State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI 53711

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

10/15/2026

GP-SC-2026-13-02751

Eric Knepp
City of Madison
1402 Wingra Creek Parkway
Madison, WI 53715

RE: Coverage under waterway statewide general permit WDNR-GP 22-2024 for Hydrologic Restoration in the Town of Madison, Dane County

Dear Eric Knepp,

Thank you for submitting an application for coverage under a statewide General Permit for Hydrologic Restoration in , located in the SE 1/4 of NE 1/4, Section 36, Township 08, Range 09 E, Town of Madison, Dane County. Based on the application materials submitted, your project meets the eligibility criteria for this activity, and you may proceed with your project.

FINDINGS OF FACT

1. Castle Creek is a navigable intermittent drainageway that drains an urban watershed within the City of Madison into Warner Lagoon (which eventually drains into Lake Mendota). During high water periods, portions of the Castle Creek are back-watered from the lagoon. The existing channel includes areas of failing concrete liner, riprap, and excess sediment accumulation. The intent of the Castle Creek Channel Improvements project is to restore stream hydrology by creating a two-stage channel with a floodplain shelf, which will improve conveyance and improve flood resilience. The project will lower the existing channel approximately 2 feet at the downstream end, and 0.5 feet at the upstream end. The project also reestablishes a more natural channel condition by removing the concrete liner along the western-most section of channel and reestablishing native vegetation to support site stability with deep rooted vegetation suited for wet environments that will also help filter the stormwater. The project will reduce peak flood elevations, restore surface and groundwater interactions in the lower part of the channel, improve water quality by creating a more sustainable and maintainable design, and increase infiltration to replenish groundwater. The overall design approach will lower and widen a section of the channel that will convey water from large storm events but remain dry during

intermittent periods. A low-flow channel will be cut within the broader channel to convey smaller storm events. For much of the summer months the low flow channel will be inundated as a backwater of Warner Lagoon.

- The project poses 2,200 linear feet of temporary stream impacts during construction.
    - 950 linear feet of concrete removal
    - 1,250 linear feet of riprap rock buried in sediment removal.
- The new low flow portion of the channel will be 1,400 ft long, with sections wider and deeper relative to the broader floodplain channel closer to the lagoon.
- A total of 187 linear feet of the channel will be protected with riprap at stormwater outfalls and bridges.
- The remaining portion of the channel will be seeded to wetlands.
- Impacted areas will be restored with organic erosion matting, and wetland seed mixes.

A total of 1.39 acres of wetland will be disturbed by the project including 0.261 acre of permanent impacts and 1.13 acres of permanent impacts. In addition, 0.965 acres of new wetlands will be created. The final project will have a net increase in wetland area of 0.71 acre.

- Permanent wetland impacts (0.261 acre) will include:
    - 0.117 acre that will be armored with riprap where storm water. outfalls enter the channel including the head of the channel and at choke points caused by existing pedestrian bridges.
    - 0.047 acre re-graded to upland.
    - 0.097 acre regraded to become part of the Castle Creek channel.
- Temporary impacts (1.129 acres) will include:
    - 0.303 acre for construction traffic will total 0.303 acre. However, construction is anticipated to be completed in winter months during frozen ground conditions to minimize lasting impacts.
    - 0.826 acre regraded to wetlands at a different elevation on the site.
- New wetland creation, including 3 vernal pools (0.965 acre) will include:
    - 0.638 acre regraded from upland to wetland.
    - 0.266 acre regraded from Castle Creek Channel.
    - 0.061 acres regraded from Castle Creek Concrete removal.
- 0.003 acre of wetland will not be disturbed by the project.

No stockpiling will take place within the wetland areas. Any ground disturbance within these areas will be restored by repairing any rutting and wetland vegetation seeding.

The project is anticipated to have a net increase in the area of wetland on site. The total anticipated area of wetland is shown in the table below, an increase from 1.43 ac to 2.30 ac.

2. The Rusty Patch Bumblebee was identified during the Endangered Resource Review as wildlife that would benefit from additional habitat. Thus, the restoration was designed to create or maintain foraging habitat and to create, enhance, or maintain habitat features.
3. Little Brown Bat and Blanding's Turtle may be found on this site. Recommended actions for conservation of these species are found in the attached Endangered Resources Review document.
4. The Department has completed an evaluation of the project site and plans and has determined that the project site and project plans as described in the submitted application meet the standards to qualify for this General Permit.
5. Castle Creek is a navigable water and no bulkhead exists at the project site.
6. 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.
7. If the project proposes a wetland discharge(s) as part of the proposed activity, the wetland impacts have been reviewed and determined to comply with water quality requirements as authorized by this document.
8. 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.

STANDARDS AND CONDITIONS

You are responsible for meeting all general permit eligibility standards and permit conditions. Please re-read the permit eligibility standards and conditions attached to this letter in the final statewide general permit document. 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.

You are also responsible for obtaining any other local, state, tribal, or federal permits that are required before starting your project. Note that U.S. Army Corps of Engineers and local zoning authorization for work in floodplains or shorelands may also be required for your project.

EXPIRATION

This activity is authorized under the attached statewide general permit for 5 years from the date of this letter or until the activity is completed, whichever occurs first.

INSPECTIONS AND PROJECT MODIFICATIONS

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 and the requirements and conditions of this general permit.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions shall be filed. To seek a contested case hearing under section 227.42, Wis. Stats., you have 30 days after the date of the decision to serve a petition for hearing on the Department. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

If you have questions about this letter or need to modify your project, please contact me, your local Water Management Specialist, Sarah Bogen, at (608) 516-6026 or at sarah.bogen@wisconsin.gov, to discuss any questions or proposed modifications and determine next steps.

Sincerely,



Sarah Bogen
Water Management Specialist

Email CC:
Benjamin LaCount, USACE Project Manager
City of Madison Zoning Zoning@cityofmadison.com
Jake Donar, WDNR Conservation Warden
Ryan Stenjem, City of Madison Engineering Division

State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

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101 S. Webster St.
Box 7921
Madison, WI 53707-7921

June 13, 2026

Ryan Stenjem
City of Madison
210 Martin Luther King Jr, Blvd, Room 115
Madison, WI 53703

SUBJECT: Endangered Resources Review (ERR Log # 26-409)
Proposed Castle Creek Improvements, Dane County, WI (T08N R09E S36)

Dear Ryan Stenjem,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received May 29, 2026. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 1 species
Recommended Actions: 2 species
No Follow-Up Actions: 2 species
Additional Recommendations Specified: Yes

This ER Review may contain Natural Heritage Inventory data (http://dnr.wi.gov/topic/NHI), including specific locations of endangered resources, which are considered sensitive and are not subject toWisconsin's Open Records Law. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.** Please contact the ER Review Program whenever the project plans change, new details become available, or more than a year has passed to confirm if results of this ER Review are still valid.

Please contact me at 608-264-8968 or via email at anna.rossler@wisconsin.gov if you have any questions about this ER Review.

Sincerely,

Anna Rossler
Endangered Resources Review Program

cc:

Endangered Resources Review for the Proposed Castle Creek Improvements, Dane County
(ER Log # 26-409)

Section A. Location and brief description of the proposed project

Based on information provided by the ER Review Request form and attached materials, the proposed project consists of the following:

Location	Dane County - T08N R09E S36
Project Description	Removal approximately 1,000' of concrete cunett through wooded area within an existing drainageway and regrading and lowering channel to increase conveyance capacity into Warner Lagoon. Tree removal to accommodate grading work in wooded section.Regrading and lowering of an additional 1,000' of channel through active parkland to improve stormwater conveyance. Existing channel was lined with rip-rap but has accumulated significant sediment. Native vegetation restoration will be completed through regraded channel.. Total approximate area of disturbance is 3.5 acres.
Project Timing	1/4/27- 10/31/27
Current Habitat	Approximately 20% of the project area is a concrete cunett drainageway with some areas on the fringes meeting wetland hydrology conditions due to occasional inundation. Approximately 30% of the project area is wooded area surrounding the channel, the area has a mix of native hardwoods such as Oak and elm, however it is primarily dominated by dead, dying, or poor condition trees (such as ash) and invasives such as buckthorn and boxelder.
Impacts to Wetlands or Waterbodies	Castle Creek Greenway (City of Madison named) shows as an unnamed intermittent waterway draining into Warner Lagoon.
Property Type	Public
Federal Nexus	Yes

It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the ER Review Program whenever the project plans change, new details become available, or more than a year has passed to confirm if results of this ER Review are still valid.

Section B. Endangered resources recorded from within the project area and surrounding area

	Group	State Status	Federal Status
Rusty Patched Bumble Bee High Potential Zone	Bee	NA	HPZ
Regal Fritillary *(Speyeria idalia)*	Butterfly	END	PT
Lake Sturgeon *(Acipenser fulvescens)*	Fish~	SC/H	
Little Brown Bat *(Myotis lucifugus)*	Mammal~	THR	
Blanding's Turtle *(Emydoidea blandingii)*	Turtle~	SC/P	

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html) page. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (http://dnr.wi.gov/topic/nhi/wlist.html).

Section C. Follow-up actions

Actions that need to be taken to comply with state and/or federal endangered species laws:

• Rusty Patched Bumble Bee High Potential Zone - Bee

State Status: NA **Federal Status:** HPZ

Impact Type	Impact possible
Required Measures	Other
Description of Required Measures	This project overlaps the Rusty Patched Bumble Bee High Potential Zone (RPBB HPZ) and suitable habitat may be present. Because this project has a federal nexus, project proponents should follow the U.S. Fish and Wildlife Service S7 Guidance: ESA Section 7(a)(2) Voluntary Implementation Technical Assistance for Rusty Patched Bumble Bee | FWS.gov (https://www.fws.gov/media/esa-section-7a2-voluntary-implementation-technical-assistance-rusty-patched-bumble-bee). This document provides information about the bee and has a determination key. The project should complete the determination key to determine impacts and if consultation with USFWS will be needed. If further consultation is required, please contact the USFWS Bloomington Field Office at TwinCities@fws.gov. The Conservation Management Guidelines for the Rusty Patched Bumble Bee (Bombus affinis) document can be found at Conservation Management Technical Assistance for the Rusty Patched Bumble Bee | FWS.gov (https://www.fws.gov/media/conservation-management-technical-assistance-rusty-patched-bumble-bee).

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Little Brown Bat (*Myotis lucifugus*) - Mammal~

State Status: THR

Impact Type	Impact possible
Recommended Measures	Time of year restriction
Description of Recommended Measures	While the known roosts are not present at or adjacent to the project site and will not be disturbed, bats can use trees as roosts. It is recommended to avoid tree clearing June 1-July 31 while bats may have flightless pups at the roosts. Special consideration should be given to protecting snags and dying trees. Little Brown Bat (Myotis lucifugus) is a Threatened species in Wisconsin. Its dorsal fur is a glossy dark brown to olive-brown color with a lighter ventral side. The little brown bat is insectivorous and feeds on aquatic soft-bodied insects and is found roosting in warm microclimates provided by tree snags, bat houses, and buildings during the summer, where females may form large colonies. It forages primarily over open water and along edge habitat. Little brown bats hibernate in caves and mines from October through April. Mating occurs in the fall, and females store sperm until emergence in the spring. Usually one pup is born in early-June and matures in six weeks.

Confidential–Commercial Data

• Blanding's Turtle (*Emydoidea blandingii*) - Turtle~

State Status: SC/P

Impact Type	Impact possible
Recommended Measures	Time of year restriction,Exclusion Fencing,Other
Description of Recommended Measures	Since suitable Blanding's turtle habitat occurs within the project site, the following voluntary measures may be implemented to avoid impacts: Overwintering Areas: Blanding's turtles typically overwinter in wetlands or water bodies with standing water at least three feet deep. • Because this species may be present in these habitats year-round, impacts to these wetlands and water bodies should be minimized at all times, particularly during the maximum inactive season (October 1 – April 30). Non-Overwintering Areas: For wetlands or water bodies shallower than three feet at the deepest point: • Conduct work outside of the Blanding's turtle's active season (March 5 – November 15). Upland Nesting Habitat: Avoid work in suitable upland nesting habitat (sandy and/or well-drained soils) within 900 ft of a wetland or water body during the nesting period (May 20 – October 15). • As an alternative, install and maintain exclusion fencing using the WDNR protocol (https://widnr.widen.net/view/pdf/3kgwf13gje/NH_Review_AmphibianReptileFencingProtocols.pdf?t.download=true&u=kkadwx). o Fencing must be installed between October 16 and May 19. Once installed and maintained, work within the fenced area may proceed at any time of year. Additional Measures: If avoidance dates and fencing cannot be implemented: • Walk through or gently disturb the project area immediately prior to work. While this will not protect nests, it may encourage turtles to move out of the area and avoid take. • If a turtle is found, carefully relocate it to suitable habitat outside the project area. Note: Active and inactive season dates are updated regularly in spring and fall and can be found here: https://dnr.wi.gov/topic/Wildlifehabitat/HerpRegulations.html Blanding's Turtle (Emydoidea blandingii) is a Special Concern species in Wisconsin, utilizes a wide variety of aquatic habitats including deep and shallow marshes, shallow bays of lakes and impoundments where areas of dense emergent and submergent vegetation exists, sluggish streams, oxbows and other backwaters of rivers, drainage ditches (usually where wetlands have been drained), sedge meadows, and wet meadows adjacent to these habitats. This species is semi-terrestrial, and individuals may spend quite a bit of time on land. They often move between a variety of wetland habitats during the active season, which can extend from early-March to mid-November. They overwinter in standing water that is typically over 3 feet deep with a deep organic substrate but will also use both warm and cold-water streams and rivers where they can avoid freezing. Blanding's turtles generally breed in spring, late summer, or fall. Nesting occurs from mid-May through early-July depending on spring temperatures. They strongly prefer to nest in sandy soils and may travel up to 300m from a wetland or waterbody to find suitable nesting sites. This species appears to display nest site fidelity, returning to its natal site and nesting in a similar location annually. Young hatch from early-August through mid-October and take 17-20 years or more to reach maturity.

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

Additional Recommendations

Because this project has the potential to impact Castle Creek and the Warner Lagoon, it is recommended that erosion and runoff prevention measures but used throughout the duration of the project.

Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes.

If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.

Confidential–Commercial Data

No actions are required or recommended for the following endangered resources:

• Regal Fritillary (*Speyeria idalia*) - Butterfly

State Status: END **Federal Status:** PT

Impact Type	No impact
Reason	Lack of Suitable Habitat within Project Boundary
Justification	No suitable habitat should be disturbed. No impacts are anticipated. Regal Fritillary (Speyeria idalia), presently listed as a Federal Species of Concern and Endangered in Wisconsin, has been found in large grassland areas with tallgrass prairie remnants or lightly grazed pasture lands containing prairie vegetation.

• Lake Sturgeon (*Acipenser fulvescens*) - Fish~

State Status: SC/H

Impact Type	No impact
Reason	Lack of Suitable Habitat within Project Boundary
Justification	No suitable habitat should be disturbed. No impacts are anticipated. Lake Sturgeon (Acipenser fulvescens), listed as Special Concern, prefers large rivers and lakes. It also lives in the shoal waters of the Great Lakes. Inland it shows a preference for the deepest mid-river areas and pools.

Section D. Next Steps

1. Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed or more than a year has passed and you would like your letter renewed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
   - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
   - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
   - 'Actions recommended to help conserve Wisconsin's Endangered Resources' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
3. If federally protected species or habitats may be affected and the project involves federal funding, technical assistance, or authorization (e.g., a permit), and there is potential for any positive or negative impacts, consultation with the U.S. Fish and Wildlife Service (USFWS) will need to occur before the project may proceed. To begin the consultation process, visit the USFWS IPaC website at https://ipac.ecosphere.fws.gov.

   If the project does not involve federal funding, assistance, or authorization, consultation is not required; however, it is still recommended to visit the USFWS IPaC website at https://ipac.ecosphere.fws.gov to help ensure compliance with the Endangered Species Act (ESA).

Section E. Standard Information to help you better understand this ER Review

Endangered Resources (ER) Reviews are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Wisconsin DNR Staff.

How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. A 1 mile buffer is considered for terrestrial and wetland species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

Categories of endangered resources considered in ER Reviews and protections for each: Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally listed as Endangered or Threatened and Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).

- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).

- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).

- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI database. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.

- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

Please remember the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.

2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.

3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting/approvals, and implementation of the proposed project.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
WATERWAY AND WETLAND GENERAL PERMIT
HYDROLOGIC RESTORATION

Permittee: The General Public in Wisconsin

Permit #: WDNR-GP22-2024

Issuing Office: Waterways Program
Wisconsin Department of Natural Resources (Department)

Issuance Date: January 23, 2025

Expiration Date: January 22, 2030

GENERAL PERMIT AUTHORIZATIONS

In compliance with the provision(s) of s. 30.2065 (1g) (a), Wis. Stats., the Department shall issue a general permit that authorizes wetland, stream, and floodplain restoration and management activities that will result in a net improvement in hydrologic connections, conditions, and functions.

The Department shall notify, in writing, a person who has applied under s. 30.206 (3) (a) Wis. Stats. for authorization to proceed under this general permit that the person is required to apply for an individual permit if the Department determines that the proposed activity 1) will not result in net improvements to hydrologic connections, condition, and functions in compliance with the provision(s) of s. 30.2065 (1g) (e), Wis. Stats., or 2) the Department has conducted an investigation and visited the site and has 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 s. 299.01 (4), Wis. Stats. or material injury to the riparian rights of any riparian owner, in compliance with provision(s) of s. 30.206(3r)(a)2., Wis. Stats.

In compliance with the provision(s) of s. 30.2065 (1r), Wis. Stats., a permit issued under sub. (1) or (1g) is in lieu of any permit or approval that would otherwise be required for that activity under Chapter 30, Wis. Stats. or ss. 31.02, 31.12, 31.33, 281.15, or 281.36, Wis. Stats., except that a general permit issued under sub. (1g) does not apply to wetland mitigation conducted as required under s. 281.36 (3n) (d), Wis. Stats.

> **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, tribal, state, or local law.

OTHER AUTHORIZATIONS NECESSARY

WDNR-GP22-2024 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP22-2024 authorizations do not supersede any other local, state, tribal, 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 the 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, purpose, and need. Please visit https://dnr.wisconsin.gov/, keyword "water permitting" for more information.

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 the affected landowner(s).

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

PROJECT DESCRIPTION AND LOCATION

WDNR-GP22-2024 applies to certain waterway, floodplain, and wetland activities undertaken as part of hydrologic restoration.

The following activities are eligible for coverage under WDNR-GP22-2024 as described in s. 30.2065(1g)(a), Wis. Stats.:

- Hydrologic restoration activities designed to the extent possible to return wetland, stream, and floodplain hydrology to a natural and self-regulating condition in order to achieve such goals as to slow the flow of runoff, reduce flood peaks, restore surface and groundwater interactions, improve water quality, or increase soil retention, groundwater infiltration, base flow, upper watershed storage, and flood resilience.
- Hydrologic restoration activities in, and adjacent to wetlands, streams, floodplains, and drainageways, including those that are no longer present but are restorable, for the purposes of reconnecting streams and floodplains, reestablishing healthy channel form and condition, removing or reducing wetland drainage, restoring or improving natural flow and movement of water or sediment, and reestablishing vegetation to support site stability and help manage flow and infiltration.
- Hydrologic restoration activities that alter the flow of water in, to, or from an area of special natural resource (ASNRI) interest only if the activities restore or repair surface or subsurface connections within the area of special natural resource interest or between the area of special natural resource interest and other waters of the state.

Activities are authorized by this general permit only if the applicant demonstrates to the satisfaction of the Department that the activity will result in net improvements in hydrologic connections, conditions, and functions and will not injure public rights or interests or result in material injury to the rights of any riparian owner.

Under s. 30.2065(1g)(a)3., Wis. Stats., WDNR-GP22-2024 does not authorize any of the following activities:

- Construction of artificial wetlands.
- Construction of stormwater retention or detention ponds.
- Construction of large dams, as defined under s. 31.19(1m), Wis. Stats., or dams that pose a risk to life, health, or property.
- Activities that straighten, berm, dredge, or armor streams channels, except when proposed as a necessary element of a larger hydrologic restoration plan.
- Fish and wildlife habitat enhancement activities that are not associated with a larger hydrologic restoration plan.

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-GP22-2024 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-GP22-2024.

State of Wisconsin Department of Natural Resources
For the Secretary



January 23, 2025

Benjamin Callan – Director
Waterways Program

Date

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SECTION 1. INTRODUCTION

Healthy hydrology, hydraulics, and geomorphology are the foundations of aquatic resource health, and projects proposed with the purpose of restoring hydrologic conditions, connections, and functions are presumed to be in the public interest. Activities needed to restore degraded hydrology often require work within or between wetlands, streams, and floodplains.

WDNR-GP22-2024 establishes general permit eligibility standards for projects focused on achieving positive, systems-level, resource outcomes in the form of net improvements to hydrologic conditions, connections, and functions. Hydrologic restoration projects can vary from straightforward to more complex.

Hydrologic restoration projects are designed to the extent possible to restore or reestablish the natural and self-regulating functions of wetlands, streams, and floodplains to manage water, sediment, and debris. Site specific project goals and activities shall be informed by the current and historic landscape

and hydrologic conditions. Projects may be designed to restore a system's hydrology partially or fully depending on the environmental, economic, and social site constraints. Project activities may meet other state or federal design standards or may vary depending on site-specific conditions such as landscape context, prior hydrologic alterations, and site constraints. Projects may not result in significant adverse impacts to the public rights and interests, injure riparian property rights of adjacent riparian owners, or result in adverse environmental impacts.

Hydrologic restoration project activities will be designed to accomplish the following:

- Reconnect streams and floodplains.
- Reestablish healthy channel form and condition.
- Remove or reduce wetland drainage.
- Restore or improve the natural flow and movement of water or sediment.
- Reestablish vegetation to support site stability and help manage flow and infiltration.

The required application materials in Section 3 must describe the extent, type and condition of existing wetlands and waterways, any proposed disturbance to wetlands and waterways, and how the proposed hydrologic restoration activities will result in net improvements to hydrologic conditions, connections, and functions.

Based on the application materials, Department staff will determine if the ordinary high water mark (OHWM) needs to be established, or if a wetland delineation or a wetland functional assessment is required. Early project planning with Department staff and a pre-application meeting with the Department will be helpful and recommended.

Applicants are encouraged to request a pre-application meeting with the Department as prescribed in s. 30.2065 (1g) (f), Wis. Stats., especially if any of the following apply:

- The project involves new or innovative practices.
- Activities affect multiple waterways and wetlands.
- The project may include permanent discharges to wetlands.
- The project may affect ASNRIs or wetlands of high value as listed under 281.36(3g)(d).
- The project may impound or divert water or change stream channels.
- The project is located in a Zone A or Zone AE mapped floodplain.

SECTION 2. TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP22-2024. Projects must meet all the eligibility criteria of this permit to be eligible for coverage under WDNR-GP22-2024.

Projects that do not meet all criteria below are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP22-2024. In these cases, persons may apply for an individual permit. The Department also has authority under s. 30.2065 (1g) (e), Wis. Stats., to require an individual permit in lieu of a general permit if the Department determines that the proposed activity will not result in net improvements to hydrologic connections, condition, and functions.

> **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 Service Center, Region, or Central Office headquarters having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

SECTION 3. ELIGIBILITY CRITERIA

A. GENERAL CRITERIA

1. The project must have a primary purpose of improving hydrologic conditions, connections, and functions.
2. Project applicant is the landowner or easement holder or otherwise has legal authorization to proceed with the project.
3. The project must demonstrate a net environmental benefit and/or improvements to the public interest in navigable waterways by improving the hydrologic conditions, connections, and function, including but not limited to predictable improvements to one or more of the following:
    a. The physical condition of surface waters.
    b. Connections to other surface water and groundwater; or
    c. Reestablishment of hydrologic processes or functions such as sediment transport, nutrient cycling, groundwater recharge and baseflow maintenance.
4. The project will return, to the extent possible, wetland, stream, and floodplain hydrology to a natural and self-regulating condition to accomplish one or more of the following objectives:
    a. Slow the flow of runoff.
    b. Reduce flood peak flows.
    c. Restore surface and groundwater interactions.
    d. Improve water quality.
    e. Increase soil retention.
    f. Increase groundwater infiltration.
    g. Increase base flow.
    h. Increase upper watershed storage; or
    i. Increase flood resilience.
5. Hydrologic restoration activities may take place in and adjacent to wetlands, streams, floodplains, and drainageways, including those that are no longer present but are restorable.
6. The project will not adversely impact an Area of Special Natural Resource Interest (ASNRI). The project may alter the flow of water in, to, or from an ASNRI only if the activities restore or repair surface or subsurface connections within the ASNRI or between the ASNRI and other waters of the state and results in a net environmental benefit.
7. The project may result in minimal temporary adverse impacts to waterways and wetlands regulated under ch. 30 and s. 281.36, Wis. Stats.
8. The project may result in permanent but net-positive changes to biotic and abiotic environmental conditions.
9. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion and sediment control measures shall meet or exceed the applicable performance standards listed under subchapter III of ch. NR 151, Wis. Adm. Code. Technical standards to implement the performance standards can be viewed at https://dnr.wisconsin.gov/, keyword “stormwater technical standard”.
10. The project does not include any of the following activities:

a. Construction of artificial wetlands.

b. Construction of stormwater retention or detention ponds.

c. Construction of large dams, as defined under s. 31.19(1m), Wis. Stats.

d. Construction of dams that pose a risk to life, health, or property.

e. Activities that straighten, berm, dredge, or armor streams channels, except when proposed as a necessary element of a larger hydrologic restoration plan.

f. Fish and wildlife habitat enhancement activities that are not associated with a larger hydrologic restoration plan.

11. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or State law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.

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

13. The project will 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 ch. NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at https://dnr.wisconsin.gov/, search keywords “invasive species BMPs”.

14. If the project is located in a regulated floodplain, the applicant has certified that they are working to or have obtained applicable floodplain permits or approvals from the local zoning authority.

    Note: Projects in Zone AE floodplains are very likely to require hydrologic and hydraulic study and projects in Zone A mapped floodplains may require hydrologic and hydraulic study depending on the proposed activities.

15. If the project is located in a regulated shoreland, the applicant has certified they are working to, or have obtained applicable shoreland permits from the local zoning authority.

B. ELIGIBILITY CRITERIA FOR PROJECTS LOCATED IN OR ADJACENT TO NAVIGABLE WATERWAYS.

In addition to the general standards in Section 1A, the following standards apply to projects located in or adjacent to navigable waterways.

1. Any fish and wildlife habitat enhancement activities or structures are only eligible when designed as an element of a larger hydrologic restoration project and:

    a. Natural Resource Conservation Service (NRCS) technical standards are met or exceeded.

    b. Any modifications to NRCS standards are addressed with the project narrative and approved by the local Department fisheries biologist.

2. Any structures placed below the OHWM may not be placed during the following time periods to minimize adverse impacts on fish movement, fish spawning and fish egg incubation periods:

    a. September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the Department website trout maps.

    b. September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.

c. November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.

d. September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.

e. 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 Layer on the Surface Water Data Viewer at https://dnr.wi.gov/, keyword "surface water data viewer".

Note: The local Department Fisheries Biologist may waive or modify timing restrictions in writing. To request waiver or modification of fish spawning timing restrictions for your project, please include a request in the narrative portion of your permit application.

3. The project shall not result in significant adverse impacts to fishery spawning habitat, including obstruction of fish passage, adversely affect bird breeding areas or 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.

4. Any structures placed at or below the OHWM shall not impair the use of a publicly accessible boat ramp and associated public piers or designated carry-in-only watercraft access site.

5. Operation of equipment on the stream bed must comply with the following best management practices:

   a. Use temporary matting to protect the streambed as necessary.

   b. Keep equipment movement on the stream bed to a minimum.

   c. Equipment is kept on streambed for as little time as needed to complete the project and removed when not in use.

   d. Pre-inspect vehicles/equipment on all operating days to avoid leaks.

C. ELIGIBILITY CRITERIA FOR PROJECTS THAT AFFECT WETLANDS.

In addition to the general standards in Section 1A, the following standards apply to projects that affect wetlands.

1. For projects with permanent discharges of fill materials into wetlands, the project will have a net positive environmental impact, cannot practicably avoid wetland impacts and has minimized wetland impacts to the greatest extent practicable to realize the net environmental benefit.

2. Discharge of dredged or fill material will not adversely impact the following resources: Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, emergent marshes containing wild rice, boreal rich fens, or 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.

3. Wetland impacts are not allowed for any type of constructed storm water treatment facility.

4. The project is not eligible for authorization under a "Superior SAMP" permit reviewed by the City of Superior, Wisconsin.

SECTION 4. APPLICATION REQUIREMENTS

1. After you have carefully confirmed the proposed project and activities meets all the terms and conditions of this permit, including all applicable eligibility criteria, you may proceed by submitting a complete application package to the Department as outlined in item 7 below. Pursuant to s. 30.2065 (1g), 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.wi.gov/, keyword "water permit".
2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the Department 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 which point the clock resumes from the point it was initially stopped.
4. If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the Department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.
5. As provided under s. 30.2065 (1g) (e), 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 chs. 30 or 31, or 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 Department.
6. Applicants are responsible for providing sufficient information to determine whether a project is eligible for coverage and meets the conditions of the permit. A complete application must include all the following, but the level of detail provided may be scaled to be commensurate with the complexity and size of the project, and the amount of associated risk.
7. **A complete application package must include all of the following information:**
    a. Complete and Signed Application Form certifying the project meets the terms and conditions of WDNR-GP22-2024. This form can be found at https://dnr.wi.gov/, search keywords "water permit".
    b. Permit fees as shown on the fee sheet at https://dnr.wi.gov/, search keywords "Waterway Permit Fee," except as below, in which case then submit documentation showing the role of the state or federal agency.
        - Projects authorized under this General Permit., funded in whole or in part by a state or federal agency are exempt from permit fees.
    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) that demonstrate the property owner has authorized the proposed activities to be completed.
    d. A signed permit checklist that confirms the applicant understands the eligibility standards specified in Section 2.

8. **A complete application must include a detailed hydrologic restoration project narrative that demonstrates the project meets all eligibility requirements including the following:**

   a. Describe the project and hydrologic restoration goals focusing on the net improvements to hydrologic conditions, connections, or function.

   b. Describe the expected measurable outcomes, which may be presented as a range. Explain tools or methods used for any quantitative predictions and the rationale for any qualitative metrics.

   c. Describe the current watershed and site context (i.e., Where is the project located? What are the water management concerns? What is known about the root causes of hydrologic degradation?).

   d. Describe the historical context of the system. (i.e., How has the system behaved historically? What anthropogenic alterations have occurred? What is the potential for recovery of natural system hydrologic processes? What can be achieved at the project site following the proposed activities?).

   e. Describe any consequences of inaction.

   f. Describe any constraints that limit restoration potential and how the restoration plans have been adjusted to accommodate these constraints (i.e., full, or partial restoration and why). Constraints can be physical, economic, social, or due to landowner preferences/permissions.

   g. Describe likely or expected co-benefits to be achieved (i.e., water quality improvement, improved habitat, reduced flood risks/damages).

   h. Describe the restoration plans, including proposed action(s) and practices. As applicable, include reference to existing NRCS conservation practice standards and their associated design standards. If the proposed practices diverge from NRCS standards, describe how they differ and why.

      Note: Many NRCS conservation practice standards may be applicable in restoring hydrology including, but not limited to: Channel Bed Stabilization (584), Dike or Levee (356), Clearing/Snagging (326), Conservation Cover (327), Critical Area Planting (342), Spoil Diversion (572), Diversion (362), Open Channel (582), Pond (378), Shallow Water Development and Management (646), Stream Habitat Improvement and Management (395), Streambank and Shoreline Protection (580), Structures for Water Control (587), Wetland Restoration (657), Grade Stabilization Structure (410), and Wetland Enhancement (659).

      Note: ATCP 50 may also contain helpful information on the practices of hydrologic restoration and stream restoration.

   i. Describe how the proposed actions will promote recovery of hydrologic processes and why the proposed practices are appropriate for this site. Examples of resource specific processes include but are not limited to:

      i. For waterways, system processes include bank migration, sediment movement, channel migration, and flooding.

      i. For wetlands, system processes include storage, infiltration, and connectivity.

      ii. For floodplains, system processes include connectivity, energy reduction, and floodwater retention.

   j. If the project includes activities that straighten, dredge, or armor navigable stream channels, then describe the nature of these activities, why they are a necessary element to achieve the hydrologic restoration purpose, and the limits to these activities.

   k. Describe the nature and extent of any disturbances to navigable and non-navigable waterways, including how they support hydrologic restoration. Discussion should address any of the following

that apply:

- Describe any temporary impacts to waterways and specify the extent and duration of the temporary disturbance and how the area(s) will be restored.
- Describe any proposed structure below the Ordinary High Water Mark.
- Describe how proposed structures will affect adjacent and upstream properties, and the actions that will be taken to address flooding or impeded drainage on adjacent and upstream properties.
- Describe how the project will affect navigation in navigable waterways and if there are negative impacts, why they are necessary to hydrological restoration.
- Describe how any proposed structure affects fish passage.

l. Describe the nature and extent of any wetland disturbance, including why it is an appropriate part of the proposed hydrologic restoration plan. Discussion should address any of the following that apply:

- If any temporary impacts to wetlands or waterway, specify the extent and duration of the temporary disturbance and how the area(s) will be restored.
- If the project plan includes any permanent conversion of wetland type or alteration to areas of special natural resource interest, specify and clarify how those impacts are designed to achieve net improvements to hydrologic condition, connections, and functions.
- If permanent wetland fill is proposed, provide a detailed explanation of efforts to avoid and minimize those impacts to the greatest extent practicable and why they are a necessary element of the project.
- Describe how the project will maintain wetland hydrology in the remaining wetlands.

m. Describe any proposed fish or wildlife enhancement activities and how they relate to the proposed hydrologic restoration plan.

n. Describe site preparation and stabilization plans, including measures you will use to minimize erosion and siltation into surface waters and wetlands. Construction shall follow Department approved best management practices as outlined in ss. NR 151.11 and 151.12, Wis. Adm. Code, or must describe any variance from those standards. The technical standards are found at https://dnr.wisconsin.gov/, keyword “stormwater technical standard.”

o. Describe revegetation plans, including the method, source and materials involved in revegetation.

p. Describe measures you will use to minimize the spread of invasive species. The project should follow Department approved best management practices as outlined in NR 40, Wis. Adm. Code, or must describe any variance from those standards. These protocols and practices can be found at https://dnr.wisconsin.gov/, keyword “invasive species BMPs”.

q. Describe any known uncertainties or risks and how you propose to minimize them.

r. Documentation verifying the project will not result in an adverse impact to federal or state cultural/historical resources.

s. Documentation verifying the project will not result in an adverse impact to federal or state threatened/endangered resources. Documentation options include:

i. An 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.

ii. 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/, keyword “NHI public portal”.

iii. If the ER Preliminary Assessment from the NHI Public Portal shows that "further actions are required" then submit a Department **or** “Certified” ER Review letter. This request form for an ER Review letter and a list of Certified Reviewers is located at https://dnr.wisconsin.gov/, keywords “ER review request”.

t. For projects that require structures across a waterway, a completed HRGP structures checklist, if required by the department.

9. A complete application must include project plans that include the final project design and construction plans, including a project diagram that shows all the following:

a. Project activities clearly identified in reference to wetland boundaries and describe how the wetland boundaries were determined. Project plans must clearly differentiate between proposed permanent and temporary wetland impacts.

b. Project activities clearly identified in reference to waterways and describe how waterways were identified. Project plans must clearly differentiate between proposed permanent and temporary waterway impacts.

c. The methods, materials, and equipment that will be used to carry out the project.

d. The location and type of temporary and permanent silt fences or any other sediment/erosion control devices.

e. Plan, profile and cross-sectional views with dimensions, along with the number and location of each proposed structure or activity.

f. The construction schedule and sequence of work.

g. For permanent fill in a waterway or wetland, a description of type, composition, and quality of materials.

h. The location of any disposal area for dredged or excavated materials, if applicable.

i. 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.

j. Describe any long-term operation and maintenance plan to ensure practice(s) functions properly over the life of the structure.

k. Current photographs that represent existing site conditions where the project will occur. Photos must show a clear and unobstructed view of the waterway/wetland within the project area.

SECTION 5. CERTIFICATION & RESPONSIBILITIES

You certify and agree that upon submittal of a complete application package to the Department, the approved hydrologic restoration project will be conducted in compliance with all the terms and conditions of WDNR-GP22-2024.

SECTION 6. 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-GP22-2024 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-GP22-2024.
5. Expiration. The time limit for completing an activity authorized by the provisions of WDNR-GP22-2024 ends 5 years after the date on which the activity is authorized under WDNR-GP22-2024 or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP22-2024 expired before the activity is completed. The Department’s use of general permit WDNR-GP22-2024 established under s. 30.2065 (1g) Wis. Stats., expires on January 22, 2030.
6. Other Permit Requirements. You are responsible for obtaining any other state permits and any other permits or approvals that may be required for your project by local zoning ordinances, the US Army Corps of Engineers, and any other state or federal agencies before starting your project. To locate the US Army Corps of Engineers staff responsible for reviewing projects in Wisconsin, please visit: http://www.mvp.usace.army.mil/Missions/Regulatory.aspx.
7. 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 2. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
8. Authorization Distribution. You must supply a copy of the permit coverage authorization to every contractor working on the project.
9. 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.
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 always keep a copy of the permit coverage letter and the approved plan available at the project site 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 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.

13. Construction. No other area of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
14. 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 work authorized by this permit. This statement must reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
15. Proper Maintenance. As applicable, you must maintain the activity authorized by WDNR-GP22-2024 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 in accordance with the submitted maintenance/inspection plan.
16. Site Access. Upon reasonable notice, you shall allow access to the site to any Department employee who is inspecting the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP22-2024 and applicable laws.
17. 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.
18. Equipment Use. The equipment used in waterways and wetlands must be low ground weight equipment as specified by the manufacturer specifications.
19. Wetland Protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design.
20. 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 ch. NR 40, Wis. Adm. Code. These protocols and practices along with a factsheet for equipment operators can be found at the following website: https://dnr.wisconsin.gov/, keyword “invasive species BMPs”.
21. Federal and State Threatened and Endangered Species. WDNR-GP22-2024 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.
22. Special Concern Species. If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts and may consider, at the applicant’s discretion, adding enhancement activities for the species of concern.

23. Historic Properties and Cultural Resources. WDNR-GP22-2024 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.

24. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. **If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, to minimize any contamination resulting from this spill, and to immediately notify the State Duty Officer at 1-800-943-0003.**

25. 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.

26. Standard for Coverage. Wetland impacts from the project will cause only minimal adverse environmental impacts and have a net environmental benefit as determined by the Department.

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

28. Register of Deeds Requirement. For projects with structures subject to dam safety regulations, the Applicant shall file a document in a format provided by the Department with the County Register of Deeds, indicating that a dam is located on the property.

29. Dam Transfers. No transfer of ownership of the dam may take place without proper authority under s. 31.21, Wis. Stats.

30. 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-GP22-2024.

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

SECTION 7. FINDINGS OF FACT

1. The Department has determined that activities authorized under this general permit will result in net improvements to hydrologic conditions, connections, and functions pursuant to s. 30.2065 (1g), Wis. Stats.

2. Healthy hydrology, hydraulics, and geomorphology are the foundations of aquatic resource health, and activities authorized under this general permit with the purpose of restoring hydrologic conditions, connections, and functions promote the public interest in water resources.

3. The Department has determined that activities authorized under this general permit, with conditions, will not individually or cumulatively 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.

4. The Department has determined that the conditions of this general permit are necessary to ensure

that authorized activities individually and cumulatively 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.

5. The Department has determined that wetland activities authorized under this general permit cannot be avoided and have been minimized to the greatest extent practicable, taking into consideration the overall purpose and scope of 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 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-GP22-2024, ch. 30, ch. 31 and s. 281.36, Wis. Stats., and chs. NR 102,103,150, 299, and 300, Wis. Adm. Code.

SECTION 8. CONCLUSIONS OF LAW

1. The Department has authority under s. 30.2065 (1g) Wis. Stats., to issue this general permit, and the general permit, with conditions, meets the standards for issuance.
2. This general permit is issued in lieu of any required permits or approvals for the authorized activities under Ch. 30, or s. 31. 02, 31.12, 31.33 281.15, or 281.36, Wis. Stats.
3. The Department has determined that issuance of this general permit is a prior compliance action under s. NR 150.20(3)(b), Wis. Adm. Code, based on the Environmental Analysis and Environmental Impact Statements prepared previously for statewide general permits, and an integrated analysis action under s. NR 150.20(2)(a)11. The Department has determined that on that basis that issuance of this general permit complies with s. 1.11, Wis. Stats.

SECTION 9. DEFINITION OF TERMS

For the purposes of this general permit, you accept the following definitions:

1. “Affect wetlands" includes direct impacts and secondary impacts to wetlands.
2. "Area of special natural resource interest" means only the areas listed in s. 30.01 (1am), Wis. Stats., and identified by the Department in s. NR 1.05, Wis. Adm. Code.

   Note: "Area of special natural resource interest" means any of the following:

   a. A State Natural Area designated or dedicated under ss. 23.27 to 23.29, Wis. Stats., 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 s. NR 1.02(7), Wis. Adm. Code, 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 s. 281.15, Wis. Stats., 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, Wis. Stats., 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 website.

i. An area that possesses significant scientific value as identified by the Department in s.NR 1.05, Wis. Adm. Code.

3. “Boreal rich fens” are a rare open peatland community of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.

4. “Calcareous fens” occur mostly in southern Wisconsin, on sites that are fed by carbonate-enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.

5. “Channel” means a natural or artificial watercourse 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 this permit and any other information which can reasonably be required from an applicant that the Department needs to make a decision.

8. "De minimis" 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 s. NR 109.06(2), Wis. Adm. Code.

9. “Direct impacts to wetlands” are temporary or permanent placement of dredged or fill material into the wetland.

10. “Dam” means any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse.

11. “Department” means the Department of Natural Resources or WDNR.

12. “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.

13. “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 site, rehandling, or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purpose of ch. 30, Wis. Stats., dredging does not include "de minimis" activities.

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

15. “Fill material” has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the bottom elevation of any wetland. Examples of such fill material include, but are not limited to: rock,

sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.

16. "Floodplain" has the meaning in ch. NR 116, Wis. Adm. Code, 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. "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 mosaic can be extremely complex and includes marsh, sedge meadow, shrub swamp, hardwood swamp, and several conifer swamp communities.

18. "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.

19. "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 s. 30.01(4m), Wis. Stats., 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, 70Wis. 2d 936 (1975); Village of Menomonee Falls v. DNR, 140 Wis. 2d 579 (Ct. App. 1987).

20. "Net improvement in hydrologic connections, conditions, and function" means, to the extent possible, returning wetland, stream, and floodplain hydrology to a natural and self-regulating condition to achieve such goals as to slow the flow of runoff, reduce flood peaks, restore surface and groundwater interactions, improve water quality, or increase soil retention, groundwater infiltration, base flow, upper watershed storage, and flood resilience.

21. "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. For a factsheet on this definition visit https://dnr.wisconsin.gov/, keyword "waterway jurisdiction determinations".

22. Public Interest in Navigable waters includes water quality, quantity, fish and wildlife habitat, natural scenic beauty, navigation, swimming, fishing, hunting, and other forms of recreation.

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

24. "Secondary impacts" mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reduction in flood capacity, etc.).

25. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a residential development affects several different wetland areas, the cumulative total of all impacted areas is the basis for deciding the project's total wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases, were constructed.

26. "Southern sphagnum bogs" are bogs that are located in the area located south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago. They are typically composed of a carpet of living sphagnum moss

growing over a layer of acidic peat. Sedges, forbs and/or the low shrubs of the heath family (Ericaceae) colonize the sphagnum moss mat.

27. “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.

28. “Watercourse” means a running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, usually flowing in a particular direction, though it need not flow continuously. It may sometimes be dry. It must flow in a definite channel, having a bed or banks, and usually discharges itself into some other stream or body of water. It must be something more than a mere surface drainage over the entire face of the tract of land, occasioned by unusual freshets or other extraordinary causes.

29. “Wetland” has the meaning in s. 23.32, Wis. Stats., and NR 103.02(5), Wis. Adm. Code, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.