

ENVIRONMENTAL ASSESSMENT

Wisconsin Statewide Wetland General Permit for Recreational Development.

Prepared by Wisconsin Department of Natural Resources, Bureau of Watershed Management
April 2013

NOTE TO REVIEWERS: This document is a Department of Natural Resources Environmental Analysis that evaluates probable environmental effects and decides on the need for an Environmental Impact Statement. The attached analysis includes a description of the action and the affected environment. The DNR has reviewed the attachments and accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wisconsin Administrative Code.

Your comments should address completeness, accuracy or the EIS decision.
For your comments to be considered, they must be received by the contact person before 4: 30 p.m., June 7, 2013.

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Bureau of Watershed Management
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DESCRIPTION

New Statewide Wetland General Permit Process

General Permit Issuance:

Wetland legislation, 2011 Wisconsin Act 118, was enacted on February 29, 2012. This legislation replaces the states Water Quality Certification program with an independent Wetland Permit state law that directly regulates all Wisconsin wetlands. The Department was given authority, as laid out in s.281.36 Wisconsin State Statutes, to issue statewide wetland general permits for category and acreage limit specific wetland discharges. "Permit Types" to be issued by the Department were selected because they represent the activities that have been historically authorized as state Water Quality Certification confirmation letters without controversy and with minor if any adverse environmental impacts. Statewide wetland general permits are valid for a period of 5 years. The Department has the authority to reevaluate the permits effectiveness and will give public notice of its intention to issue, renew, modify or revoke a statewide wetland general permit as well as provide a period for generating public comments.

General Permit Coverage:

Individuals may apply for coverage under a statewide general permit to perform work in accordance with the terms and conditions of the general permit. Coverage under a general permit will be valid for a period of 5 years from the date of issuance. The Department continues to have authority to establish requirements, conditions and exceptions for statewide general permits to ensure that the authorized discharges will cause only minimal adverse environmental effects. The Departments will make a determination to either issue coverage to the applicant or require an individual review process. The Department determination will depend on whether or not the discharge complies with the eligibility requirements and standard conditions outlined in the general permit.

The application review process, as outlined in s.281.36 Wisconsin State Statutes, requires the Department to determine whether a practicable alternative exists. This is achieved by requiring applicants to explore various project alternatives that would avoid and minimize wetland impacts. The Department review process will rely upon a vigorous application of this process to assure that avoidance and a full search for practicable alternatives is completed so as to have only minimal impacts on wetland functions and values. These wetland permitting procedures will apply to permit applications received after July 1, 2012. Existing Water Quality Certification permits and confirmations will remain effective until reissued or revoked.

Wetland General Permit for Commercial, Residential and Industrial Activities

Authorized Activities:

WDNR-GP4-2013 authorizes discharges less than or equal to 10,000 square feet in size, of dredged or fill material into wetlands if the discharge is part of a development for recreational purposes. Recreational development includes construction, reconstruction or maintenance of recreational trails and includes reconstruction or maintenance of an existing recreational structure. Projects must meet all eligibility standards, terms and conditions of the general permit to be eligible for coverage.

Excluded Activities:

This general permit for recreational development does not include construction of new recreational structures other than recreational trails. Projects that do not meet all the terms and conditions of WDNR-GP4-2013 are not eligible and excluded from coverage. These projects may be reviewed under the individual permit review process which allows the Department a more in-depth review to assure that no significant adverse impacts to wetland functional values will occur. The Department can revoke coverage of any permits found not to be in compliance with the terms and conditions of this permit or if at anytime the Department determines the project will be detrimental to Wetland Water Quality Standards. Furthermore, the Department has the authority to reevaluate the effectiveness of WDNR-GP4-2013 and may modify or revoke a statewide wetland general permit if determined necessary. The Department has the authority to require an individual permit in lieu of a general permit if it determines that conditions specific to the site require additional restrictions to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur. Proposed tribal activities located on Federal Indian Trust lands are excluded from requiring WDNR-GP4-2013 authorization.

Furthermore, WDNR-GP4-2013 does not authorize any activity that would take place in, or result in adverse impacts to the following wetland types identified as being rare or sensitive:

- Great Lakes ridge and swale complexes
- Interdunal wetlands
- Coastal plain marshes
- Emergent marshes containing wild rice,
- 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,
- Boreal rich fens or
- Calcareous fens.

PURPOSE AND NEED

The purpose of issuing a statewide wetland general permit is to establish a stable, relatively simple wetland permit program that is specifically designed to effectively and efficiently regulate the public and private needs for minor discharges of dredged or fill material into wetlands. Legislative intent was to establish clear criteria, conditions and timelines to ensure more predictable permit review process and decisions as well as provide consistency with federal and Chapter 30 permit processes and requirements.

ALTERNATIVES

No person may proceed with a project to discharge dredged material or fill into a wetland as part of a development for recreational purposes unless the discharge is authorized for coverage under wetland general permit WDNR-GP4-2013 or an individual permit is issued by the Department. Though legislation requires the Department to issue and provide coverage under WDNR-GP4-2013, the Department retains authority, under ss. 281.36 (3g) (i), to require a wetland individual permit in lieu of a wetland general permit.

Coverage under WDNR-GP4-2013 may be granted for projects meeting all applicable purpose, design, construction and location terms and conditions. The Department has 30 days to review the application, notify applicant of any further required information or missing application items, and make a determination regarding the applicants' eligibility for coverage. When Department review of the proposed project indicates that terms and conditions of the general permit are not sufficient to ensure only minimal adverse environmental effects to wetlands of low functioning value, the Department may require an individual permit to allow a more detailed review.

Projects requiring individual permits do not fit the pre-approved designs and terms and conditions necessary to be eligible for coverage under a general permit. Individual permit procedures require a pre-application meeting to discuss the purpose and scope of the proposed project. A more detailed permit application and Department review is required including a more comprehensive practicable alternatives analysis and a compensatory wetland mitigation plan. Through the individual permit process Department staff may advise applicants on project modifications to reduce wetland impacts and ensure that the project will not result in any significant adverse environmental consequences. Additionally, individual permits require a public notice, public comment period and an opportunity for an informational hearing. Individual permit decisions are subject to appeal for review by an administrative law judge within 30-days of the decision.

Although the Department has the authority to require an individual permit in lieu of a general permit, the alternative of strictly permitting all discharge activities as individual permits is deemed unnecessary. The Department has the authority to establish requirements, conditions and exceptions for statewide wetland general permits and WDNR-GP4-2013 has been designed to produce and achieve the same regulatory results as an individual permit review for projects with minor impacts. Furthermore, individual permit reviews for all projects is beyond the ability of the Department with its presently available or reasonably foreseeable regulatory resources. Individual permit review will be required of proposed projects not meeting the terms and conditions of WDNR-GP4-2013 or on a case-by-case determination of

specific site conditions that necessitate additional restrictions in order to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur.

AUTHORITIES AND APPROVALS

Wetland general permit authorizations are provisional and require that the applicant obtain any other federal, state, local or tribal permits or approvals that may be required for the project or activity involving a discharge into a wetland, and before any work is authorized. For example, the U.S. Army Corps of Engineers may require permits for dams, dikes and other structures in federal navigable waters and for the discharge of dredged or fill material into waters and wetlands as required in section 404 of the Clean Water Act. This federal permit is in addition to a state wetland permit. The type of permit needed and the length of the ACOE review of a proposal will depend on the extent of wetland alteration proposed. More information about federal requirements can be found at:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits>.

Furthermore, while the state wetland permit program governs the determination of whether a discharge is in compliance with state Water Quality Standards, it does not affect the authority of the Department to otherwise regulate the discharge of dredged or fill material into a wetland. For example, several types of activities related to collecting, storing, transporting, treating and disposing of solid waste or the discharge of industrial or municipal waste waters require permits or licenses from the Department. The Department of Natural Resources also requires permits for the placement of structures, dredging and similar activities in or adjacent to navigable waters as regulated under Chapter 30 of Wisconsin Statutes. Additionally, local governments use floodplain and shore-land zoning to control development along lake shores and streams. Local zoning officials administer permit programs for buildings, land disturbance and other activities in shore-land and floodplain areas.

ENVIRONMENTAL IMPACTS

This analysis briefly describes potential effects that would be attributable to activities authorized by WDNR-GP4-2013 for discharges of dredged or fill material, less than or equal to 10,000 square feet, into wetlands as part of a development for recreational purposes. This analysis further addresses any expected difference in environmental effects and impacts between the issuance of a statewide general wetland permit versus the alternative of issuing an individual permit.

Affected Environment:

Wisconsin has a large variety of wetlands with vegetation differing from northern to southern portions of the state due to differences in climate and soils. Wisconsin's history of glaciations favored the formation of wetlands and wetland complexes throughout most of the state. While the hilly "driftless area" of western Wisconsin was not included in the last glacial advance, the region is rich in floodplain and riparian wetlands. In *Wetland Plants and Plant Communities of Minnesota and Wisconsin*, by Eggers and Reed, Wisconsin wetlands are classified into 15 different communities defined by a unique combination of plants, soil types and water levels. In many areas of Wisconsin, several kinds of wetlands occur together to form a mosaic or wetland complex.

Wetlands, whether part of a complex or isolated, are valuable in the economic and aesthetic benefits they provide. Wisconsin wetlands serve many important functions. They provide habitat for a diversity of wildlife, help alleviate flooding, reduce soil erosion, cleanse dirty and polluted waters and contribute to regular water flow in streams and rivers throughout the year. They also provide opportunities for recreation, research and education. These societal benefits and ecological functions are discussed in further detail in *Wetland Functional Values*, a Wisconsin Department of Natural Resources publication available online at www.dnr.wi.gov/topic/wetlands. Wetland connections to lakes, streams, groundwater, each other and terrestrial habitat are not always immediately obvious yet impacts to one wetland may influence the functioning of other wetlands as well as other natural systems due to hydrological and biological connections. Only relatively recently have we begun to understand the many ecological functions associated with wetlands and their significance to society.

General Impacts Due to Wetland Fill Activities:

Wetland fill activities cause wetland degradation and wetland loss. When wetlands are destroyed or degraded, the flood control, water filtering and recreational services they provide are diminished or removed altogether. Surrounding lakes, rivers and streams may suffer as well as groundwater that maintains stream flows and provides drinking water supplies to many of Wisconsin citizens. Water clarity may decrease and plant and animal species may dwindle or disappear entirely. Beneficial wetland services decrease as total wetland cover decreases (Reversing the Loss, 2008).

Impacts Due to Permit Process:

Development of wetlands by allowing discharge and fill impacts has resulted in an irreversible loss of wetland acreage since it is unlikely that they would ever be converted back. Over the last five years, the Department authorized approximately 39 wetland fill projects, amounting to approximately 1.5 acres of unavoidable fill that were clearly designated as activities for recreational trail development. These conversions have caused an irretrievable loss of the natural values by authorizing unavoidable adverse impact to wetland functions as mentioned above.

The Department is not expecting the issuance of WDNR-GP4-2013 to result in a net increase of fill activity authorizations beyond what has historically been authorized under the Water Quality Certification permitting program previously in place.

Both WDNR-GP4-2013 and wetland individual permits provide terms and conditions that address direct, secondary and cumulative impacts to wetland functions and values. Permit requirements to decrease wetland impacts include maintaining wetland hydrology in remaining wetland complex, construction measures to minimize erosion and siltation into surface waters and wetlands, use of suitable fill material, avoidance of the spread of invasive species and prevention of potential pollutants from entering a wetland or water body. Both permitting processes prevent adverse impacts to historical and cultural resources, state and federal designated threatened or endangered species, fishery spawning habitat, fish passage, bird breeding areas and movement of migratory species. Neither the general permit nor individual permit authorizations are to be contrary to wetland water quality standards or result in adverse impacts to adjacent landowners. Both general and individual permitted projects are required to be maintained in good condition to ensure no additional impacts to remaining wetlands.

Evaluating the overall extent of secondary and cumulative impacts of wetland fills and their associated effects can be difficult since wetland impacts that may seem minor when considered individually, may become major if considered collectively over time and space. Wetland Individual permit review requires a more intensive analysis of practicable alternatives that will avoid and minimize the adverse impacts of the discharge on wetland functional values and will provide that the project will not result in any other significant adverse environmental consequences. The Department considers direct impacts, cumulative impacts and potential secondary impacts of the proposed projects in determining that the project represents the least environmentally damaging practicable alternative and that the project will not result in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences. WDNR-GP4-2013 does not require a full analysis of practicable alternatives, but includes standards and conditions to ensure that these minor acreage impact projects will only impact wetlands having low functional values. Discharges are not to occur in seven wetland resources determined to be sensitive or rare. The proposed project applicant is required to justify why wetland impacts cannot be avoided and how impacts will be minimized to the greatest extent practicable so that the proposed project will have minimal adverse environmental effects. In either case, proposed wetland losses will be closely evaluated and alternatives vigorously pursued.

Regional variations in wetland type and distribution, variations in land use throughout the state, economic trends and potential impacts of future climate changes provide uncertainties in predicting the environmental effects of future wetland fills authorized under either WDNR-GP4-2013 or an individual wetland permit. Both general and individual wetland permits may be revoked if the Department determines that the applicant fails to comply with the terms and conditions of the permit or if the information provided by the applicant proves to be false, incomplete or inaccurate. Either permit may also be revoked if significantly new information surfaces regarding the project that will cause significant environmental impacts. The commitment of these nonrenewable resources is based on the premise that the benefits of development would outweigh the commitment of these resources. The establishment of this wetland general permit as a streamlined permit process for activities of minimal impact will have the advantage of allocating more Department resources to the review of individual permits of greater complexity and greater potential for significant adverse wetland impact.

Risk - Reliance on Applicants Data:

Department staffs review all general permit applications to ensure the project will meet all of the terms and conditions and determine whether the project is eligible for coverage. Determination is made by Department that authorization will assure minimal adverse impact in reliance on the information provided by the applicant and any other information required by the Department. The Department has inspection authority in which site access is allowed to investigate the project construction, operation, maintenance or permit compliance. The Department may deny coverage or reevaluate its decision on any authorization under this GP at any time circumstances warrant. Circumstances include, but are not limited to, failure to comply with terms and conditions of GP, information provided by the applicant proves to have been false, incomplete, or inaccurate, or significant new information surfaces which was not considered in reaching the original determination. Any act of noncompliance constitutes a permit violation and is grounds for enforcement action.

Risk - Presumptive Approval:

Under WDNR-GP4-2013, if the Department fails to make a determination regarding coverage under the general permit within 30 days, the project is considered to be authorized and the applicant may proceed. According to recent wetland permitting data, the average general permit decision issued by the Department has been within this 30 day timeframe. However, given fluctuations in Department resources, the Department is not able to ensure that the risk of presumptive approval is or is not relevant. Potential risk is reduced because any presumptively approved project must still adhere to the terms and conditions of the general permit with any act of noncompliance constituting a permit violation that is grounds for enforcement action.

DEGREE OF CONTROVERSY

The authority and requirement of the Department to issue statewide wetland general permits was legislatively established. The process involves public notice of the Departments intent to issue, modify or revoke a statewide general permit and allows for public input to address potential concerns. The issuance is not expected to be controversial. The authorization of coverage for WDNR-GP4-2013 permit activities provides no public comment opportunity, nor does it require notification to adjacent landowners of any proposed fill activity. However, this is no change from prior general Water Quality Certification procedures and is not expected to be controversial.

DEGREE OF PRECEDENCE

This is the fourth statewide wetland general permit to be issued under the "Wetland Permit" process established by legislation in 2012. Prior to this law change the Department issued Water Quality Certifications and confirmation letters for both federal and nonfederal wetlands. The statewide wetland general permit program continues the Departments practice of providing consistent application of conditions and standards for projects in low functional wetlands.

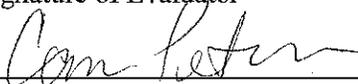
Project Name: Wetland General Permit WDNR-GP4-2013 for Recreational Development Activities

County: Statewide

PRELIMINARY DECISION

In accordance with s. 1.11, Wis. Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

The Department has made a preliminary determination that the Environmental Impact Statement process will not be required for this action/project. This recommendation does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Evaluator 	Date Signed 4/19/13
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FINAL DECISION

The public review process has been completed. The Department received and fully considered responses to the news release or other notice.

Pursuant to s. NR 150.22(2)a., Wis. Adm. Code, the attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action, and therefore the environmental impact statement process is not required prior to final action by the Department.

The Department has determined that it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code. This decision does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Environmental Analysis Program Staff	Date Signed
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NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

ADDENDUM: PRIOR PERMITTING PROCESS

Water Quality Certification:

Discharges of material into wetlands have required a Water Quality Certification approval from the Department of Natural Resources. The Department was given authority, under Ch 281, Wisconsin Administrative Code, to regulate discharges into non-federal wetlands by requiring an applicant to obtain a water quality certificate from the Department that the discharge will not violate state water quality standards. The Department regulated federal wetlands under the authority in Ch 281, Wisconsin Statute, by requiring an applicant to obtain a certification from the state before, in addition to, obtaining a federal permit

Under these authorities, the Department has issued Water Quality Certification confirmation letters for types of discharges determined to be similar in nature or if the discharges would cause only minimal adverse environmental effects if performed separately and the cumulative adverse effect on the environment by the discharges would be minimal. The Department reviewed these projects to ensure they comply with the permit standards and conditions as well as the requirements of NR 299 and NR 103, Wisconsin Administrative Codes.

NR 299, Wisconsin Administrative Code, outlines procedures for the processing of, and administrative review of, Water Quality Certification. These procedures have required the applicant to submit an application for certification which the Department denied, granted, conditionally granted or waived. The Department's determination depended on whether or not the discharge complied with Water Quality Standards under Wisconsin Statutes NR 103 and NR 281 as well as public interest standards under Ch 30, 31 and 281, Wisconsin State Statutes.

The Department developed NR 103, Water Quality Standards for Wetlands, to be applicable to "all Department... determinations affecting wetlands", including permits for Water Quality Certification. The rule was modeled after federal guidelines and contains standards to protect the "functional values" of wetlands by requiring a sequential decision making process. This process required the Department to determine whether a project was "wetland dependent" and whether "practicable alternatives" existed by requiring applicants to explore various project alternatives that would "avoid and minimize" wetland impacts. The Department review process relied upon a vigorous application of this sequencing process to assure that avoidance and a full search for practicable alternatives was completed so as to not have "significant adverse impacts" on wetland functions and values.

ADDENDUM: GENERAL WETLAND PERMITTING PROCESS SEQUENCE

- Anyone wishing to proceed with a discharge that may be authorized under a statewide wetland general permit is required to submit an application for coverage at least 30 days before beginning the discharge activity.
- The applicant needs to provide sufficient information describing the proposed discharge activity in order for the Department to make a determination whether the discharge can be authorized by the wetland general permit.
- The applicant will allow the Department consent to enter and inspect the site if needed.
- The application needs to identify all activities that will affect wetlands since the cumulative total of all filled areas of the “single and complete project” proposed will be the basis for deciding the projects total wetland impact.
- The applicant will include a detailed explanation of why the impact to the wetland cannot be avoided and how the impact to the wetland will be minimized to the greatest extent practicable.
- The application needs to be accompanied by the appropriate activity fee as well as any additional wetland restoration surcharge fees required in lieu of mitigation.
- The application will be reviewed by the Department to ensure that the proposed project complies with all general permit requirements.
- Applications providing all required project information and found to comply with all general permit requirements will be issued a “Letter of Coverage” authorizing the discharge activity.
- If sufficient information is not received with the proposed project application, the Department will request additional information deemed necessary for the department to verify compliance with the terms and conditions of the general permit by issuing a “Notice of Incomplete Application.”
- If the Department fails to make a determination regarding coverage under the general permit within 30 days, the project is considered to be authorized and the applicant may proceed as long as the project is carried out in compliance with all conditions of the general permit.
- If adverse weather conditions prevent the Department from conducting an accurate on-site inspection, the Department will notify the applicant of this delay in complying with the 30-day deadline and will complete the inspection as soon as weather conditions permit.
- The Department may determine that the proposed project is not eligible for coverage under the general permit and require that the project be reviewed through the individual permit process as outlined in CH 281.36(3m), Wisconsin Statutes.
- Authorization of coverage under a wetland general permit is valid for 5 years after the date of issuance or until the discharge is completed, whichever occurs first.

DOCUMENTS USED IN ANALYSIS:

Eggers, S.D, and Reed, D.M. 1997. Wetland Plants and Communities of Minnesota and Wisconsin. U.S. Army Corps of Engineers, St. Paul District. www.npwrc.usgs.gov/resource/plants/mnplant/index.htm (Version 03SEP1998).

Kent, P.G and Dudiak, T.A. 2001. Wisconsin Water Law: A guide to Water Rights and Regulations. Second Edition. University of Wisconsin Extension. www.learningstore.uwex.edu/assets/pdfs/g3622.pdf.

Thompson, A.L. and Luthin, C.S. 2004. Wetland Restoration Handbook for Wisconsin Landowners. Second Edition. Bureau of Integrated Science Services, Wisconsin Department of Natural Resources. Publication #SS-989 2004).

Trochlell, P. and Bernthal, T. May 1998. Small Wetlands and the Cumulative Impacts of Small Wetland Losses. www.dnr.wi.gov/wetlands/documents/SmallWetlandLosses.

U.S. Army Corps of Engineers Website. 2012. Wetland Regulatory Program. www.usace.army.mil/inet/functions/cw/cecwo/reg.

U.S. Environmental Protection Agency Website. 2012. Section 404 of the Clean Water Act. www.epa.gov/owow/wetlands/laws.

U.S. Environmental Protection Agency Website. 2012. Wetlands and People. www.water.epa.gov/type/wetlands/people.cfm.

U.S. Environmental Protection Agency Wetland Website. 2012. www.epa.gov/owow/wetlands/regs.

U.S. Environmental Protection Agency. April 2012. The Economic Benefits of Protecting Healthy Watersheds. Fact sheet EPA 841-N-12-004. www.epa.gov/healthywatersheds.

Wisconsin Department of Natural Resources Website. 2012. Wetland Functional Values. PUBL-WZ-026 93. www.dnr.wi.gov/waterways/shoreline_habitat/wetland_IP/wz026.pdf.

Wisconsin Department of Natural Resources Website. 2012. Wetlands Benefit People and Nature. www.dnr.wi.gov/topic/wetlands.

Wisconsin Wetland Team. June 2008. Reversing the Loss: A Strategy to Protect, Restore and Explore Wisconsin Wetlands. Wisconsin Department of Natural Resources. www.dnr.wi.gov/topic/wetlands/documents/ReversingLoss08_gs.

AMENDMENT TO ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Department of Natural Resources (DNR)

Revised 7-2006

Title of Original Environmental Assessment: Wisconsin Statewide General Permit for Recreational Development
Region or Bureau Watershed Management
Type List Designation General permit issuance

Contact Person: Cami Peterson
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Title of Proposed Amendment: Amendment to Environmental Assessment for Wisconsin Statewide Wetland General Permit for Recreational Development

Location: Wisconsin

AMENDMENT SUMMARY

Describe the nature of proposed amendments to the original assessment and the reasons for the change.

The original scope of the draft statewide general permit for wetland impacts as a result of recreational development limited eligibility for the general permit to reconstruction and maintenance of all existing structures, as well as new construction for recreational trails only. The scope of the draft statewide general permit was broadened to include all types of new recreational development, not just new recreational trails, if all other permit eligibility criteria and conditions are met.

DNR EVALUATION

Discuss the adverse and beneficial impacts not addressed in the original EA that would result from the amended action, and any additional alternatives considered.

Broadening the types of new recreational development projects that can potentially be eligible for coverage under this proposed general permit may increase the number of recreational projects that would receive coverage under this statewide general instead of receiving a wetland individual permit. The department doesn't have specific past permit data for the number of activities that meet the definition of recreational development other than for recreational trails. However, activities in wetlands need a permit, whether it is a general or individual permit. Further, all other eligibility criteria still apply in order to meet the statewide general permit standard of minimal environmental effect. These criteria include: the 10,000 square foot limit, the proposed project cannot avoid wetland impacts to the greatest extent practicable, the proposed project minimizes wetland impacts to the greatest extent practicable, no impacts to threatened or endangered species and no significant impacts to fish spawning habitat/bird breeding areas/movement of aquatic species.

Significant impacts are not anticipated as a result of this change to the GP.

Amended Project Name: Amendment to Environmental Assessment for Wisconsin Statewide Wetland General Permit for Recreational Development

County: Statewide

PRELIMINARY DECISION

In accordance with s. 1.11, Wis. Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

The Department has made a preliminary determination that the Environmental Impact Statement process will not be required for this action/project. This recommendation does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Evaluator <i>Cam Ratus</i>	Date Signed <i>6/20/13</i>
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FINAL DECISION

The public review process has been completed. The Department received and fully considered responses to the news release or other notice.

Pursuant to s. NR 150.22(2)a., Wis. Adm. Code, the attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action, and therefore the environmental impact statement process is not required prior to final action by the Department.

The Department has determined that it has complied with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code. This decision does not represent approval from other DNR sections which may also require a review of the action/project.

Signature of Environmental Analysis Program Staff	Date Signed
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To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.