



June 1, 2016

GP-WC-2016-50-01388

Krista Olson
McDill Inland Lake District
3317 Della St.
Stevens Point, WI 54481

RE: Coverage under the waterway statewide general permit to maintenance-dredge in a previously dredged area in McDill Pond in the City of Stevens Point, Portage County, also described as being in the NE1/4 of the NW1/4 of Section 3, Township 23 North, Range 8 East.

Dear Ms. Olson:

Thank you for submitting an application for coverage under the waterway statewide general permit to maintenance-dredge in a previously dredged area in McDill Pond, under WDNR-GP13-2015 and Section 30.206, Wisconsin Statutes.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based on your signed certification you may proceed with your project. Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist or in the statewide general permit, found at <http://dnr.wi.gov/topic/waterways/> - keyword: general permits. The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project, and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. Please contact me to discuss your proposed modifications if you need to alter your project.

Your plan for final use of the dredge spoils is to truck them away for various local projects. Please check with Brian Kalvelage of the DNR Solid Waste program about the suitability of the spoils for the individual projects. You can reach him at 608 785 9983 or brian.kalvelage@wisconsin.gov.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

The Department of Natural Resources appreciates your willingness to comply with waterway regulations, which help to protect the water quality, fish and wildlife habitat, natural scenic beauty, and recreational value of Wisconsin's public resources for future generations. Please be sure to obtain any other local, state or federal permits that are required before starting your project.

For project details, maps, and plans related to this decision, please see application number WP-GP-WC-2016-50-X04-25T20-23-16 on the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>.

Please contact me if you have any questions about your permit.

Sincerely,



Will Stites
Water Management Specialist
Wisconsin Department of Natural Resources
715-421-7815
Will.Stites@Wisconsin.gov
dnr.wi.gov/topic/waterways

Copies to: Eric Norton, U.S. Army Corps of Engineers
Michael Ostrowski, Stevens Point Dept. of Community Devel.
Jon Scharbarth, WDNR Conservation Warden
John Moe, Stevens Point City Clerk
Brian Kalvelage, WDNR Solid Waste Specialist

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill material, including discharges associated with mechanical land clearing, in all waters of the United States. Waters of the U.S. include most lakes, rivers, streams, and their tributaries, as well as most wetlands adjacent to these water bodies. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act.

Pursuant to Shoreland and Floodplain Ordinances, Portage County has regulatory jurisdiction over all activities and development on all lands within the unincorporated limits of Portage County that would be inundated by a regional flood, and all shorelands of navigable waters. Navigable waters include most lakes, rivers, streams, and their tributaries. Shorelands include lands within 1,000 feet of a lake or flowage and within 300 feet of a navigable stream and any associated wetlands.

WDNR-GP13-2015 General Permit Conditions

Maintenance dredging of previously dredged areas

You agree 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-GP13-2015 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-GP13-2015
4. **Expiration.** This WDNR-GP13-2015 is valid for a period of 5 years from the date of issuance. Any activity that the Department determines is authorized by WDNR-GP13-2015 remains authorized under WDNR-GP13-2015 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-GP13-2015 expired before the activity is completed.
5. **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>
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 the 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 dredging is not carried out in compliance with the terms and conditions of this permit or if the Department determines the project will be detrimental to the public interest. 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. **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.

WDNR-GP13-2015 General Permit Conditions

Maintenance dredging of previously dredged areas

10. **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-GP13-2015 and applicable laws.
11. **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. Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices shall be removed upon final stabilization. Areas disturbed during removal shall be restored.
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. Admin. 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-GP13-2015 does not affect the DNR's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, Wis. Stats. s. 29.604, and applicable State Laws. The project must either avoid impacts to endangered or threatened species in accordance with Wis. Stats. s. 29.604 or receive an incidental take authorization under Wis. Stats s. 29.604. No Department authorization under this permit will be granted for projects found not to comply with these laws. No activity is authorized that 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 both, or that is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.
14. **Historic Properties and Cultural Resources.** WDNR-GP13-2015 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.

WDNR-GP13-2015 General Permit Conditions Maintenance dredging of previously dredged areas

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-GP13-2015.
18. **Reevaluation of Decision.** This office may reevaluate its decision on any authorization under WDNR-GP13-2015 at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity. Suspension, modification or revocation may result in 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-GP13-2015.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, inaccurate, or false
 - c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.