STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

GENERAL PERMIT FOR RIPARIAN NAVIGATIONAL DREDGING OF MAN-MADE IMPOUNDMENTS

PERMITTEE:	The General Public in Wisconsin
PERMIT NO.:	WDNR-GP20-2018
ISSUING OFFICE:	Waterways & Wetland Protection Section, Bureau of Watershed Management, External Services Division, Wisconsin Department of Natural Resources (department)
ISSUANCE DATE:	September 27, 2018
EXPIRATION DATE:	September 27, 2023

GENERAL PERMIT INFORMATION: This general permit (WDNR-GP20-2018) authorizes a riparian property owner to "dredge" up to 50 cubic yards per year to maintain a boating navigation channel, from the shoreline to the line of navigation (typically 3 feet of water). This general permit is only valid on "man-made impoundments" and is valid for 5 years.

GENERAL PERMIT AUTHORIZATIONS: In compliance with the provision(s) of Wis. Stats. 30.20(1)(b), no person may remove any material from the bed of any lake or navigable stream unless an individual or a general permit has been issued under s. 30.20, Wis. Stats. or authorization has been granted by the legislature.

Wis. Stats. s. 30.206(1)(a) and s. 30.20(3) require and authorize the "department" to issue general permits that authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. 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-GP20-2018.

OTHER AUTHORIZATIONS NECESSARY: WDNR-GP20-2018 authorizations are subject to all applicable terms and conditions specified in this permit. However, WDNR-GP20-2018 authorizations are provisional and require that project proponents obtain other required local, state or federal permits before any work may proceed. The U.S. Army Corps of Engineers may require permits for dredging projects that affect Section 10 Navigable Waters under the Rivers and Harbor Act of 1899 or projects that will result in a discharge under the Clean Water Act.

PROJECT DESCRIPTION AND LOCATION: The removal of material from the beds of navigable waters is regulated under Wis. Stats. subs. 30.20 (1), (1g), (1m), (1t), (2) and (3) and any person that intends to remove material from the bed of a navigable lake or stream must obtain a permit from the department. Under Wis. Stats. 30.20 (3)(b), the department is directed to issue a state-wide general permit for riparian navigational dredging up to 50 cubic yards per year from "inland", man-made impoundments and "associated features."

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 designated department office. Application information can be found on the department's webpage by search "waterway permits."

WDNR-GP20-2018 permit coverage is valid for a period of 5 years from the date the department determines the activity is authorized by this general permit or until the authorized activity has been completed, whichever occurs first. Thereafter, permit coverage terminates unless another complete notification package is submitted and approved by the department to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources
for the Secretary

Mike Thompson
Watershed Bureau Director
Division of External Services

27SEP18
Date Signed

GENERAL PERMIT FOR RIPARIAN NAVIGATIONAL

DREDGING OF MAN-MADE IMPOUNDMENTS WDNR-GP20-2018

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WDNR-GP20-2018 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the department in WDNR-GP20-2018. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP20-2018.

NOTE: The term "you" and its derivatives, as used in this general permit, means the person who submitted and signed the complete notification package for coverage under the General Permit or the person who removes material from the bed of a man-made impoundment under coverage of this General Permit. The term the "department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources regional service center or central office headquarters having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the department.

SECTION 1 – ELIGIBLITY STANDARDS AUTHORIZATION

To be eligible for coverage and authorization under this general permit to dredge up to 50 cubic yards per year from an inland man-made impoundment, any person is required to obtain a permit under Wis. Stats. s. 30.20(3)(b) and must meet all the following eligibility standards and permit conditions.

Projects that do not meet all the standards are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP20-2018. For projects that do not qualify for WDNR-GP20-2018, you may apply for an Individual Permit as outlined in Wis. Stats. s. 30.208(2). Further, s. 30.206(3r), Wis. Stats. allows the department to require an individual permit in lieu of a general permit if the department determines that the proposed activity is not authorized under WDNR-GP20-2018 or conducts an investigation and visits the site and determines that conditions specific to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution, as defined in Wis. Stats. s. 299.01(4), or material injury to the riparian rights of any riparian owner.

A. ELIGIBLITY STANDARDS APPLICABLE TO ALL PROJECTS

Project Design Standards

1. The "dredging" purpose is to allow the "riparian" owner to navigate from the shoreline of his or her riparian property to the "line of navigation."
2. The dredging is located exclusively within the "riparian zone" of the property owner.
3. For each riparian property, the area of dredging must be limited to a navigation channel not exceeding 30 feet wide and not exceeding the "line of navigation" as measured during summertime low water levels.
4. For each riparian property, the amount of "dredged material" may not exceed 50 cubic yards annually and may not exceed 250 cubic yards during the 5-year approval of this general permit.
5. The dredging is for the removal of "unconsolidated sediment" comprised of clay, silt, sand or muck and shall be to improve or maintain navigation.
6. The applicant is the riparian owner or has the permission of the riparian owner to dredge the bottom material.
7. If applicable, the applicant has permission from the flowage bed owner to dredge the bottom material.
8. The dredging may not be associated with any metallic or nonmetallic mining project.
9. Projects that propose in-water disposal of dredged materials are ineligible for this general permit.
10. Native aquatic vegetation may be removed incidental to the dredging event for the purpose of improving navigation only under this general permit without needing an additional aquatic plant management permit as required by Wis. Adm. Code NR 109 provided that:
    a. Removal of native aquatic vegetation is limited to a single area with a maximum width of 30 feet measured along the shoreline.
    b. Any aids to navigation (e.g., piers, boatlifts) are located within that 30–foot wide zone or immediately adjacent to the zone.
11. Projects involving the lease or sale of any dredged material are not eligible for this general permit. The lease or sale of dredged material from a navigable lake requires a dredging contract from the department under Wis. Stats. s. 30.20(2)(a).
12. Proposed dredging cannot conflict with any department approved lake management plan. See http://dnr.wi.gov/lakes/grants/. Go to the Lake Protection and Classification Grants awarded link and select the Lake Management Plan in the activity section.
13. Dredged material may not be temporarily or permanently placed within a wetland, floodway identified in a local floodplain zoning ordinance, or re-deposited below the "ordinary high water mark" of a navigable waterway.
14. The project shall be conducted in a manner that prevents the dispersal of sediment away from the project site. Temporary control measures such as turbidity barriers or silt curtains shall be used and shall be installed prior to

dredging and removed from the waterbody when water on both sides of the curtain are visually equal. Any temporary control measures shall follow all state lighting requirements and may not obstruct navigation. You may need a waterway marker permit or aids to navigation if dredging in a navigation channel or routinely used water route under Wis. Adm. Code NR 5.09.

15. Erosion control measures must meet or exceed the technical standards for erosion control approved by the department under Wis. Adm. Code subch. V of Ch. NR 151. Any area where topsoil is exposed during construction must be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. Note: These standards can be found at the following website: http://dnr.wi.gov/topic/stormwater/standards/

16. Dredging, including dewatering activities, shall be conducted to minimize objectionable deposits, as described in NR 102.04(1)(a) and (c), Wis. Adm. Code, of sediment to the maximum extent practicable.

Location and Timing Standards

17. The project is located on an inland, "man-made impoundment" or an "associated feature."

18. Dredging may only remove unconsolidated sediments defined as primarily clays, silt, muck, and sand. Dredging may not occur in an area of primarily bedrock, cobble, rock and gravel.

19. The project is located in a man-made impoundment with a watershed comprised of more than 30% combined agricultural and urban land use development based upon the department's most recent WiscLand dataset.

20. Removal of coarse woody debris, trees, and other fish and wildlife habitat structures authorized by the department is prohibited.

21. The dredging may not be located in a man-made impoundment that is identified as any of the following:

    a. an outstanding or exceptional resource water under Wis. Stats. s. 281.15,

    b. an "area of special natural resource" interest as defined in Wis. Stat. s. 30.01(1am), or

    c. a "public rights feature" as defined in Wis. Adm. Code NR 1.06(5).These waterways can be found on the SWDV at https://dnrmaps.wi.gov/H5/?Viewer=SWDV&view=designated.

22. The dredging may not be located in man-made impoundment 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 on the SWDV at http://dnr.wi.gov/topic/surfacewater/swdv/ and turn on the layer called "Walleye Waters" which is under the "Fisheries Management" layer.

23. Projects that involve the removal of material from waters that were ammunition fall areas for gun ranges or projects that involve the removal of "hazardous waste" are ineligible for this general permit.

24. Projects involving the removal of material where a sediment cap, cover, installed barrier or where other engineering controls have been installed as part of a federal or state environmental remediation to manage contaminated sediment are ineligible for this general permit. Examples of environmental remediation

programs are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), the Resource Conservation and Recovery Act (RCRA), Great Lakes Legacy Act, and a Spill Response under Wis. Stats. Ch. 292 or Wis. Adm. Code Ch. NR 700 or both. For sediment cap or cover information see SWIMS database at http://dnr.wi.gov/topic/surfacewater/swims/

25. Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, the removal of material may not occur from March 1 through June 15.

    NOTE: The regional department Fisheries Biologist may waive or modify these timing restrictions in writing. To request in writing a waiver or modification of fish spawning timing restrictions for your project please use the checklist listed as Appendix 1 and the department website at: http://dnr.wi.gov/topic/Waterways/contacts.html to find the county contact for your project to send the requested information.

Contaminated and Hazardous Sediment Eligibility Standards

26. The applicant shall provide information about the potential for the proposed dredged material to contain "contaminated sediments" or "hazardous substances" if:

    a) The proposed dredging site is listed or immediately adjacent to a site 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 a contaminated properties. 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 "contaminated sediments" or "hazardous substances" may be present in proposed area to be dredged and there is a need to verify if contamination is present and at what concentrations.

    Note: There may be cases where the department already has specific information about the presence of contaminated sediments or hazardous substances in a waterbody and may not require additional sampling. Specific information required by the department 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 dredge material information from the vicinity of the proposed project that was collected and analyzed in accordance with Ch. NR 347, Wis. Adm. Code; or
    3. Assessment of the potential for contaminated sediments or 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.

27. Projects, where contaminated sediments or hazardous substances are detected, must include best management practices to mitigate the potential for surface and groundwater contamination. The best management practices must be included in the project design plans and approved the by the department.

Note: Dredging projects must also obtain approval and/or administrative exemption, and put in place practices to comply with, the Wisconsin Pollutant Discharge Elimination System (WPDES) and Waste Material Management programs. For projects where contaminated sediments or hazardous substances are found, the department may require an individual permit application under Wis. Stats. s. 30.206(3r).

SECTION 2 – APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. To comply with the requirements in NR 347.05, Wis. Adm. Code and prior to submission of an application, applicants shall provide the department with preliminary dredging project information including:
   a) Name of waterbody and location of project;
   b) Volume of material to be dredged;
   c) Brief description of dredging method and equipment, including any containment best management practices to be used;
   d) Brief description of how the dewatering discharge from the dredged material will be managed;
   e) Brief description of the proposed dredged material disposal method and location, including a Waste Material Management Self-Certification Exemption for Dredge Material Flowchart form.
   f) Any previous sediment sampling (including field observations) and analysis data from the area to be dredged or from the proposed disposal site;
   g) Copy of a map showing the area to be dredged, the depth of cut, the specific location of the proposed sediment sampling sites and the bathymetry of the area to be dredged; and
   h) Anticipated starting and completion dates of the proposed project.

   NOTE: The department will review your preliminary dredging project information and contact you about any required sediment sampling or general permit eligibility questions.

   Considering the preliminary information provided by the applicant and the factors described in #25, the department shall then make a determination within 30 business days if there is reason to believe that the material proposed to be dredged is contaminated. This initial evaluation by the department may be used in specifying sediment sampling and analysis required under s. NR 347.06, Wis. Adm. Code.

2. After the department has contacted you in response to the your submitted preliminary dredging project information and you have carefully confirmed that your project meets the purpose and all the terms and conditions of this general permit, submit a *complete application package* outlined below, to the department. The complete application package should be received a minimum of 30 calendar days before the desired project start date. To apply for a permit, visit department's e-permitting system at: https://dnr.wi.gov/Permits/Water/

3. To gain coverage under this general permit, submit a complete application package. A complete application package must include all information required by the general permit checklist:

   a) A Complete Application form certifying that the project meets the terms and conditions of WDNR-GP20-2018. This form can be found at http://dnr.wi.gov/Permits/Water/ .

   b) The appropriate application fee.

   c) A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required by Section IA, Standards #6 or #7 of this general permit.

   d) A project diagram that shows all of the following:

      i. Project location relative to the ordinary high water mark (OHWM).

      ii. A plan view to scale showing the area of proposed removal.

      iii. The location of turbidity and erosion control measures to be utilized during the dredging operation and disposal of the material.

   e) A copy of the results from any sediment sampling, required under NR 347, Wis. Adm. Code (if applicable).

   f) Maps of the project site that show and identify the location of all the following:

      i. Shoreline property boundaries for all applicant and including adjacent properties

      ii. In water riparian properties boundaries to the line of navigation.

      iii. The proposed disposal location.

   g) Photographs that represent existing project site conditions at the disposal site and the site where the dredging will take place.

   h) Documentation showing Endangered Resources (ER) under s. 29.604 Wis. Stats. will not be impacted. Options include:

      i. An ER Preliminary Assessment from the NHI Public Portal. The NHI Public Portal is located here: http://dnr.wi.gov/topic/ERReview/PublicPortal.html. If the ER Preliminary Assessment from the NHI Public Portal shows that "Further actions are required" then submit one of the following:

         1. A department 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

         2. A Certified ER Review letter. The list of Certified Reviewers is available here: http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf

      Note: Documents associated with Endangered Resources are valid one year from the date they are prepared.

4. 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 on which the department receives the information, at which point the clock resumes from the point it was initially stopped.

5. Under Wis. Stats. s. 30.206(3r), 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 Ch. 30.

SECTION 3 – CERTIFICATION AND RESPONSIBILITIES

The applicant certifies and agrees to the following:

1. 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-GP20-2018.
2. Upon submittal of a complete application package to the department, you have certified that the project will be conducted in compliance with all the terms and conditions of WDNR-GP20-2018.

SECTION 4 – GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. **Application**. You must submit a complete application package to the department as outlined in Section 2 of this general permit. If requested, you must furnish to 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-GP20-2018 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 agreed to follow all terms and conditions of this general permit.
3. **Project Plans**. This permit does not authorize any work other than the work that is specifically described in the notification package and plans submitted to the department and that you certified is in compliance with the terms and conditions of WDNR-GP20-2018.
4. **Erosion Control**. You must use proper methods for the excavation, loading, hauling, dewatering and disposal of all materials. Sealed trucks must be used to eliminate any spillage onto public roadways. If any spillage does occur it must be cleaned up immediately.
5. **Expiration**. Unless notified by the department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated department office receives a complete application package.

   This WDNR-GP20-2018 is valid for a period of 5 years from the date of issuance. Any activity that the department determines is authorized by WDNR-GP20-2018 remains authorized under WDNR-GP20-2018 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-GP20-2018 expired before the activity is completed.

   There is no limit to the number of times dredging can occur over the course of

this general permit if the sum of each event during a calendar year does not exceed 50 cubic yards per year and does not exceed 250 cubic yards during the 5 year authorization. Each dredging event must adhere to the terms and conditions, including the eligibility standards, of this general permit.

6. **Other Permit Requirements**. You are responsible for obtaining any other state permits for the dewatering or disposal of the dredged material and any other permits or approvals that may be required for your project by local zoning ordinances and the U.S. Army Corps of Engineers (USACE) before starting your project. To locate the USACE staff responsible for review projects in Wisconsin please visit http://www.mvp.usace.army.mil/Missions/Regulatory.aspx.

   Note: The department will forward a copy of your application package to the U.S. Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

7. **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 the activity is completed. Before each dredging event the general permit holder shall notify the department at least 5 business days prior to the work with the following information:

   a) Existing General Permit Docket or Identification number verifying existing coverage

   b) Location of dredging

   c) Proposed volume amount

   d) Proposed dimensional dredging area

   e) Dredged material disposal location

8. **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.

9. **Permit Compliance**. The department may revoke coverage of this permit if dredging is not carried out in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. 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.

10. **Project Completion**. ***Within one week*** of project completion you must submit to the department a statement certifying that the project is in compliance with all the terms and conditions of this permit and photographs of the work authorized by this permit.

11. **Site Access**. Upon reasonable notice, you must 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-GP20-2018 and applicable laws.

12. **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. Adm. Code Ch. 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

13. **Federal and State Threatened and Endangered Species**. WDNR-GP20-2018 does not affect the department's responsibility to ensure 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 department 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 the no further actions are necessary or 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 department 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/CertifiedReview ers.pdf.

14. **Historic Properties and Cultural Resources**. WDNR-GP20-2018 does not affect the department'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 department 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.

15. **Preventive Measures**. Measures must be adopted to prevent potential pollutants from entering a wetland or water body. 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 water body as a result of spillage, natural runoff, or flooding. In addition, biodegradable hydraulic fluid should be used in equipment that is operated below

the ordinary high water mark. If a spill of any potential pollutant 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**.

16. **Property Rights**. This permit does not convey any property rights or interests 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.
17. **Limits of State Liability**. In authorizing work, the State Government 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-GP20-2018.
18. **Enforcement.** The department may enforce violations of the terms and conditions of WDNR-GP20-2018 under the provisions of ss. 30.292 and 30.298, Wis. Stats.
19. **Rescission.** The department has the ability to rescind coverage under this general permit if information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.

SECTION 5 – FINDINGS OF FACT

1. The department has determined that the project site and project plans meet the standards in WDNR-GP20-2018 to qualify for this General Permit.
2. The dredging will not materially interfere with navigation, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in significant cumulative adverse environmental impacts, injury or significant adverse impacts to the public rights and interests in the waterway, material injury to the rights or riparian rights of any riparian owner, or adverse impacts to the riparian property rights of adjacent riparian owners, pursuant to Wis. Stats. s. 30.206(1)(ag) and (3r)(a)2.
3. The department and the applicant have completed all procedural requirements, and the project as permitted will comply with all applicable requirements of WDNR-GP20-2018 and Wis. Adm. Code Chapters NR 102, 103, 150, 299, and 310.

SECTION 6 – CONCLUSIONS OF LAW

1. The department has authority under Wis. Stats. Ch. 30 to issue a permit for the completion of this project.
2. The department has complied with Wis. Stats. s. 1.11.

SECTION 7 – DEFINITION OF TERMS

You accept the following definitions for use with this general permit:

1. "Area of special natural resource interest" has the meaning in Wis. Stats. s. 30.01 (1am).
2. "Associated feature" of an impoundment means connected surface water to the impoundment that is affected by the artificially raised water level such as individual lake basins, back bays and channels.
3. "Contaminated sediments" has the meaning specified in the Wisconsin Pollutant Discharge Elimination System general permit to discharge carriage and/or interstitial water from dredging operations.
(WPDES Permit No. WI-0046558-06-0).
4. "Department" means the Department of Natural Resources.
5. "De minimus" has the meaning in Wis. Adm. Code 345.03(2) and means the dredging of less than 2 cubic yards in a calendar year from a specific waterbody or disturbance of bottom material during the manual removal of aquatic plants that meet the requirements of Wis. Adm. Code s. NR 109.06 (2).
6. "Dredged material" means any material removed below the ordinary high water mark (OHWM) or from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
7. "Dredging" means any part of the process of the removal or disturbance of material from below the OHWM or from the bed of a navigable waterway, transport of the material to a disposal, re-handling 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.
8. "Hazardous substance" has the meaning specified in s. 292.01 (5), Wis. Stats.
9. "Hazardous waste" has the meaning specified in s. 661.03, Wis. Adm. Code.
10. "Man-made Impoundment" for the purpose of WDNR-GP20-2018, has the meaning of a lake with artificially raised water levels created by a man-made dam or structure on a stream or river. Lake includes lakes, reservoirs, flowages or millponds listed in the most current version of the Wisconsin Lakes, Publ-FH-800.
11. "Inland waters" has the meaning given in s. 29.001(45), Wis. Stats.
12. "Line of navigation" means the depth contour where the water is 3 feet deep or the depth required to operate a boat demonstrated to need greater than 3 feet of water (see Wis. Stats. s. 30.01(3c)). Water depths are based on the normal summertime low levels on the waterway or summer minimum levels where established by department order.

    Note: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under Wis. Stats. s. 30.13, the line of navigation is the municipal pierhead line.

13. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin, a body of water is navigable if it is capable of floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at Wis. Stats. s.30.01(4m), and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff,

DeGayner & Co., Inc. v. DNR, 70 Wis. 2d 936 (1975); Village of Menomonee Falls v. DNR, 140 Wis. 2d 579 (Ct. App. 1987).

14. "Ordinary high water mark" (OHWM) has the meaning specified in s. NR 345.03(10), Wis. Adm. Code
15. "Outlying Waters" has the meaning given in s. 29.001(63), Wis. Stat., and means Lake Superior, Lake Michigan, Green Bay, Sturgeon Bay, Sawyer's Harbor and the Fox River from its mouth up to the dam at De Pere.
16. "Public Rights Feature has the meaning given in s. NR 1.06(5), Wis. Adm. Code.
17. "Riparian" means an owner of land adjacent to a navigable waterway.
18. "Riparian zone" has the meaning specified in s. 30.01(5r), Wis. Stats.
19. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures. See Wisconsin Construction Site Technical Standards at http://dnr.wi.gov/topic/stormwater/standards/const_standards.html
20. "Unconsolidated sediment" is defined as loose materials ranging in size from clay and silt to sand and muck. Unconsolidated sediment does not include bedrock, cobble, rock or gravel