

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



**WETLAND AND WATERWAY GENERAL PERMIT FOR MUNICIPALITIES TO
CONSTRUCT, RECONSTRUCT OR MAINTAIN HIGHWAYS, BRIDGES, ARCHES
AND CULVERTS**

Permittee: Municipalities such as a city, town, village or county

Permit No. WDNR-GP2-2017

Issuing Office: Environmental Analysis and Sustainability Program,
Wisconsin Department of Natural Resources (DNR)

Issuance Date: November 3, 2017

Expiration Date: November 3, 2022

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of Wis. Stat. § 281.36 (3b)(b), no person may discharge/place dredged or fill material 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 DNR) or the discharge is exempt by statute. In compliance with the provision(s) of Wis. Stat. § 30.123(2), unless an individual or a general permit has been issued by the department or authorization has been granted by the legislature, no person may construct or maintain a bridge or construct, place, or maintain a culvert in, on, or over navigable waters.

Pursuant to Wis. Stat. § 281.36 (3g)(a)10., the department shall issue a general permit for a discharge to wetlands that is necessary for the construction, reconstruction, or maintenance of a bridge or culvert that is part of a transportation project that is being carried out under the direction and supervision of a city, village, town, or county. Pursuant to Wis. Stat. § 30.123(7)(d), the department shall issue a general permit to construct, reconstruct, and maintain bridges and culverts that are part of a transportation project that is carried out under the direction and supervision of a municipality ("municipality" means any town, village, city or county in this state).

Municipalities may apply for coverage under this general permit to construct, reconstruct or maintain highways, bridges, arches and culverts and will comply with the terms and conditions of WDNR-GP2-2017. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP2-2017.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP2-2017 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP2-2017 authorizations cover permitting requirements under state laws pertaining to waterways and wetlands. The project proponents may need to**

obtain any other local, state or federal permits before any work may proceed.
 Please contact the county zoning administrator to determine if permits are needed. U.S. Army Corps of Engineers wetland permits are required for discharges to federal wetlands.

PROJECT DESCRIPTION AND LOCATION: WDNR-GP2-2017 applies to a discharge to a wetland that is necessary for the construction, reconstruction, or maintenance of a highway, bridge, arch or culvert that is part of a transportation project that is being carried out under the direction and supervision of a city, town, village or county, and/or; construction, reconstruction, or maintenance of a highway, bridge, arch or culvert in, on, or over navigable waters, that is part of a transportation project carried out under the direction and supervision of a city, town, village or county.

GENERAL PERMIT COVERAGE: Unless notified by the department to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete application package has been received by the Department at the office designated in the permit application materials provided by the department. **WDNR-GP2-2017** 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. Permit coverage for projects that have not been completed within the period of validity of this permit must submit a new application for coverage under the version of this permit that exists at the time prior to proceeding

State of Wisconsin Department of Natural Resources
 For the Secretary



David Siebert – Director
 Environmental Analysis and Sustainability Program

November 3, 2017

Date Permit Signed

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WDNR-GP2-2017 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the DNR in WDNR-GP2-2017. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP2-2017.

Your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood and agreed to follow all conditions of this permit.

NOTE: The term "you" and its derivatives, as used in this general permit, means the permittee, which is the municipality. The term "the department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (DNR) Service Center, DNR 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 – WDNR-GP2-2017 ELIGIBILITY STANDARDS

The municipal highway, bridge, arch or culvert project must meet **all** the following standards to be eligible for coverage and authorization under this general permit. Persons proposing to do work should note that Wis. Stats § 281.36 (3g)(h), requires applicants to demonstrate that adverse impacts to wetlands have been avoided and minimized to the maximum extent practicable.

NOTE: Projects that do not meet all standards are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP2-2017. For municipal highway, bridge, arch and culvert projects that do qualify for WDNR-GP2-2017, the department has authority under Wis. Stats. § 281.36(3g)(i) and 30.206(3r), to require an individual permit in lieu of a general permit, if the department has inspected the site and has determined that conditions specific to the site require additional restrictions on the on 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 as defined in § 299.01(4), or material injury to the riparian rights of any riparian owner.

1. The applicant has contacted the local [WDNR Transportation Liaison](#) during the development of the project to have a pre-application discussion. Go to dnr.wi.gov, key word "transportation" for more information.
2. A municipality is the applicant and the project purpose is a public transportation project to construct, reconstruct or maintain a highway, bridge, arch or culvert associated with a single and complete project. Projects that are administered (or "let") by WisDOT are not eligible for this general permit.
3. If the project includes a bridge, arch or culvert that is greater than 36" in diameter, the applicant has made a reasonable effort to coordinate with the County Highway Commissioner or a professional engineer that is a designated agent for the municipality.

4. Structures over lake outlets and lake systems are not eligible for this permit.
5. A structure that is regulated under [Chapter 31](#) is not eligible for this permit.
6. A structure that is installed with the intent to back up water is not eligible for a general permit.
7. The proposed road stream crossing has water passing characteristics at least as effective as the existing road grade and structure.
8. Projects that include a new crossing of a navigable waterway where there previously was no structure are not eligible for this general permit.
9. Projects that may impact tribal lands or rights, including potential impacts to water systems supporting wild rice, may require additional coordination. Please contact the DNR Transportation Liaison as soon as possible to begin coordination.
10. This general permit does not authorize any permanent change in the course of a navigable stream, or removal of material from the bed of any waterway, except for what is necessary to place the structure.
11. Minor dredging (less than 25 cubic yards) within the right-of-way (ROW) for road maintenance may be approvable under this general permit, provided best management practices (BMPs) are used to comply with water quality standards.
12. The proposed project avoids and minimizes wetland impacts to the greatest extent practicable, in accordance with Wis. Admin. Code NR 103.
13. The project shall not impact more than 10,000 square feet (0.23 acre) of wetland or waterway for a single and complete project.
14. The discharge will cause only minimal adverse environmental impacts.
15. Project will not result in a deleterious impact to any publicly owned trails or property.
16. Project activities will not take place in or result in adverse impacts to Great Lakes ridge and swale complexes, interdunal wetlands, coastal plain marshes, southern 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.
17. The top surface elevation of the road will not be raised higher than pre-flood conditions without sufficient analysis and shall conform to the requirements of Wis. Admin. Code ch. [NR 116](#) Wisconsin's Floodplain Management Program and local floodplain ordinance.
18. Rip rap used to stabilize a road will comply with best management practices and technical erosion control standards.

19. Minor stormsewer outfalls within the road right-of-way may be permitted under this general permit, provided that the structure will have minimal impacts to the waterway or wetland and BMPs are used in design and placement of the structure.
20. Ditch maintenance may be permitted under this general permit provided that the dimensions of the ditch are not being altered and best management practices (BMPs) are used to comply with water quality standards.
21. Flood Resiliency – Structures over navigable waterways must be sized and set at an elevation so that water depths, widths and velocities at the inlet and outlet match the natural stream channel. Invert elevations of culverts will be determined by surveying the stream upstream and downstream and setting the culvert below the natural flow line.
22. The project shall not result in a material obstruction to navigation, and must allow for portage to anyone legally navigating the waterway. All bridges and culverts shall either maintain a clearance of not less than 5 feet above the ordinary high water mark (OHWM), or comply with requirements of Wis. Admin. Code NR [320.04\(3\)](#).
23. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, work in the waterway may not take place during the following periods, unless modified by the Transportation Liaison, who will coordinate with the DNR Fisheries Biologist:
 - September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>.
 - March 1st through June 15th for ALL other waters.
24. For projects located in an area that is known for wildlife movement or migration, the applicant has coordinated with the Transportation Liaison to use BMP's to provide habitat connectivity in the design and construction of the project.

SECTION 2: WDNR-GP2-2017 APPLICATION REQUIREMENTS AND PROCESS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed the proposed discharge of dredged and/or fill material into wetland meets the eligibility criteria and all the terms and conditions of this permit you must submit a complete application package, including a [WRAPP form](#) or [Information Worksheet](#), an application checklist and alternatives analysis to the [Transportation Liaison](#) assigned to the county where the project is located. Application materials can be found at dnr.wi.gov keyword "Transportation", under the "Municipal highways and permits" tab. A complete application package should include:

- a. Complete and Signed Water Resources Application for Project Permits (WRAPP) or Information Worksheet certifying project meets the terms and conditions of WDNR-GP2-2017.
 - b. Project plans or schematic drawings
 - c. Maps of the project site that show clear directions to the project site with project and property boundaries clearly labeled
 - d. Photographs that represent existing site conditions where project will occur
 - e. Alternatives Analysis for municipal highway, bridges, arches, and culverts, including detailed documentation that clearly demonstrates why the impact to the wetland cannot be avoided and how the impact to the wetland will be minimized.
2. You must apply to the department in writing not less than 30 days before commencing the activities authorized under this general permit. The notification shall provide information describing the activity, to allow the department to determine whether the activity is authorized by the general permit and shall give the department consent to enter and inspect the site.
 3. For wetland discharges, the application must identify all activities affecting wetlands that will be conducted as part of a single and complete project, and shall 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.
 4. Unless notified by the department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete application package.
 5. The department may request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. The department may make a request for additional information one time during the 30-day period. If the department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped.
 6. If adverse weather conditions prevent the department from conducting an accurate on-site inspection or assessing the potential for site-specific impacts during the 30-day application period, the department shall give notice to the applicant of this condition and shall complete the inspection as soon as weather conditions permit.

**Note* Wetland inspections are typically completed in the growing season. Please coordinate with the DNR Transportation Liaison regarding growing season in your area.*

7. The Department may determine the project is not eligible for this general permit and require that the project be reviewed through the individual permit process outlined in Wis. Stats. § 30.

SECTION 3: WDNR-GP2-2017 CERTIFICATION AND RESPONSIBILITIES

Upon submittal of a complete application package to DNR, you have certified that you are the responsible party and the highway, bridge, culvert, or arch construction project will be conducted in compliance with all the terms and conditions of WDNR-GP2-2017.

SECTION 4: WDNR-GP2-2017 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 2 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-GP2-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and have agreed to follow all terms and conditions of this general permit.
3. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and you certified is in compliance with the terms and conditions of WDNR-GP2-2017.
4. **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 DNR.
5. **Expiration.** This WDNR-GP2-2017 is valid for a period of 5 years from the date of issuance. Any activity that the department determines is authorized by WDNR-GP2-2017 remains authorized under WDNR-GP2-2017 for a period of 5 years from the date of the department's determination or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP2-2017 expired before the activity is completed.
6. **Project Start.** You must notify the department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
7. **Permit Posting.** You must post a copy of this permit at a conspicuous location on the project site for at least 5 days prior to the project starting, and the copy must remain posted on the project site at least five days after the project is complete. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.

8. **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 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.
9. **Construction Timing.** Once waterway work below the OHWM commences, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be made stable until the work is resumed and completed.
10. **Construction.** No other portion of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
11. **Project Completion.** Within one week of project completion you shall submit to the DNR Transportation Liaison a statement certifying project is in compliance with all the terms and conditions of this permit and photographs of the activities authorized by this permit.
12. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP2-2017 in good condition and in conformance with the terms and conditions of this permit, and must avoid additional impacts to waterways and wetlands. Remove accumulated brush, debris or other obstructions that are trapped in or underneath the structure regularly.
13. **Site Access.** Upon reasonable notice, you shall allow access to privately owned area of the site to any department employee who is investigating the project's construction, operation, maintenance or permit compliance the terms and conditions of WDNR-GP2-2017 and applicable laws.
14. **Erosion and Sediment Control Practices.** The project site must implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in Wis. Admin. Code s. NR 151.11(6m). These standards can be found at the following website: http://dnr.wi.gov/topic/Stormwater/standards/const_standards.html. Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

Note: If the project includes any grading, excavation or land-disturbance activity in excess of one acre, you may also need to receive coverage under a [Construction Site Stormwater Permit](#) in addition to this permit. Contact the [DNR Transportation Liaison](#) to determine the need for additional review.
15. **Bats.** There are four species of bats listed as Threatened in Wisconsin including one species that is Federally Threatened. As a result, bridge work shall follow

the protocols listed in the Broad Incidental Take Permit and Authorization for Wisconsin Cave Bats.

16. **Swallows.** Swallows may nest under bridges. Nesting swallows are protected under the Migratory Bird Treaty Act. The nesting season for swallows has been established as April 20 through August 30. The need for a US Fish and Wildlife Service depredation permit may be avoided by removing the existing bridge superstructure prior to nest occupation by swallows, and clearing the nests from and installing a suitable netting device on the remaining existing superstructure prior to nesting activity to prevent the swallows from nesting.
17. **Contaminated Sites.** The department provides an on-line database of contaminated sites, called the [Contaminated Lands Environmental Action Network \(CLEAN\)](#). You must check the site to see if a hazardous substance release has been reported in your project area, and if there has been a release, contact DNR before submitting your application for WDNR-GP2-2017.
18. **Asbestos.** Any bridge or culvert that is not wood, metal, glass or fiberglass may contain asbestos. DNR must be notified by the [Asbestos removal and notification forms](#) 10 days before the demolition of any existing structure, which may contain asbestos.
19. **Hazardous Sites.** You must determine if there are any Environmental Repair and Solid Waste disposal sites may be within the project boundaries by checking the [Historic Registry of Waste Disposal Sites](#). You must check the site to see if a hazardous substance release has been reported in your project area, and if there has been a release, contact DNR before submitting your application for WDNR-GP2-2017.
20. **Invasive Species.** To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project, including tracked vehicles, barges, boats, silt or turbidity curtains, hoses, sheet piles, and pumps, must be decontaminated for invasive species and viruses before and after use **or** prior to use within another navigable waterway. Follow the most recent department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in Wis. Admin. Code NR 40. These protocols and practices can be found on the department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: "equipment operator" or "invasive bmp" and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>
21. **Wetland protection.** You shall not store any vegetation, material, or equipment in wetlands. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
22. **Temporary fills.** Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation and vegetated.
23. **Federal and State Threatened and Endangered Species.** WDNR-GP2-2017 does not affect the DNR's responsibility to insure that all authorizations comply

with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats) and Section 7 of the Federal Endangered Species Act. No DNR authorization under this permit will be granted for projects found not to comply with these laws/Acts. In order to be in compliance, documentation is required showing [Endangered Resources \(ER\)](#) concerns have been addressed. Please note: Documents associated with Endangered Resources are valid one year from the date they are prepared. Documentation options include:

- a. An [ER Review Verification Form](#) showing that the project is covered by the [Broad Incidental Take Permit for no/low impact activities](#) and therefore does not require a review.
- b. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located here: <http://dnr.wi.gov/topic/ERReview/PublicPortal.html>.
- c. If the ER Preliminary Assessment from the NHI Public Portal shows that "Further actions are required" then submit one of the following:
 - i. A DNR ER Review letter. The request form for an ER Review letter is located here: <http://dnr.wi.gov/files/PDF/forms/1700/1700-047fillable.pdf>.
 - ii. A Certified ER Review letter. The list of Certified Reviewers is available here: <http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf>.

24. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable activities to prevent significant adverse impacts and/or to enhance the habitat for the species of concern.
25. **Historic Properties and Cultural Resources.** WDNR-GP2-2017 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and Wis. Stats. s. 44.40. No department authorization under this permit will be granted for projects found not to comply with these laws. The project must avoid impacts to archaeological sites or historic structures and is subject to departmental and Wisconsin Historical Society review and approval before authorization under this general permit is valid. 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 under this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.
26. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, may not be stored in the construction work area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. In addition, if feasible, biodegradable hydraulic fluid should be used in equipment that is operated below the Ordinary High Water Mark. If a spill of any potential hazardous substance should occur, it is the responsibility of the permittee to

remove such material, minimize any contamination resulting from this spill, and immediately notify the State Duty Officer at **1-800-943-0003**.

27. **Suitable Fill Material.** All fill authorized under this permit shall be free from hazardous substances as defined by Wis. Stats. §. 289.01(11), free from solid waste as defined by Wis. Stats § 289.01(11) and (33), and must consist of clean, suitable soil as defined by Wis. Admin. Code NR 500.03(214). Fill to create public road bed may consist of rock, gravel and sand, where appropriate.
28. **Standards for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the department.
29. **Transfers.** Coverage under this permit is not transferable to any person or entity unless the project has already been completed at the time of transfer.

SECTION 5: WDNR-GP2-2017 FINDINGS OF FACT

1. The department has determined that the project site and project plans meet the standards in WDNR-GP2-2017 to qualify for this General Permit.
2. The proposed project will not cause more than minimal adverse environmental effects pursuant to s. 281.36(3g)(d), will not cause significant cumulative adverse environmental impacts, will not injure public rights or interests, cause environmental pollution as defined in Wis. Stat. § 299.01(4), materially interfere with navigation, or have an adverse impact on the riparian property rights of adjacent riparian owners, pursuant to Wis. Stats. § 30.206(1)(am), if completed in accordance with this permit.
3. Pursuant to Wis. Admin. Code NR 299.04(1), 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.
4. The department has determined pursuant to wetland water quality standards under Wis. Admin. Code NR 103.03, and Wis. Stats. § 281.36(3g)(d), 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.
5. The department and the applicant have completed all procedural requirements, and projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will comply with all applicable requirements of WDNR-GP2-2017, Wis. Stats. § 30.123(7), 281.36(3g), and Wis. Admin. Code NR 102 and 150.
6. **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, any invasion of personal rights, or any infringement of federal, state or local laws or regulations.
7. **Limits of State Liability.** In authorizing work, the State does not assume any liability, including for any of 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 this WDNR-GP2-2017.
8. **Reevaluation of Decision.** This office may reevaluate its decision on any authorization under WDNR-GP2-2017 at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity, or seek an appropriate enforcement action. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. The applicant fails to comply with the terms and conditions of WDNR-GP2-2017.
 - 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 the department did not consider in reaching the original public interest decision.

SECTION 6: WDNR-GP2-2017 CONCLUSIONS OF LAW

1. The department has authority under Wis. Stats § 30.123(7) and 281.36, to issue a general permits for the construction and maintenance of projects that meet the eligibility criteria contained herein, subject to the terms and conditions contained herein.
2. Issuance of WDNR-GP2-2017 is an integrated analysis action under Wis. Admin. Code NR 150, and is in compliance with Wis. Admin. Code NR 150, Wis. Stats. § 1.11, Stats., and the Wisconsin Environmental Policy Act. The previous permit issuance also received an environmental analysis. See: <http://dnr.wi.gov/files/PDF/pubs/ea/EA0217.pdf>.

SECTION 7: WDNR-GP2-2017 DEFINITION OF TERMS

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

1. Affect includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland and secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g. segmenting a wetland complex, severing a portion of a complex, reduction in flood capacity, etc.).
8. Applicant means the municipality has supervision over of all phases of the bridge, arch, culvert or road project from project design through project construction and is responsible for making sure the project and all parties involved comply with the terms and conditions of this permit.

9. Cold Water Community includes surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species. This subcategory includes, but is not restricted to, surface waters identified as trout water by the department (Wisconsin Trout Streams, publication 6-3600 (80)).
10. Complete Application Package means a completed and signed application, the information specified in Section 2 of this permit and any other information which can reasonably be required from an applicant that the department needs to make a decision.
11. Dams are any artificial barrier in or across a watercourse which impound or divert water. A dam includes structures such as embankments, roadway fill, dikes, weirs, water control structures and ditch plugs.
12. Fill material is material placed in wetlands or waterways where the material has the effect of replacing any portion of a waterway or wetland with dry land; or changing the bottom elevation of any wetland or waterway. Re-use of construction materials need to comply with WI DNR Solid Waste requirements. Concrete needs to follow <http://dnr.wi.gov/files/PDF/pubs/wa/WA605.pdf>.
13. Floodplain as defined by [Wis. Admin. Code NR 116](#) means the land which has been or may be hereafter covered by flood water during the regional flood.
14. 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.
15. Highway means all public ways and thoroughfares. Does not include trails.
16. Impact to wetlands includes temporary or permanent conversion of a wetland, or filling in a wetland.
17. 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.
18. Maintenance includes rip rap placement and repairs to any municipal bridge or culvert on a navigable waterway below the OHWM, culvert liners, culvert and bridge extensions, and bridge re-decking.
19. Municipality is a city, town, village or county.
20. Navigable waterway means any body of water with defined bed and banks, which 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 NR 310.03(5).

21. Ordinary high water mark (OHWM) means the point on the banks or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognizable characteristics, as defined in Wis. Admin. Code 320.03(12).
22. Provisional Permit means a permit that is temporary and has an expiration date.
23. Public Highway is any highway, road, street or alley which is open for public use and is maintained and owned by a city, town, village or county.
24. Riprap – A layer or layers of rock, including filter material, placed on the bed and bank of a navigable waterway to prevent erosion, scour or sloughing of the existing bank. Riprap is clean fieldstone or quarry stone with a diameter of no less than 6 inches and no greater than 48 inches, set to minimize impacts to wildlife movement along the banks, and maintain the natural shoreline.
25. Single and complete project connects logical termini, demonstrates independent utility, and does not restrict consideration of alternatives for other reasonably foreseeable projects.
26. Transportation project includes construction or reconstruction of a public highway that is owned and maintained by a city, town, village or county.
27. Trout Stream - Per Wis. Admin. Code NR 1.02 (7), the department identifies and classifies trout streams to ensure adequate protection and proper management of this unique resource. To determine if a waterway is a trout stream, you may use the DNR website Trout Stream Maps.
28. Wetland has the meaning in Wis. Stats. § 23.24, and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions as defined in statute.

SECTION 8: WDNR-GP2-2017 EXPANDED WEB ADDRESSES

WDNR Transportation Liaison - <http://dnr.wi.gov/topic/sectors/transportation.html>

Chapter 31 - <http://docs.legis.wisconsin.gov/statutes/statutes/31/Title>

NR 116 - http://docs.legis.wisconsin.gov/code/admin_code/nr/100/116

Chapter 320.04(3) - http://docs.legis.wisconsin.gov/code/admin_code/nr/300/320/04

Trout Stream Maps - <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>

WRAPP form - <http://dnr.wi.gov/files/PDF/forms/3500/3500-053.pdf>

Information Worksheet - <http://dnr.wi.gov/topic/Sectors/documents/muniTransInfo.pdf>

Construction Site Stormwater Permit - <http://dnr.wi.gov/topic/stormwater/construction/>

Broad Incidental Take Permit and Authorization for Wisconsin Cave Bats - <http://dnr.wi.gov/topic/ERReview/Documents/BatConservationPlan.pdf>

Contaminated Lands Environmental Action Network (CLEAN) - <http://dnr.wi.gov/topic/Brownfields/WRRD.html>

Asbestos removal and notification forms - <http://dnr.wi.gov/topic/Demo/Asbestos.html>

Historic Registry of Waste Disposal Sites - <http://dnr.wi.gov/topic/Landfills/registry.html>

Endangered Resources (ER) - <http://dnr.wi.gov/topic/erreview/>

ER Review Verification Form - <http://dnr.wi.gov/files/PDF/forms/1700/1700-079.pdf>

Broad Incidental Take Permit - <http://dnr.wi.gov/topic/ERReview/ITNoLowImpact.html>