

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
910 Hwy 54 E
Black River Falls, WI, 54615

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



02/27/2024

GP-SC-2024-13-00236

City of Madison Parks
Eric Knepp
330 E Lakeside St.
Madison, WI 53715
[sent electronically]

Dear. Mr. Knepp:

The Department of Natural Resources has completed its review of your application for a permit to construct an integrated bank stabilization (IBT) structure for streambank stabilization on the Yahara River located in the NW 1/4, NW 1/4, Section 07, Township 07N, Range 10E, City of Madison, Dane County. You will be pleased to know your application is approved with a few limitations.

Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist (found at <https://dnr.wi.gov/topic/waterways/documents/permitdocs/gps/gp-integratedbanktreatmentstreams.pdf>). For project details, maps, and plans related to this decision, please see application number, GP-SC-2024-13-00236, on the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>. The permit conditions are attached to this letter which lists the conditions which must be followed.

A copy of this letter and the attached permit conditions must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you. You are responsible for meeting all general permit eligibility standards and permit conditions.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Be sure to contact your local zoning office and U.S. Army Corps of Engineers for any local or federal permits that may be required for your project. Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please contact me at (715) 896-1256 or by email at Stacey.Carlson@wisconsin.gov.

Sincerely,

Stacey Carlson
Water Management Specialist

Email CC:

USACE Project Manager
City of Madison
Ryan Caputo, Conservation Warden
Grant Pokos, City of Madison
Waterway/Wetland File

**STATE OF WISCONSIN
TREATMENT**

GENERAL PERMIT – STREAMBANK STABILIZATION/INTEGRATED BANK

DEPARTMENT OF NATURAL RESOURCES

GP-SC-2024-13-00236

City of Madison Parks, Eric Knepp is hereby granted under Section 30.12(1), Wis. Stats., and NR 328, Wis. Adm. Code, a permit to construct a streambank integrated bank stabilization structure located in City of Madison, Dane County is subject to the following conditions:

PERMIT

1. You must notify Stacey Carlson at phone (715) 896-1256 or email Stacey.Carlson@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described **on or before February 27, 2027**. If you will not complete the project by this date, there is no opportunity for an extension, and you must apply for a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance, or permit compliance.
6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. **You must post a copy of this permit at a conspicuous location on the project site**, visible from the waterway, 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. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.
9. The permittee shall maintain the project in good condition and in compliance with the terms and conditions of this permit, NR 328, Wis. Admin. Code, and ss. Ch 30.12(1), Wis. Stats.
10. This project shall comply with all conditions identified in Wisconsin Administrative Code and identified in the Instructions for the General Permit application.
11. **You must submit a series of photographs to the Department, within one week of completing work on the site.** The photographs must be taken from different vantage points and depict all work authorized by this permit.
12. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section Ch 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.
13. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Admin. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
14. Unless part of a permanent storm water management system, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.

15. All equipment used for the project, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile, and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use. The following steps must be taken **every time** you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, silt, or turbidity curtain, hoses, sheet pile and pumps.
3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals, or water from one waterbody to another.
4. **Wash your equipment** with hot (>104° F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

16. To protect fish habitat during spawning seasons, no general permit activity shall take place during the time period specified:

- a. For trout streams identified under s. NR 1.02 (7) and perennial tributaries to those trout streams, September 15 through May 15.
- b. For all waters not identified under subd. 3. a. and located south of state highway 29, March 15 through May 15.
- c. For all waters not identified under subd. 3. a. and located north of state highway 29, April 1 through June 1.
- d. The applicant may request that the requirements in a., b. or c. be waived by the department on a case-by-case basis, by submitting a written statement signed by the local department fisheries biologist, documenting consultation about the proposed project, and that the local department fisheries biologist has determined that the requirements of this paragraph are not necessary to protect fish spawning for the proposed project.

17. The bank erosion control structure may not be placed in a wetland.

18. Bank erosion control structures may be placed only by a riparian.

19. Any grading, excavation and land disturbance shall be confined to the minimum necessary for the construction and may not exceed 10,000 square feet. Note: A permit is required under s. 30.19, Wis. Stats., and ch. NR 341, Wis. Adm. Code, if land disturbance or excavation exceeds 10,000 square feet on the bank of the navigable waterway. Bank shaping activities necessary to protect stream and river shorelines from erosion on lands used entirely for agriculture are exempt from this subchapter.

20. Vegetation, such as seeding, plant plugs, and dormant plantings shall be plant species native to the area of Wisconsin where the project is located. Non-invasive cool season species such as Virginia wild rye, Timothy, alfalfa, alsike clover, orchard grass, Smooth brome grass and red top, may be incorporated into native seed mixes for the purpose of rapid stabilization of critical sites adjacent to agricultural fields.

21. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

22. The stabilization method shall follow the natural contour of the shoreline.

23. No waterward extension of the property is permitted other than what is reasonably necessary to conduct the project and protect the existing bank.

24. Except for the placement of soil below the ordinary high water mark is allowed only for the establishment of biological materials, no soil or similar fill material may be placed in a wetland or below the ordinary high water mark of any navigable waterway.

25. Erosion control structures shall begin and end at a stabilized or controlled point.

26. Except as required for appropriate toe installation of the erosion control structure, dredging is not permitted under this section.
27. The erosion control structure design and placement may not result in a net decrease in the density or size-structure of tree-falls or logs in the water or on the bed and banks of the stream.
28. Except for the Driftless Area and Prairie Pothole Region, all trees greater than 4" DBH (diameter breast high) removed as part of the erosion control project within 35 feet of the ordinary high water mark shall be incorporated into the waterward portion of the erosion control design. Note: Driftless Area and Prairie Pothole Region can be found in s. NR 328.38, Wis. Adm. Code, Figure 1.
29. The project site is not located on a federal or state, under ss. 30.26 and 30.27, Wis. Stats., designated wild or scenic river.
30. The project site is located in the Driftless Area and Prairie Pothole Region, or Southeastern Wisconsin Till Plains and Chiwaukee Prairie Region, or is located in an urban watershed as identified in s. NR 328.38, Wis. Adm. Code, or is within village or city limits. Note: Village or city boundaries are identified according to Tiger 2000 Census.
31. For projects located within village or city boundaries in urban watersheds identified in s. NR 328.38 (1), Wis. Adm. Code; The project site must equal or exceed a Bank Erosion Potential Index (BEPI) of 20 as determined by the method in s. NR 328.38 (2), Wis. Adm. Code, or the bank edge recession must equal or exceed 0.5 feet per year as described by the method in s. NR 328.38 (3), Wis. Adm. Code. For all other project locations: the project site must equal or exceed a BEPI of 20 as determined by the method in s. NR 328.38 (2), Wis. Adm. Code. Note: NR 328.38 (3), Wis. Adm. Code, requires that the time between separate measurements shall equal or exceed 3 months during the open-water season. Note: The applicant will satisfy the "equal to or greater than 0.5 feet per year" requirement by demonstrating that the bank edge recession is equal to or greater than 1.5 inches per 3 months during the open-water season.
32. The total project length may not exceed 500 linear feet of stream bank per ¼ mile of stream reach.
33. Stone associated with toe protection shall be clean field stone or quarry stone appropriately sized according to the USDA, NRCS Wisconsin Supplement to the Engineering Field Handbook Chapter 16 - Streambank and Shoreline Protection. Note: These standards can be found at the following website:
<http://directives.sc.egov.usda.gov/OpenNonWebContent.aspx?content=17553.wba>.
34. Toe protection materials may not be placed above the ordinary high water mark elevation plus one vertical foot in the Wisconsin Till Plains and Chiwaukee Prairie Region. Toe protection materials may not be placed above the ordinary high water mark elevation plus 2 vertical feet in the Driftless Area and Prairie Pothole Region or is located in an urban watershed as identified in s. NR 328.38, Wis. Adm. Code.
35. Structural stabilization practices shall be sloped to 1.5 horizontal to 1 foot vertical (1.5 H to 1 V) or flatter. Banks treated only with vegetation shall be sloped to 2 feet horizontal to one foot vertical or flatter.
36. Associated stream habitat structures shall practice standards found in NRCS Field Office Technical Guide (FOTG), Standard 395, Stream Habitat Improvement and Management.
37. All stone above the ordinary high water mark shall be top dressed with a minimum of 6 inches of top soil.
38. Except as provided in Condition #20 above, revegetation shall follow Wisconsin NRCS Field Office Technical Guide (FOTG), Section IV, Practice Standard 643A Shoreland Habitat, found at
<http://dnr.wi.gov/topic/shorelandzoning/documents/nrcsshorehabstandard.pdf> and
<http://dnr.wi.gov/topic/ShorelandZoning/documents/NRCSBioTechNote.pdf>.

FINDINGS OF FACT

1. Eric Knepp has filed an application for a permit to place riprap on the Yahara River located in the NW 1/4, NW 1/4, Section 07, Township 07N, Range 10E, City of Madison, Dane County.

2. The project will consist of remove two existing seawalls and replacing with riprap. The riprap will be revegetated above the ordinary high water mark.
3. The Department has determined that the project site and project plans meet the standards in s. Chs 30.12(1), Wis. Stats., as well as NR 328, Wis. Adm. Code, to qualify for this General Permit.
4. The Yahara River is a navigable water (and no bulkhead exists at the project site).
5. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
6. The proposed project, if constructed in accordance with this permit will not adversely affect wetlands.
7. The proposed project will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner, if constructed in accordance with this permit.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Section Ch 30.12(1), Wis. Stats. and Chapters NR 102, 103, 150, 299, 310, and 328, Wis. Adm. Code.
9. The riprap will not be detrimental to the public interest because it is removing two existing seawalls that are failing and replacing with riprap.
10. The riprap will not materially obstruct navigation because it is placed on the bank.
11. The riprap will not materially reduce the flood flow capacity of Yahara River because the project will need to comply with the local floodplain regulations.

CONCLUSIONS OF LAW

1. The Department has authority under ch. 30, Wis. Stats., and ch. 328, Wis. Adm. Code, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

Dated at the Black River Falls Service Center, Black River Falls, Wisconsin on 02/27/2024.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

BY: 
Stacey Carlson
Water Management Specialist

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
910 Hwy 54 E
Black River Falls, WI, 54615

Tony Evers, Governor

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GP-SC-2024-13-00237

City of Madison Parks
Eric Knepp
330 E Lakeside St.
Madison, WI 53715
[sent electronically]

RE: Coverage under the wetland statewide general permit to impact wetlands from residential, commercial, and industrial activities, located in the City of Madison, Dane County

Dear Mr. Knapp Knepp:

Thank you for submitting an application for a General Permit to impact wetlands from residential, commercial and industrial activities located in the NW 1/4 of NW 1/4, Section 07, Township 07, Range 10E, City of Madison, Dane County. You have certified that your project meets the eligibility criteria for this activity. Based upon your signed certification you may proceed with your project. **The discharge(s) from the proposed activity will comply with water quality requirements.**

Please re-read the permit eligibility standards and conditions. The eligibility standards can be found on the GP1 application checklist or in the GP1 statewide general permit. The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project, please contact me, your local Water Management Specialist, at (715) 896-1256 or at Stacey.Carlson@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, recreational value, and other functions and values wetlands provide to current and future generations. You are responsible for obtaining any other local, state, or federal permits that are required before starting your project.

Sincerely,

Stacey Carlson
Water Management Specialist

Email CC:

USACE Project Manager
City of Madison
Ryan Caputo, Conservation Warden
Grant Pokos, City of Madison
Waterway/Wetland File

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application requirements (section 2) 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-GP1-2023 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-GP1-2023.
5. **Expiration.** The time limit for completing an activity authorized by the provisions of WDNR-GP1-2023 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP1-2023 or until the activity is completed, whichever occurs first. The Department's use of general permit WDNR-GP1-2022 established under s. 281.36(3g) Wis. Stats. expires on June 30, 2028.
6. **Written authorization for modification of scope.** Any modification to the 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. **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.
10. **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.
11. **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.
12. **Construction Timing.** 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.
13. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP1-2023 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-GP1-2023 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 the 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 using 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-GP1-2023 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-GP1-2023 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. **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-GP1-2023.

b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.