to

replace wetlands and shoreland wetlands. Can you limit the wetland impacts to the wetland areas that are degraded (e.g., dominated by non-native invasive plants such as reed canary grass) and avoid intact native wetland communities such as sedge meadows?

7. **Maintain Wetland Hydrology.** Minimize impacts to site wetlands by maintaining existing wetland hydrology, including water runoff quality. Increased or decreased changes to wetland hydrology can negatively impact a wetland, including degrading the native plant community, providing an opportunity for non-native invasive plants to take hold, or potentially drying up a wetland. Assess the wetlands primary hydrology source and design your project to maintain existing wetland hydrology to the maximum extent practicable. For example, if a wetland's primary hydrology source is overland flow, determine the wetland's watershed and maintain approximately the same amount of runoff, including peak flow and duration.

Example:

The following information is an example of what the Department looks for in a completed practicable alternatives analysis for projects impacting wetlands incidental to completing another project. In the example below, peripheral wetland impacts are proposed for a stream habitat project with wetlands existing along the stream corridor. A project narrative should describe how wetland impacts have been avoided and minimized to the greatest extent.

This section describes best management practices that the applicant will employ to avoid and minimize wetland impacts for a stream habitat project while meeting the eligibility standards of the DNR general permit to place fish/wildlife habitat structures.

Avoiding wetland impacts is not always practicable when doing stream habitat projects. In these cases, habitat projects will be designed using the eligibility criteria in Section 1C of this general permit to protect water quality, restore the aquatic ecology of the stream, and minimize any adverse environmental effects. To minimize the volume of additional fill that will be placed in wetlands, the applicant will first determine if the habitat structure can be placed in a nearby non-wetland portion of the stream bank. If the habitat structure has to be placed in the wetland portion of the stream bank, then the project applicant must use a 2:1 side slope to stabilize the bank and also use vegetation, if possible, to stabilize. Rock riprap can be placed only if needed to adequately stabilize the stream bank. The amount of rock to be placed will be limited to the minimum amount needed to place the habitat structure and secure the bank. Top dressing of any part of the rock above the OHWM is recommended.

When planning equipment routes to the site, wetlands must be avoided if possible. If not possible, using the right size and type of equipment to minimize disruption to the wetland should be considered. Timing of the project should also be considered as work conducted during the winter season may lessen the impact on wetlands.