

**STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES**



**GENERAL PERMIT FOR UTILITIES TO PLACE FILL IN WETLANDS, PLACE TEMPORARY BRIDGES ACROSS WATERWAYS, PLACE STRUCTURES ON THE BED, REMOVE MATERIAL FROM THE BED, OR DRIVE ON THE BED**

PERMITTEE: Utilities

PERMIT NO.: WDNR-GP3-2018

ISSUING OFFICE: Office of Energy, Environmental Analysis and Sustainability Program, Wisconsin Department of Natural Resources (Department or WDNR)

ISSUANCE DATE: 7/2/2018

EXPIRATION DATE: 7/1/2023

**GENERAL PERMIT AUTHORIZATIONS:** In compliance with the provision(s) of s. 281.36 (3b)(b), Wis. Stats., no person may discharge/place dredged or fill into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department of Natural Resources (Department) or the discharge is exempt by statute. In compliance with the provision(s) of ss. 30.025, 30.12, 30.123, 30.20, 30.206, 30.29, and 182.017, Wis. Stats., utilities are authorized to construct, reconstruct, repair, or maintain utility facilities provided they comply with the terms and conditions of WDNR-GP3-2018. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, definitions and conditions required by WDNR-GP3-2018.

**OTHER AUTHORIZATIONS NECESSARY:** WDNR-GP3-2018 authorizations are subject to all applicable terms and conditions specified in this permit. Moreover, **WDNR-GP3-2018 authorizations are provisional and require that project proponents obtain all necessary local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers permits may be required for discharges to waters of the United States, including most wetlands.

**PROJECT DESCRIPTION AND LOCATION:** WDNR-GP3-2018 applies to the removal of materials from or discharge of materials to waters of the State when such removal or discharge is necessary for the construction, reconstruction, repair, or maintenance of utility facilities. WDNR-GP3-2018 applies to certain discharges of dredged or fill into wetlands if the discharge is for routine utility installation, construction, reconstruction, repair, or maintenance projects and activities.

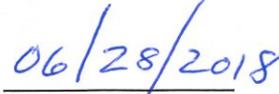
**GENERAL PERMIT COVERAGE:** A utility in the state of Wisconsin is authorized to perform work, subject to the terms and conditions specified below, if it meets the eligibility standards for the Non-Reporting general permit. For all other projects, unless notified by the Department to the contrary, the effective date of coverage under this general permit is thirty (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-GP3-2018 permit coverage is valid for 5 years after the

date on which the discharge is considered to be authorized or until the discharge has been completed, whichever occurs first. Therefore, permit coverage terminates unless another application is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources  
For the Secretary



David Siebert – Director  
Environmental Analysis and Sustainability Program



Date Permit Signed

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### **WDNR-GP3-2018 TERMS AND CONDITIONS**

The following sections describe the general permit authorization procedures implemented by the Department in WDNR-GP3-2018. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP3-2018.

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

## **SECTION 1 – ACTIVITIES AUTHORIZED BY THIS PERMIT**

### **A. Non-Reporting Coverage**

If **all** of the project's regulated activities qualify under one or more of the Non-Reporting standards below, **and** if all of the applicable standards in Sections 2 and 3 are met, the project<sup>1</sup> may be covered under the Non-Reporting coverage category of this general permit:

- 1.) Less than 400 square feet of total wetland fill (permanent and temporary). The placement of construction matting<sup>1</sup> that meets standard #3 in Section 1A, or standard #15 in Section 1B, is not included when calculating this threshold.
- 2.) Maintenance<sup>1</sup> of a previously authorized<sup>1</sup> utility facility<sup>1</sup> within an existing utility right-of-way (ROW) that will not result in more than 0.5 acres of temporary wetland fill<sup>1</sup>. The placement of construction matting<sup>1</sup> that meets standard #3 in Section 1A, or standard #15 in Section 1B, is not included when calculating this threshold.
- 3.) Temporary placement of construction matting<sup>1</sup> in wetland to minimize soil disturbance, placed anytime between November 16<sup>th</sup> and May 14<sup>th</sup>, or for no longer than 60 consecutive days between May 15<sup>th</sup> and November 15<sup>th</sup>.
- 4.) The installation of scientific measuring devices<sup>1</sup>, or the restoration of wetlands disturbed by scientific surveying or geotechnical exploration.
- 5.) Up to 10,000 square feet of temporary disturbance per wetland complex associated with the clean-up of an inadvertent release of drilling fluid from a directional bore related to a utility project.
- 6.) The temporary placement of structures in a waterway for up to five (5) consecutive days for the purposes of cleaning up of an inadvertent release of drilling fluid from a directional bore with the required notification as detailed in standard #4 in Section 3A.
- 7.) The maintenance<sup>1</sup> or removal of a previously authorized<sup>1</sup> utility structure<sup>1</sup> below the ordinary high water mark (OHWM), but does not include the placement of new utility structures<sup>1</sup>, or driving on the bed of the waterway. This allows up to 2 cubic yards of fill and up to 2 cubic yards of removal of bed material necessary to maintain an existing utility structure<sup>1</sup> below the OHWM.

<sup>1</sup> Refer to the definition in Section 8

## **B. Reporting Coverage**

If **any** of the project's regulated activities qualify under one or more of the Reporting standards below, **and** if all applicable standards in Sections 2 and 3 are met, the project<sup>1</sup> may be covered under the Reporting coverage category of this general permit:

- 8.) The placement and removal of temporary clear span bridges<sup>1</sup> for a project<sup>1</sup>. Each subsequent installation and removal shall comply with standard #24 in Section 2B related to the fish timing restriction. Bridge placement after the approved permit coverage expires requires coverage under a new permit.
- 9.) Dredging<sup>1</sup> for the purpose of installing, inspecting, replacing, removing, re-burying, and/or repairing a utility structure<sup>1</sup> or utility facility<sup>1</sup>.
- 10.) The placement of new utility structure<sup>1</sup> below the OHWM that is not exposed above the water.
- 11.) The temporary placement of structures below the OHWM that are used to facilitate the placement of a new utility structure<sup>1</sup>, or for the purpose of repairing, maintaining, or reconstructing an existing utility structure<sup>1</sup> or utility facility<sup>1</sup>.
- 12.) The operation of motor vehicles in or on any navigable waterway or the exposed bed of a navigable waterway if the use of a bridge, culvert, ford or similar structure is not practicable.
- 13.) 10,000 square feet (0.23 acres) or less of total wetland fill (permanent and temporary) for non-underground utility projects. The placement of construction matting<sup>1</sup> that meets standard #3 in Section 1A, or standard #15 in Section 1B, is not included when calculating this threshold.
- 14.) 10,000 square feet (0.23 acres) or less of permanent wetland fill<sup>1</sup> and no more than two (2) acres of total temporary wetland fill<sup>1</sup> for underground utility projects. The placement of construction matting<sup>1</sup> that meets standard #3 in Section 1A, or standard #15 in Section 1B, is not included when calculating this threshold.
- 15.) The placement of construction matting<sup>1</sup> that exceeds standard #3 in Section 1A shall include the submission of a wetland restoration proposal with the application submittal, and shall include the information detailed in standard #75 in Section 2G.
- 16.) The clean-up of inadvertent releases of drilling fluid from a directional bore in wetlands or waterways that do not meet or exceed the thresholds detailed in standards #5 and #6 in Section 1A.

<sup>1</sup> Refer to the definition in Section 8

## **SECTION 2 – ELIGIBILITY STANDARDS**

The *utility* project must meet **all** the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work under this general permit are subject to the ss. 281.36(3g)(h), Wis. Stats., requirements that applicants must demonstrate that adverse impacts to wetlands cannot be avoided and have been minimized to the greatest extent practicable.

**NOTE:** Only projects that meet all the standards in this general permit are eligible for coverage under this general permit. All other projects are excluded from coverage under WDNR-GP3-2018. For utility projects that do not qualify for WDNR-GP3-2018, the department is authorized under ss. 281.36(3g)(i) and 30.206(3r), Wis. Stats., to require an individual permit. Pursuant to ss. 281.36(3g)(i) and 30.206(3r), the department also may require an applicant to apply for an individual permit if the department has inspected the site and determined that conditions specific to the site require additional restrictions upon the discharge or upon the activity to provide reasonable assurance that no significant adverse impacts to wetland functional values will occur, or to prevent significant adverse impacts to the public rights and interest, environmental pollution, or material injury to the riparian rights of any riparian owner.

### **A. General Standards**

- 1.) A utility<sup>1</sup> is the project proponent and the project purpose is to access, construct, reconstruct, repair, or maintain a utility facility<sup>1</sup> in or over a wetland<sup>1</sup> or navigable waterway<sup>1</sup>.
- 2.) This permit does **not** apply to the construction, reconstruction, repair, or maintenance of any storm sewer, sanitary sewer, wastewater treatment facilities, or any watermain, unless regulated by the Public Service Commission of Wisconsin (PSCW). Such projects, unless regulated by PSCW, are not eligible for coverage under this permit.
- 3.) The project applicant has legal rights over the property or has other legal authorization to undertake the project.
- 4.) Utility projects that are necessary for the placement, reconstruction, maintenance<sup>1</sup>, repair, or removal of utility facilities shall be defined as one project<sup>1</sup>, and cannot be segmented for the purpose of meeting the eligibility requirements of this general permit.
- 5.) No activity is authorized which will result in take of a state threatened or endangered species, as identified under the state's Endangered Species Law, unless approved through the Departments Incidental Take Permit/Authorization process. In addition, no activity is authorized which is likely to jeopardize the continued existence of a federally threatened or endangered species or a species proposed for such designation, or which is likely to destroy or adversely modify the species' critical habitat area<sup>1</sup> as identified under the federal Endangered Species Act.
- 6.) The activity will not result in adverse impacts to historical or cultural resources and will comply with s. 44.40, Wis. Stats.

<sup>1</sup> Refer to the definition in Section 8

- 7.) Projects that may impact tribal lands or rights or WDNR owned, managed, or funded property, including trails, may require additional coordination. Please contact the Department Office of Energy staff to initiate coordination.
- 8.) Measures shall be implemented to prevent fluid leaks (e.g., fuel, oil, hydraulic, coolant, etc.) from vehicles and equipment into wetlands or waterways. Leaks shall be corrected before the equipment is allowed back into operation in wetlands or waterways.
- 9.) At no time shall dewatering activities directly discharge to wetlands or waterways without prior effective water quality treatment. Construction and dewatering activities shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed the Department approved technical standards of ss. NR 151.11 and 151.12, Wis. Adm. Code. The technical standards are found at: <http://dnr.wi.gov/topic/stormwater/standards/index.html>.
- 10.) To prevent the spread of invasive species<sup>1</sup>, you shall ensure that all machinery and equipment used for the project is free of invasive and exotic species and viruses prior to use and after use in any waterway and wetland. Utility right-of-way best management practices for invasive species can be found at: <http://dnr.wi.gov/topic/Invasives/bmp.html>.
- 11.) You shall report all incidents of non-compliance with this permit to the Department's Office of Energy within 24 hours of the incident occurrence.
- 12.) You shall determine if there are any contaminated sites within the areas disturbed by the regulated activities by checking the Wisconsin Remediation and Redevelopment Database (WRRD), <http://dnr.wi.gov/topic/Brownfields/WRRD.html>. If your regulated activity is in close proximity to a contaminated site, contact DNR Office of Energy staff to initiate coordination before submitting your application for WDNR-GP3-2018.
- 13.) You shall determine if there are any Environmental Repair and Solid Waste disposal sites within the areas disturbed by the regulated activities by checking the Historic Registry of Waste Disposal Sites, <http://dnr.wi.gov/topic/Landfills/registry.html>. If your regulated activity is in close proximity to a disposal site, contact DNR Office of Energy staff to initiate coordination before submitting your application for WDNR-GP3-2018.

**B. General Waterway Standards**

- 14.) The permit does not authorize access across or construction within a wild river designated under s. 30.26, Wis. Stats, and ch. NR 302, Wis. Adm. Code, or in a location where similar federal, state or local regulations prohibit the construction.
- 15.) This permit does not authorize the placement of permanent structures below the OHWM that could materially obstruct navigation or impact designated Public Rights Features<sup>1</sup>.
- 16.) You shall restore the bed to pre-existing conditions, and the banks shall be restored to pre-existing or stable conditions.

<sup>1</sup> Refer to the definition in Section 8

- 17.)The proposed project shall not result in significant cumulative and/or adverse environmental impact, injury to public rights or interests, environmental pollution, and material injury to rights of any riparian owner. The project shall not materially interfere with navigation, and not result in adverse impacts to the riparian rights of adjacent riparian owners.
- 18.)This permit does not authorize any change in the course of a navigable stream under s. 30.195, Wis. Stats.
- 19.)All stockpiled spoils, supplies, or materials shall be isolated from the waterway to prevent impacts beyond the work area.
- 20.)All construction vessels, vehicles, and equipment used shall be appropriate for the job, and can be brought to and removed from the project site without unreasonable harm to fish, wildlife, and their habitats.
- 21.)Construction shall minimize the removal of shoreline vegetation above the OHWM.
- 22.)You are not allowed to install bridges and/or conduct in-water work during periods of high water levels or flooding if the water level or flooding could overwhelm the proposed crossing or construction technique. The contractor shall have an implementable plan to monitor for changes to water levels and flows and to handle high flows.
- 23.)The project shall not result in a material obstruction of or result in a significant adverse impact upon navigation of public waters, and shall allow for portage to anyone legally navigating the waterway. All bridges and structures shall comply with standards in Ch. NR 320.04(3), Wis. Adm. Code.
- 24.)To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement and removal of temporary clear span bridges<sup>1</sup>, or any activity below the OHWM, may not occur during the following time periods unless waived in writing by the Department's regional Fisheries Biologist. The timing restrictions apply to waterways that have standing or flowing water at the time that the regulated activity occurs. If a waiver from the fish timing restrictions is requested, the applicant should complete a Waiver Request Form (<https://dnr.wi.gov/topic/sectors/documents/energy/RevisedTCSBorInWaterWorkRestrictionWaiverRequestForm.pdf>) and include it with the application submittal. The application should also include all other necessary information to facilitate the review of the waiver request, detailed in the waiver request form.
- **September 15th through May 15th** for all trout streams (<http://dnr.wi.gov/topic/fishing/trout/streammaps.html>, or <http://dnr.wi.gov/topic/surfacewater/swdv/>), and upstream to the first dam or barrier of the following waterways: the Root River (Racine Co.), Kewaunee River (Kewaunee Co.), and Strawberry Creek (Door Co.).
  - **November 1st through June 15th** for Lake Michigan on the east side of Door County and within the bay of Sturgeon Bay.
  - **March 1st through June 15th** for ALL other waters.

<sup>1</sup> Refer to the definition in Section 8

- 25.)The project shall be conducted in a manner that minimizes dispersal of sediment away from the project site. Temporary sediment containment measures shall be used as necessary and shall be installed prior to starting in-water work and removed from the waterbody no more than 24 hours after completing in-water work.
- 26.)In-water work shall be conducted to minimize the re-suspension of sediment to the maximum extent practicable in accordance with the following:
- For trout streams identified under s. NR 1.02 (7) and perennial tributaries to those trout streams, the total suspended solid concentrations may not exceed 40 mg/L.
  - For all other waters, the total suspended solid concentrations may not exceed 80 mg/L.

**C. Temporary Clear Span Bridge (TCSB) Standards - Waterways**

- 27.)All TCSBs shall completely span the waterway from top of channel to top of channel with no support pilings in the waterway.
- 28.)Equipment used to install and remove TCSBs shall not enter or operate on the bed or waters of the waterway. The equipment shall not disturb the bed or bank of the waterway.
- 29.)Appropriate barriers, such as geotextile fabric and silt sock, shall be installed to prevent sediment and materials from entering the waterway during use of the TCSBs.
- 30.)Installation and removal of the TCSBs shall be conducted in a manner that prevents sediment and debris from entering the waterway.
- 31.)This permit does not authorize bridges across waterways that are more than 35 feet wide measured from OHWM to OHWM.
- 32.)This permit does not authorize the removal of any material below the OHWM for the placement or removal of TCSBs.
- 33.)This permit does not authorize the placement of permanent bridges or channel relocation.
- 34.)You shall inspect the bridge openings periodically for debris, and shall remove any restriction of flow. Removed debris shall not be placed in a wetland or floodplain.
- 35.)You shall ensure that all bridges and mats are anchored to prevent them from being transported downstream during high flow conditions.
- 36.)No approach fill shall be placed in any wetland, floodway or below the OHWM of any navigable waterway. If an approach is necessary, it must be wooden or metal, rather than fill. If an approach must be located in a floodway, it shall be open ramp style construction only.
- 37.)Bridges shall be removed no later than 7 days after the necessary waterway crossing activities have been completed, unless the removal conflicts with a required timing restriction.

<sup>1</sup> Refer to the definition in Section 8

**D. Dredging Standards - Waterways**

- 38.) A utility crossing<sup>1</sup> may occur only to cross a navigable stream no more than 35 feet wide, measured from OHWM to OHWM.
- 39.) The trench width associated with the utility crossing<sup>1</sup> shall be minimized to the extent practicable to complete the work.
- 40.) During construction and installation of a utility crossing<sup>1</sup>, downstream flow shall be maintained.
- 41.) Dredging<sup>1</sup> not associated with a utility crossing<sup>1</sup> shall be limited to 50 cubic yards.
- 42.) Dredging<sup>1</sup> not associated with a utility crossing<sup>1</sup> is limited to areas of soft sediment (i.e. silt, clay) and may not occur in an area of naturally occurring sand, rock, cobble, or gravel.
- 43.) Unless the waterway is completely dry for the entire duration of the activity below the OHWM, including accounting for rain events during construction, construction in the waterway shall be completed using a work zone isolation system or bypass system<sup>1</sup> such as a “dam and pump” or “dam and flume” technique, to isolate the in-water work zone from the waterway.
- 44.) You shall remove all cofferdams<sup>1</sup> gradually, in such a way that minimizes the downstream sediment impacts.
- 45.) You shall inspect and maintain the bypass system<sup>1</sup> daily, prior to any forecasted rain event, and within 12 hours following any rainfall exceeding ½ inch.
- 46.) You shall remove any restriction of flow affecting the stream bypass system<sup>1</sup>. Any debris shall be deposited in an upland<sup>1</sup> site and out of any floodplain.
- 47.) Pump intakes and discharges shall prevent impacts to fisheries, wildlife, and their habitat.
- 48.) Pump intakes or flume discharges shall be placed to prevent the disturbance, removal, and scour of bed material.
- 49.) Activities below the OHWM shall be completed as quickly as possible to minimize disruption.
- 50.) Dredging<sup>1</sup> shall be located to reduce environmental impacts by minimizing the disturbance of the following: adjacent wetland corridors, banks with steep slopes, and fish and wildlife habitat within the waterway.
- 51.) Unless the existing substrate is silt, the originally removed material may be used as backfill material for the dredged trench if the disturbed site is immediately stabilized. If the existing substrate is silt, you shall backfill with clean, washed gravel, crushed stone, or clean river stone to replace the excavated material.

<sup>1</sup> Refer to the definition in Section 8

52.)The dredging<sup>1</sup> may not be located in navigable waters having self-sustaining populations of walleye located in the ceded territory of the state where resource allocation rights are shared by sovereign tribes as defined in Wis. Adm. Code NR 1.07(4)(d). These waterways can be found at <http://dnr.wi.gov/topic/surfacewater/swdv/> and turn on the layer called “Walleye Waters” which is under the “Fisheries Management” layer.

53.)The applicant shall provide information that the dredged material does not contain any hazardous substance if:

- a. the proposed dredging<sup>1</sup> site is listed or immediately adjacent to a site listed on the Bureau for Remediation and Redevelopment Tracking System (BRRTS) website or other county, state, or federal web-based data system that tracks the presence of hazardous substances. BRRTS database information can be found at <http://dnr.wi.gov/topic/Brownfields/clean.html>, or
- b. The Department advises the applicant that it has specific information that indicates the potential that a hazardous substance or substances may be present in the material proposed to be dredged *and* there is a need to verify that the hazardous substance(s) is/are actually present.

**Note:** There may be cases where the Department already has specific information about the presence of a hazardous substance(s) in a waterbody and can waive the sampling requirement since no verification that the substance(s) is/are present is needed. Specific information could include but is not limited to: 1. The collection and laboratory analysis of the dredged material in compliance with Ch. NR 347, Wis. Adm. Code; or 2. The review of historical information on material that was dredged from the vicinity of the proposed project and collected and analyzed in accordance with Ch. NR 347, Wis. Adm. Code; or 3. Assessment of the potential for hazardous substances to be present based upon the characteristic of the watershed, industrial and municipal discharges to the waterbody, and dredge material data from similar waterways.

#### E. **Structures on Bed Standards - Waterways**

54.)This permit does not authorize new permanent structures below the OHWM that are exposed above the water or that could affect natural scenic beauty as determined by the Department.

55.)Structures shall not permanently impair navigation, flood flows, water quality, or fish or wildlife habitat.

56.)Structures placed in the waterway shall be appropriately marked to prevent navigational hazards.

57.)Installation of structures shall be completed as quickly as possible to minimize waterway disruption.

58.)If an applicant is not the riparian owner but is placing a structure pursuant to Wis. Stats. s. 182.017(1r) and (2), they shall provide documentation that all affected riparian owners have been notified of the proposed project.

<sup>1</sup> Refer to the definition in Section 8

**F. Driving on the Bed Standards (unless otherwise exempt) – Waterways**

- 59.)The motor vehicle shall operate at the minimum speed required to maintain controlled forward motion.
- 60.)The motor vehicle shall travel along the most direct route to safely cross the waterway.
- 61.)Motor vehicles shall be inspected prior to travel below the OHWM, and shall be free of soil, debris, and fluid leaks.
- 62.)No soil shall be displaced within the waterway channel or on its banks during the driving activity.
- 63.)Driving on the bed duration shall be minimized to the extent practicable.

**G. General Wetland Standards**

- 64.)Regulated activities authorized under this permit, conducted in forested wetlands<sup>1</sup>, shall not result in more than 43,560 square feet (1.00 acres) of forested wetland<sup>1</sup> clearing (temporary and permanent).
- 65.)The project is not eligible for authorization under a “Superior SAMP” permit reviewed by the City of Superior, Wisconsin.
- 66.)The proposed project cannot avoid wetland impact<sup>1</sup>.
- 67.)The proposed project minimizes wetland impact<sup>1</sup> to the greatest extent practicable.
- 68.)Except where permanent wetland fill<sup>1</sup> is authorized, all wetlands shall be restored to pre-existing elevations and hydrology. Where permanent wetland fill is authorized, the project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
- 69.)The project will not result in permanent wetland impacts to Great Lakes ridge and swale complexes<sup>1</sup>, interdunal wetlands<sup>1</sup>, coastal plain marshes<sup>1</sup>, emergent marshes containing wild rice<sup>1</sup>, southern sphagnum bogs<sup>1</sup>, boreal rich fens<sup>1</sup>, or calcareous fens<sup>1</sup>.
- 70.)Temporary wetland excavation activities shall segregate topsoil from subsoil. Topsoil shall be replaced to its original stratum. Subsoil shall be removed or replaced to its original stratum.
- 71.)This permit does not authorize any temporary earthen, soil, or gravel roads in wetlands.
- 72.)To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or shall be low ground pressure equipment, or shall work during stable conditions.
- 73.)All construction waste materials shall be removed from wetlands at the completion of construction.

<sup>1</sup> Refer to the definition in Section 8

74.) Final site stabilization in wetlands requires the re-establishment of pre-existing conditions or native perennial vegetation to at least 70 percent vegetative cover.

75.) Projects<sup>1</sup> that include proposed placement of construction matting<sup>1</sup> in wetlands for longer than 60 consecutive days between May 15 and November 15 of any year shall include a wetland restoration proposal for the areas where mat placement occurs. This proposal shall include information on the pre-existing wetland conditions (topography, vegetation and hydrology) and how these conditions will be restored post-removal. Specify the sequencing and timing of matting placement and removal, and how area will be restored and monitored.

<sup>1</sup> Refer to the definition in Section 8

### **SECTION 3 – PERMIT COVERAGE REQUIREMENTS**

#### **A. Non-Reporting Coverage**

- 1.) If **all** of the project's regulated activities qualify under one or more of the Non-Reporting standards in Section 1A, **and** meet all other terms, conditions, and applicable standards in Section 2, the project<sup>1</sup> is authorized under this general permit.
- 2.) If **any** of the project's regulated activities do **not** qualify for the Non-Reporting coverage category, then the project<sup>1</sup> does not qualify for coverage under the Non-Reporting coverage category, and will be reviewed under the Reporting coverage category or as an Individual Permit, if required. If Reporting coverage or an Individual Permit is needed, the complete application package<sup>1</sup> shall include information on all regulated activities for the project<sup>1</sup>, including regulated activities that qualify for Non-Reporting coverage, and permit coverage for the project<sup>1</sup> must be obtained before commencing any regulated activity.
- 3.) If the project<sup>1</sup> qualifies for coverage under the Non-Reporting category, no application submittal to the Department is necessary, however, you shall:
  - a. Carefully confirm that your proposed project meets all applicable terms, conditions, and standards of WDNR-GP3-2018.
  - b. Maintain records documenting that your project is/was completed in compliance with WDNR-GP3-2018. Upon request by the Department for auditing purposes, you shall provide these records to the Department.
- 4.) Standard #6 in Section 1A requires notification to the Office of Energy via email within 48 hours of initial placement of structure(s). Notification shall include a description and location of the release, information on the containment and clean-up of the release, including details on the structures used, duration of placement, and removal of structures, and photos of the before and after conditions.
- 5.) As provided under s. 281.36(3g)(h)4 and (i), Wis. Stats., the Department may determine the project may not proceed under the Non-Reporting coverage category of this general permit and require that the project be reviewed through the Reporting coverage category, or the Individual Permit process outlined in s. 281.36(3m), Wis. Stats.

<sup>1</sup> Refer to the definition in Section 8

## B. Reporting Coverage

- 6.) If **any** of the project's regulated activities qualify under one or more of the Reporting standards in Section 1B, **and** all other terms, conditions, and applicable standards in Section 2, the project<sup>1</sup> may qualify for Reporting coverage, and a complete application package<sup>1</sup> shall be submitted to the Department.
- 7.) If **any** of the project's activities require Reporting coverage, the project<sup>1</sup> will be reviewed under the Reporting coverage category or as an Individual Permit, if required. If a Reporting or Individual Permit is required, the complete application package<sup>1</sup> shall include information on all regulated activities for the project<sup>1</sup>, including regulated activities that qualify for Non-Reporting coverage, and permit coverage for the project<sup>1</sup> must be obtained before commencing any regulated activity.
- 8.) Wetland boundary consultation is required prior to submission of the complete application package<sup>1</sup>. Wetland boundary information can include an inclusive review of desktop resources (i.e. Wisconsin or National Wetland Inventory mapping, NRCS hydric soils, DNR mapped surface waters, aerial photos, etc.), or an applicant may choose to conduct a field survey (i.e. wetland delineation or determination).

Wetland boundary information shall be submitted via email to the Office of Energy, <http://dnr.wi.gov/topic/Sectors/Energy.html>. Office of Energy staff will either request additional information, if needed, or provide proof of wetland consultation via email in a timely manner.

The submittal shall include the following:

- a. Narrative which includes the scope and location of the project, and describes how the wetland boundaries were determined (i.e. review of desktop resources only or field determination). Include a statement on whether wetland boundaries were determined to be different from desktop resource mapping.
  - b. A supporting map or figure showing the proposed wetland boundaries. This figure should include the appropriate desktop resources and the project area. If field surveys were also conducted, the map should also include the field identified wetlands, the area of investigation, and the locations where photos were taken (i.e. Photo Points).
  - c. If wetland boundaries differ from desktop resource mapping:
    - i. Document where the differences occur, and justify why the difference occurs. Justification can include comment boxes on the wetland boundary figure with site specific information such as topography changes, existing roads and drives, etc.; Google Earth street view screen capture; clearly labeled site photos with the Photo Point number.
- 9.) The complete application package<sup>1</sup> shall be submitted on forms supplied by the Department's Office of Energy, or online through the Departments application submission website <http://dnr.wi.gov/permits/water/>.

<sup>1</sup> Refer to the definition in Section 8

- 10.) You are responsible for sending a copy of your complete application package<sup>1</sup> to the US Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.
- 11.) A complete application package<sup>1</sup> shall include the following information, which is also detailed in the permit application checklist (<https://dnr.wi.gov/topic/Sectors/documents/GP3-appChecklist.pdf>):
- a. Complete and Signed Application Form certifying project meets the terms and conditions of WDNR-GP3-2018.
  - b. Ownership documentation.
  - c. Project plans that include final project design and construction, or typical figures if more applicable.
  - d. Practicable Alternatives Analysis including detailed information that discusses other project sites or routes that were reviewed and why dismissed (if applicable), and clearly demonstrates why the impact to the wetland cannot be avoided, and how the impact to the wetland will be minimized. Guidance on preparing a practicable alternatives analysis can be found at <https://dnr.wi.gov/topic/Sectors/documents/PAsupp3Utility.pdf>.
  - e. Project location map
  - f. Topographic map
  - g. Wetland/waterway impact map(s) showing NRCS hydric soil mapping, Wisconsin Wetland Inventory mapping, field delineated wetlands and the area of investigation (if applicable), Department mapped waterways and waterbodies, and the project's construction activities (permanent structures, temporary bridges, access route, plowing, trenching, directional boring locations, etc.), and photo point locations, on an aerial photo background. The map should be an appropriate scale to clearly identify where the projects activities cross wetlands and waterways.
  - h. Public lands map showing if state owned or managed lands, including trails, are within or directly adjacent to the project work area. Public lands can be viewed at <https://dnr.wi.gov/topic/Lands/PAL/>.
  - i. Photographs that represent existing site conditions where project will occur.
  - j. Documentation that screenings for potential impact to state listed threatened/endangered resources and cultural/historical resources were conducted.
  - k. Narrative that includes information on or describes the following:
    - the purpose and need for the project,
    - project location information,
    - the type of project (i.e. maintenance, rebuild, new construction; and if includes underground and/or overhead work),
    - how the project will be constructed (sequencing, equipment needed, work zone isolation plan, dewatering plan, access plan, etc.),
    - how wetland and waterway boundaries were determined,
    - the regulated activities occurring in wetlands and/or waterways, and the amounts of disturbance and/or fill,
    - the duration of all regulated temporary wetland and waterway impacts, including the duration of construction matting
    - discussion on how waterway impacts were minimized (directional bore versus open cut trench, minimize duration, minimize trench width, etc.),
    - wetland and/or waterway sediment control measures or practices,

<sup>1</sup> Refer to the definition in Section 8

- how wetlands and/or waterways will be restored to pre-existing conditions,
- characteristics of the waterway (width, depth, substrate, flow, etc.), for proposed in-water work
- other approvals/permits needed for the project, including if the project will require approval from the PSCW,
- statement on whether the project is located within Ceded Territory, <https://dnr.wi.gov/topic/fishing/ceded/>. If so, state if impacts to wild rice and/or walleye waters are anticipated, and
- for waterway dredging, include the amount of sediment to be dredged, disposal location, and a statement on whether contaminated sediment is expected to be encountered.

12.) Unless notified by the Department to the contrary, coverage under this general permit takes effect thirty (30) calendar days after the designated Department office receives a complete application package<sup>1</sup>.

13.) If the Department determines the application package is incomplete, 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 this additional information is needed, the Department will notify you within thirty (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 project proponent 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 and the application package is now considered complete.

14.) If adverse weather conditions prevent the Department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts, the Department shall give notice during the thirty (30) day application period to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.

15.) As provided under s. 281.36(3g)(i), Wis. Stats., the Department may determine the project may not proceed under this general permit and require that the project be reviewed through the individual permit process outlined in s. 281.36(3m), Wis. Stats. If the Department determines your project may not proceed under this permit, you will be notified within thirty (30) calendar days after the Department receives your complete application package<sup>1</sup>.

16.) Projects that impact wetland requiring Reporting coverage shall comply with the standards outlined in s. 281.36(3g)(h), Wis. Stats.

<sup>1</sup> Refer to the definition in Section 8

#### SECTION 4 - CERTIFICATION AND RESPONSIBILITIES

Upon submittal of a complete application package<sup>1</sup> to the Department, you agree to be the responsible party that supervises and oversees all aspects of the project to ensure compliance with the terms and conditions of WDNR-GP3-2018. You have certified that the project will be conducted in compliance with all the terms and conditions of WDNR-GP3-2018, and you certify the project will not result in adverse impacts to riparian rights of riparian owners.

#### SECTION 5 - GENERAL PERMIT CONDITIONS

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in Section 3 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP3-2018 and efforts to begin work on the activities authorized by this general permit signify that you have certified that the project meets all eligibility standards outlined in Section 2 of this permit 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 application package and plans that you submitted to the Department and certified to comply with the terms and conditions of WDNR-GP3-2018.
5. **Expiration.** This WDNR-GP3-2018 expires 5 years from the date of issuance. Any activity that the Department authorizes under WDNR-GP3-2018 remains authorized under WDNR-GP3-2018 for a period of 5 years from the date the discharge is considered to be authorized under WDNR-GP3-2018, or until the discharge is completed, whichever occurs first, regardless of whether WDNR-GP3-2018 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining all other permits or approvals that may be required for your project by local zoning ordinances, other local authority, other state permits, and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You shall supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department at the telephone number or email address provided on the confirmation of coverage letter you receive before starting construction.

<sup>1</sup> Refer to the definition in Section 8

9. **Permit Posting.** You shall post a copy of this permit at a conspicuous location on the project site before beginning the permitted activities. The copy shall remain in place until the permitted activities are completed. A copy of the permit coverage letter and approved plan shall also be maintained and available on the project site before and during the execution of the permitted activities.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest or wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.
11. **Construction Timing.** Once in-water work below the OHWM commences, all construction activities in those waterways shall be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands shall be continuous to the extent practicable. During periods of inactivity in wetlands, the site shall be stabilized until the work is resumed and completed.
12. **Construction.** No other portion of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** For projects authorized under the Reporting coverage category, within two (2) weeks after completing the regulated activity, you shall submit to the Department a statement certifying that the permitted project complies with all the terms and conditions of this permit and photographs of the activities authorized by this permit. This statement shall reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** The activity authorized by WDNR-GP3-2018 shall remain in good condition and in conformance with the terms and conditions of this permit, and shall avoid additional impacts to waterways and wetlands.
15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or compliance with the terms and conditions of WDNR-GP3-2018 and applicable laws.
16. **Erosion and Sediment Control Practices.** Erosion and sediment control measures that adequately control or prevent erosion and prevent damage to waterways and wetlands as outlined in s. NR 151.11(6m), Wis. Adm. Code, shall be implemented on the project site.
17. **Invasive Species.** All project equipment shall be free of invasive species before and after each use on the project site by using best management practices to avoid the spread of invasive species. More information can be found at: <http://dnr.wi.gov/topic/Invasives/bmp.html>
18. **Temporary fills.** Any temporary fills shall be removed in their entirety and the affected areas returned to their preexisting elevation and vegetated.

<sup>1</sup> Refer to the definition in Section 8

19. **Federal and State Threatened and Endangered Species.** WDNR-GP3-2018 does not affect the Department's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats), and any other applicable state laws. The Department may not grant authorization under this permit for projects found not to comply with these laws. No activity is authorized that: (a) 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 or state law; or (b) is likely to destroy or adversely modify the critical habitat area<sup>1</sup> of a species as identified under the Federal Endangered Species Act. To be in compliance, documentation is required showing Endangered Resources (ER) concerns have been addressed. Documents associated with ER are valid for one year from the date they are prepared. Documentation options include:
- a. An ER Review Verification Form (<http://dnr.wi.gov/files/PDF/forms/1700/1700-079.pdf>) showing that all project activities are covered by the Broad Incidental Take Permit for no/low impact activities (<http://dnr.wi.gov/topic/ERReview/ITNoLowImpact.html>), or
  - b. An ER Preliminary Assessment from the Department Natural Heritage Inventory (NHI) Public Portal (<http://dnr.wi.gov/topic/ERReview/PublicPortal.html>) stating that no further actions are necessary or that further actions are recommended, or
  - c. If option B results state that further actions are required, then submit either a Department ER Review Letter or a Certified ER Review Letter.
20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area, reasonable action is recommended to prevent significant adverse impacts or to enhance the habitat for the species of concern.
21. **Historic Properties and Cultural Resources.** WDNR-GP3-2018 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 laws. The project shall avoid impacts to archaeological sites or historic structures and is subject to Department and Wisconsin Historical Society review and approval. 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 or appropriate Tribal Historic Preservation Officer must be contacted for further instruction.
22. **Equipment Use.** To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or shall be low ground pressure equipment, or shall work during stable conditions.

<sup>1</sup> Refer to the definition in Section 8

23. **Preventive Measures.** Measures shall be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, may not be stored in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a reportable spill 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**. More information can be found at: <http://dnr.wi.gov/topic/Spills/Define.html>
24. **Waste Restrictions.** You shall follow field protocols for activities in proximity to known landfills. Any solid waste encountered shall be disposed of in accordance with chs. NR 500 et. seq., Wis. Adm. Code.
25. **Suitable Fill Material.** All permanent fill authorized under this permit shall consist of clean suitable soil material, 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 ss. 289.01(33), Wis. Stats.
26. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.
27. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.
28. **Transfers.** Coverage under this permit is not transferable to any other utility.
29. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of WDNR-GP3-2018.
30. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any authorized activity and may take enforcement action if the following occur:
- a. The applicant fails to comply with the terms and conditions of WDNR-GP3-2018.
  - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

<sup>1</sup> Refer to the definition in Section 8

## SECTION 6 - FINDINGS OF FACT

1. The Department has determined that the project site and project plans meet the standards in WDNR-GP3-2018 to qualify for this General Permit.
2. 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.
3. The Department has determined, pursuant to wetland water quality standards under s. NR 103.03, Wis. Adm. Code, and ss. 281.36(3g)(d), and 30.206(1)(am), Wis. Stats., that projects that meet the eligibility criteria and conditions and are granted coverage under this General Permit will only result in minimal adverse environmental effects or impacts.
4. Permit coverage constitutes the state of Wisconsin water quality certification.
5. The proposed project will not cause significant cumulative adverse environmental impacts, will not injure public rights or interests, or cause environmental pollution as defined in s. 299.01(4), Wis. Stats.
6. The proposed project will not materially interfere with navigation or have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to 30.206(1)(am), Wis. Stats., if completed in accordance with this permit.
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 33 U.S.C.S. § 1341 (CWA §401), WDNR-GP3-2018, ss. 30.12, 30.123, 30.20, 30.206, 30.29, and 281.36(3g), Wis. Stats., and chs. NR 102, 103, 150, 299, 310, 320, 329, and 345 Wis. Adm. Code.

<sup>1</sup> Refer to the definition in Section 8

## **SECTION 7 - CONCLUSIONS OF LAW**

1. The Department has authority under ss. 30 and 281.36(3g), Wis. Stats., to issue a General Permit for the construction, reconstruction, repair, or maintenance of the utility facilities authorized in this permit.
2. The Department has complied with s. 1.11, Wis. Stats.

## **SECTION 8 - DEFINITION OF TERMS**

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

1. Boreal Rich Fen is a rare open peat-land community of northern Wisconsin that is associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
2. Bypass system means devices placed in a waterway to divert water for the purposes of isolating the in-water work zone. Examples include a cofferdam, a dam and pump system, or a dam and flume system.
3. 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.
4. Coastal Plain Marshes are within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and, possibly in glacial tunnel channels.
5. Cofferdams are structures that isolate a portion of a waterway to limit impacts from construction disturbance. Cofferdams can include, but are not limited to, sheetpile, sandbags, Portadam®, Aquabarrier®, or culverts placed on end (e.g. vertically). Cofferdams do not include earthen dams.
6. Complete Application Package means a completed and signed application, the information specified in Section 3 of this permit, and any other information which can reasonably be required from an applicant that the department needs to make a permit decision.
7. Construction Matting means timber or composite matting free of soil, seeds, and vegetative material.
8. Dredging, as defined in s.NR 345.03(5), Wis. Admin. Code, means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling, or treatment facility; treatment of the material; discharge of carriage or interstitial water; and disposal of the material. For the purpose of Ch. 30 (Wis. Stats.), dredging does not include “de minimus” activities as defined in s.NR 345.03(2), Wis. Admin. Code.

<sup>1</sup> Refer to the definition in Section 8

9. Emergent Marshes Containing Wild Rice are emergent aquatic communities that have wild rice as the dominant macrophyte. Substrates supporting wild rice usually consist of poorly-consolidated, semi-organic sediments. Water fertility is low to moderate, and a slow current is present.
10. Fill Material, as defined in ss. 281.36(1)(bd), Wis. Stats., 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 portion of any wetland or waterway. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood products, 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.
11. Forested Wetlands are dominated by woody vegetation at least twenty (20) feet in height with more than fifty (50) percent canopy cover.
12. Great Lakes Ridge and Swale Complexes are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.
13. 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.
14. Intermittent Flow typically will cease flowing for weeks or months each year especially in the summer months when lack of rainfall runoff or soil moisture will dry out drainage systems. The time period to determine intermittent versus permanent flow is typically July through Sept in most years with average weather conditions.
15. Invasive Species include nonnative species, hybrids, cultivars, subspecific taxa, and genetically modified variants that invade natural communities and wild areas replacing desirable native species. For a listing of common invasives found in Wisconsin, visit Department's website at: <http://dnr.wi.gov/topic/Invasives/what.html>.
16. Maintenance means the inspection, repair, replacement, or reconstruction of a previously authorized utility facility within an existing ROW, or the upkeep of the ROW, that does not result in an increase in capacity or volume.
17. Navigable waterway means any body of water with defined bed and banks that is navigable under the laws of the state. In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly occurring basis, as defined in Wis. Admin. Code s. NR 310.03(5).

<sup>1</sup> Refer to the definition in Section 8

18. 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 characteristics, as defined in s. NR 320.03(12), Wis. Admin. Code.
19. Permanent Flow typically occurs throughout the year and flow will be present even during the summer months when lack of rainfall runoff or soil moisture will dry out intermittent drainage systems. The period to determine intermittent versus permanent flow is July through Sept in most years with average weather conditions.
20. Permanent Wetland Fill means physical placement of fill material in a wetland with the intent of, or resulting in, the area becoming upland.
21. Previously authorized means an existing utility facility or infrastructure that was placed in compliance with current laws at the time of placement.
22. Project means the entire proposal by the utility. For example, if construction of a linear utility facility affects several different waterway and wetland areas, the cumulative total of all regulated areas (including Non-Reporting and Reporting activities) is the basis for deciding the project's total waterway and wetland impact. For "phased" developments, each phase may constitute a project if it has an independent objective and would accomplish its intended purpose whether or not other phases were constructed.
23. Public Rights Feature is defined in s. NR 1.06(5), Wis. Adm. Code.
24. Scientific Measuring Device means equipment necessary to record technical data used to assess hydrology, water quality, or other parameters.
25. Southern Sphagnum Bogs are 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. Southern sphagnum bogs located in the area south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago, are not eligible for a General Permit.
26. Temporary Clear Span Bridges (TCSBs) are structures placed above the OHWM and completely across a waterway that allow vehicles, equipment or people to safely cross from one side of a waterway to the other. TCSBs are generally constructed from construction matting.
27. Temporary Wetland Fill means non-permanent wetland fill during access, construction, or utility installation, but does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, stockpiling segregated soils from trench excavation before placing an underground pipeline, or construction matting.
28. Upland means non-wetland areas above the OHWM.

<sup>1</sup> Refer to the definition in Section 8

29. Utility means a corporation, company, cooperative, or organization that owns, operates, manages, or controls the production, transmission, or distribution of electricity, heat, light, natural gas, petroleum products, or telecommunication, either directly or indirectly to or for the public or members of a cooperative.
30. Utility crossing means the installing, inspecting, replacing, removing, re-burying, and/or repairing a conduit, duct, cable, fiber, wire, or pipeline.
31. Utility facility means an aboveground or underground conduit, duct, cable, fiber, wire, or pipeline, or any appurtenance structures associated with these facilities, used to transmit or distribute electricity, heat, light, natural gas, petroleum product, or telecommunication. This includes facilities regulated by the Federal Energy Regulatory Commission (FERC).
32. Utility structure means a utility facility placed on the bed of a waterway (below the OHWM), and can include, but is not limited to, utility poles, utility pole foundations, FERC regulated dam appurtenance structures, hydroelectric dam appurtenance structures, guy anchors or cables, electric cables, telecommunication cables or fiber optic lines, or construction matting. This does not include the placement or replacement of culverts or the placement of new intake or outfall structures.
33. 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.
34. Wetland is defined in s. 23.32(1), Wis. Stats., 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 wet conditions.
35. Wetland impact includes temporary or permanent conversion of a wetland, or filling in a wetland.

<sup>1</sup> Refer to the definition in Section 8