



US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: 9-January-2013

EXPIRES: 31-December-2017

AUTHORITIES:

Section 404, Clean Water Act

Section 10, Rivers and Harbors Act

REFER TO: GP-004-WI (2012-01421-DJM)

ISSUANCE OF REGIONAL GENERAL PERMIT GP-004-WI IN THE STATE OF WISCONSIN EXCEPT WITHIN THE EXTERIOR BOUNDARIES OF INDIAN RESERVATIONS

I. PURPOSE OF THIS PUBLIC NOTICE. The purpose of this public notice is to announce the issuance of a general permit, GP-004-WI, for the state of Wisconsin (attached).

II. BACKGROUND. The Corps is issuing GP-004-WI to replace and update the transportation coverage under Section 404 of the Clean Water Act (Section 404) and Section 10 of the Rivers and Harbors Act (Section 10) afforded by GP-001-WI.

GP-001-WI is currently suspended and slated for revocation. GP-001-WI has reporting categories which may be used to authorize the following types of non-transportation projects: activities exempt from state statute under Chapter 30, and other projects authorized under Chapter 30/31 that impact less than 0.5 acre of waters of the United States.

Projects currently authorized by GP-001-WI that do not fit GP-004-WI (transportation projects) may be eligible for GP-003-WI. The suspension of GP-001-WI and issuance of GP-003-WI are addressed in two separate public notices.

The general categories of GP-004-WI are summarized below. Please note that some of the categories represent a change from the draft GP-004-WI publicly noticed on July 2, 2012. These changes between draft and final GP-004-WI have been implemented in part based on public comments received.

Non-reporting section: The following seven categories of activities are eligible for authorization without any requirement to apply to or contact the District, provided that all terms and conditions of GP-004-WI are met. Individual review of non-reporting activities authorized by GP-004-WI would not normally be performed, except when an applicant requests verification that an activity complies with the conditions of GP-004-WI.

- a. *Maintenance of Structures & Discharges:* The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, provided that the activity does not affect more than ½ acre of waters of the United States nor more than 250 linear feet (in sum) of watercourse. Temporary impacts necessary to conduct the maintenance activity are also authorized, provided the thresholds described above are not exceeded.

- b. *Maintenance Dredging*: Excavation and removal of accumulated sediment to upland areas for maintenance of existing marina basins and boat slips, and access channels to marinas or boat slips to previously authorized depths or controlling depth for ingress or egress (whichever is less). This category also authorizes up to 5,000 square feet of temporary structures, fills, and work necessary to conduct the maintenance dredging.
- c. *Piers, Docks, Wharves, Boat Shelters, and Pilings*: Impacts associated with the placement or construction of these projects provided the free movement of water is not impeded and sediment is not trapped. Piers, docks, and wharves may not extend further than 40 feet, into a federal navigational channel, or be constructed in a manner to result in the mooring of vessels within a federal navigational channel.
- d. *Bank Stabilization*: Work proposed to provide bank stabilization provided the project does not impact wetlands, impacts less than 500 linear feet of shoreline, and any discharge does not exceed an average of one cubic yard per running foot below the plane of the ordinary high water mark. Temporary impacts are also authorized provided they do not exceed 4,000 square feet of impact.
- e. *Outfall Structures*: The construction of outfall structures and associated intakes where the effluent is authorized, exempted, or otherwise in compliance with Section 402 of the Clean Water Act.
- f. *Activities in Previously Filled Areas of Navigable Waters*: Activities in areas of navigable waters of the United States that were filled post-enactment of Section 10, provided that the work does not affect the course, location, or condition of the waterbody in such a manner as to impact its navigable capacity. The work authorized shall not extend or expand the footprint of the previously authorized work or structure under, over, or in any areas of navigable water.
- g. *Oil Spill/Hazardous Substances Containment/Cleanup*: Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts.

Reporting activities: the following five activities are eligible for authorization by the reporting GP-004-WI. These GP's require notification to, and written confirmation from, the District prior to commencing work in waters of the U.S.

- a. *Structures*: Activities that include temporary, seasonal, or permanent placement of structures are eligible, provided the activity does not: incorporate a discharge regulated under Section 404; does not impact greater than 10,000 square feet of waters of the United States; and is limited to no more than 500 linear feet of waterway impact (in sum).
- b. *Dredging*: Removal of material (to be placed in uplands) from up to 0.5 acre below the ordinary high water mark or the mean high water mark of waters of the United States. No wetland impacts (direct or secondary) are authorized, with the exception to allow

dredging of previously dredged wetlands below the ordinary (mean) water mark that are subject to regulation under Section 10.

- c. *Discharges of Dredged or Fill Material:* Minor discharges of dredged or fill material (including structural discharges) into all waters of the United States, provided the activity does not impact greater than 10,000 square feet of waters of the United States and the discharge is not placed for the purpose of stream channelization or diversion.
- d. *Beach Nourishment:* Work (including temporary impacts) associated with the placement of sand or pea gravel in waters of the United States. This category may not be used to impact greater than 0.5 acre of waters of the United States, and no sand or pea gravel may be placed in wetlands above the ordinary high water mark.
- e. *Temporary Construction, Access, and Dewatering:* Temporary structures and discharges, including cofferdams needed for construction activities or access fills or dewatering of construction sites. Notification to the District must demonstrate reasonable measures to avoid and minimized impacts to waters of the U.S. including a restoration plan.

III. ADDITIONAL INFORMATION. GP-004-WI is issued according to the provisions of Section 404 of the Clean Water Act, includes consideration of the public interest (33 CFR 320), the guidelines set forth under Section 404(b)(1) of the Clean Water Act (40 CFR 230), and Section 10 of the Rivers and Harbors Act.

GP-004-WI does not affect any existing or future Department of the Army Section 10 of the Rivers and Harbors Act NWP, or any other regional GPs in Wisconsin.

GP-004-WI may be viewed on the District Internet web site at:

<http://www.mvp.usace.army.mil/regulatory> under the "General Permits and Letters of Permission Procedures" section.

Questions may be directed to Mrs. Rebecca Graser in our Waukesha office at (262) 717-9531, extension 3. Inquiries may also be submitted through the website or mailed to: Regulatory Branch, St. Paul District, Corps of Engineers, 180 Fifth Street East, St. Paul, Minnesota, 55101.

FOR THE DISTRICT ENGINEER:

Tamara E. Cameron
Chief, Regulatory

DEPARTMENT OF THE ARMY PERMIT

Permittee: The General Public in Wisconsin
Permit No. GP-004-WI
Issuing Office: St. Paul District, United States Army Corps of Engineers
Issuance Date: January 9, 2013
Expiration Date: December 31, 2017

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate St. Paul District Corps of Engineers.

GENERAL PERMIT AUTHORIZATIONS: The general public in the state of Wisconsin is authorized to perform work in accordance with the terms and conditions of the general permit (GP) categories specified below. In addition, some GP authorizations may be subject to project-specific special conditions that will be specified in the St. Paul District's letter of confirmation. Refer to the appropriate sections of this permit for a description of GP eligible activities, conditions, limitations, exclusions and application/notification and instructions.

PROJECT DESCRIPTION AND LOCATION: GP-004-WI applies to certain activities in waters of the United States, including wetlands, as described herein, in the state of Wisconsin except within the exterior boundaries of federally recognized Indian Reservations. In general, GP-004-WI may be used for activities whose purposes include maintenance, dredging, bank stabilization, hazardous substances containment/cleanup, structures, beach nourishment, temporary construction, and discharges of dredged and fill material in waters of the United States (see GP categories 2.a and 3.a). Unless otherwise noted, GP-004-WI may be used to authorize these activities pursuant to the following authorities:

Section 404 of the Clean Water Act (33 U.S.C. 1344): for discharges of dredged or fill material into waters of the United States; and

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403): for work and structures that are located in, under or over any navigable water of the United States that affect the course, location, condition, or capacity of such waters, or the excavating from or depositing of material in such waters.

Further Information:

1. Bridges over navigable waters of the United States also require authorization from the United States Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899.
2. Limits of the GP-004-WI Authorization:
 - (a) This GP does not obviate the need to obtain other federal, state, or local authorizations required by law.
 - (b) This GP does not grant any property rights or exclusive privileges.
 - (c) This GP does not authorize any injury to the property or rights of others.

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- (d) This GP does not authorize interference with any existing or proposed federal project.
3. In authorizing work using GP-004-WI, the Federal Government does not assume any liability, including damages to, or due to, the following:
- (a) The permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - (b) The permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - (c) 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) Claims associated with any future modification, suspension, or revocation of this permit.
4. The determination by this office that an activity is not contrary to the public interest will be made in reliance on the information provided by the applicant.
5. This office may reevaluate its decision on an authorization at any time the circumstances warrant. 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 this general permit.
 - (b) The information provided by the applicant proves to have been false, misleading, incomplete, or inaccurate.
 - (c) Significant new information surfaces which this office did not consider in reaching the original public interest decision.
- A reevaluation may result in a determination to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate.
6. This office may also reevaluate its decision to issue GP-004-WI at any time the circumstances warrant. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7.

This general permit becomes effective when the federal official, designated to act for the Secretary of the Army, has signed below.


for Michael J. Price
Colonel, Corps of Engineers
District Engineer

09 Jan 2013
Date

GP-004-WI PROVISIONS AND ACTIVITIES

This document describes the Section 404 Clean Water Act (Section 404) and Section 10 Rivers and Harbors Act of 1899 (Section 10) general permit conditions, activities, and authorization procedures implemented by the St. Paul District Corps of Engineers (Corps) in GP-004-WI.

Persons proposing to do work should note that, in ALL cases, GP-004-WI requires that adverse impacts on water and wetland resources be avoided and minimized to the maximum extent practicable.

1. GP-004-WI PROVISIONS

a. GP-004-WI DEFINITIONS:

1. Calculation of Aquatic Impact Thresholds: Impacts shall be calculated using the units of measure specified in each permitting category (i.e. area, linear footage, and/or volume) of waters of the United States temporarily and permanently occupied by a structure, plus the area (or other measure as required by the category) of waters of the United States temporarily and permanently filled, excavated, inundated, or drained (unless otherwise indicated). Waters of the United States converted to another wetland cover type may be considered a permanent impact. Activities must meet all limitations contained in a permit category (for example: linear and area threshold limits).
2. Compensatory Mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or, in certain circumstances, preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization measures have been incorporated into the project.
3. Currently Serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.
4. Discharge: The term discharge (as defined in 33 CFR 323.2) means any discharge of dredged or fill material in waters of the United States.
5. Fill Material: Fill material (as defined in 33 CFR 323.2) means material placed in waters of the United States where the material has the effect of:
 - (a) Replacing any portion of a water of the United States with dry land; or
 - (b) Changing the bottom elevation of any portion of a water of the United States.Examples of fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the waters of the United States. The term fill material does not include trash or garbage.
6. Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and

cultural importance to an Indian tribe or Native Hawaiian organization that also meet the National Register criteria (36 CFR 60).

7. Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single, complete projects with independent utility.

8. Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

9. Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

10. Single and Complete Project: The sum of waters of the United States proposed to be impacted by the project proponent. For "phased" developments, each phase may constitute a single and complete project if it has independent utility.

11. Structural Discharge: Discharges of material such as concrete, sand, rock, etc. into tightly sealed forms or cells where the material will be used as a structural member such as a utility pole, bridge support, ramp surface, or retaining wall.

13. Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

b. GP-004-WI GENERAL CONDITIONS (applicable to all GP-004-WI authorizations):

1. Duration of Authorization. GP-004-WI expires on December 31, 2017 (unless suspended, revoked or modified). Unless otherwise specified in the Corps confirmation letter, the time limit for completing work authorized by GP-004-WI ends upon the expiration, suspension, or revocation date of this GP-004-WI (2012-01421-DJM). Activities authorized under the non-reporting categories of GP-004-WI where construction has commenced or are under contract to commence construction, will remain authorized provided the activity is completed within 12 months of the date of the GP-004-WI expiration, suspension, or revocation; whichever is sooner. If you find that you require additional time to complete activities authorized, submit your time extension request to this office for consideration at least three months before the expiration date is reached.

2. Special Conditions. The Corps may impose additional conditions on a project authorized pursuant to the reporting categories of GP-004-WI that are determined necessary to avoid or minimize adverse effects on navigation or the environment to ensure that the project is in the public interest. Such conditions will be

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specifically identified in any Corps confirmation letter. Failure to comply with all conditions and limitations of the authorization, including special conditions incorporated into the Corps' confirmation letter, constitutes a permit violation and may subject the permittee to criminal, civil or administrative penalties, and appropriate environmental remediation (which could include restoration of the site to its pre-violation condition).

3. Maintenance and Transfer. You must maintain the activity authorized by GP-004-WI in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party. Should you wish to cease to maintain an activity authorized by a reporting category of GP-004-WI, or abandon it without a good faith transfer; you must obtain a modification of the authorization from this office, which may require restoration of the area. If you wish to transfer responsibility for completion or maintenance of the project to another entity, please contact this office so we may document the transfer of the authorization. You are not relieved of your responsibilities under this permit until the transfer has been processed and acknowledged by the Corps of Engineers.

4. Historic Properties, Cultural Resources. Project proponents for reporting GP-004-WI categories shall notify the Corps if any historic properties listed, determined eligible, or which the project proponent has reason to believe may be eligible for listing on the NRHP, might be affected or is in the vicinity of the project. Information concerning the location and existence of cultural resources may be obtained by contacting the State Historic Preservation Officer (SHPO) at (608) 264-6505, the NRHP, and the appropriate tribal government.

(a) No activity which may affect historic properties listed, or eligible for listing, on the NRHP is authorized, until the Corps has complied with the provisions of 33 CFR 325, Appendix C.

(b) If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately and the Corps, SHPO and/or Tribal Historic Preservation Office (THPO) must be contacted for further instruction. If you discover any previously unknown historic or archaeological remains while accomplishing any activity authorized by GP-004-WI, you must immediately stop work and notify this office of what you have found. The Corps will initiate the coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing on the NRHP.

5. Site Access. You must allow representatives from this office to inspect the proposed project site and the authorized activity at any time deemed necessary to ensure that it is being, or has been, constructed and maintained in accordance with the terms and conditions of GP-004-WI.

6. Navigation. The following conditions are part of all Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act:

(a) No activity may cause more than a minimal adverse effect on navigation and there shall be no unreasonable interference with navigation by use of the activity authorized herein.

(b) Any safety lights and signals prescribed by the United States Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of

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Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. Discretionary Authority. The Corps retains discretionary authority to require a standard individual permit review of any activity eligible for authorization under GP-004-WI based on concern for navigation, the aquatic environment, or any public interest factor.

8. Federal Responsibility to Indian Tribes. Projects the Corps finds to have potential to affect tribal interests will be coordinated with the appropriate Indian Tribal governments and the Bureau of Indian Affairs as appropriate. The Tribe's views will be considered in the Corps evaluation of the project. Based on treaty rights, no activity or its operation may impair reserved treaty rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

9. Form and Confirmation of Authorization. Every reporting GP-004-WI authorization will be confirmed in writing by the Corps. Any confirmation issued may include special conditions which are part of this permit as it pertains to that project being authorized.

10. Avoidance and Minimization. Impacts to waters of the United States must be avoided and minimized to the maximum extent practicable (please see 1.a.9., above for a definition of practicable).

11. Water Quality Standards. All work or discharges to a watercourse resulting from GP-004-WI authorized construction activities, particularly hydraulic dredging, must meet applicable federal, state, and local water quality and effluent standards on a continuing basis. Water intakes or other activities that may be affected by suspended solids and turbidity increases caused by work in the watercourse must be identified and sufficient notice must be given to the owners of property where the activities would take place to allow them to prepare for any changes in water quality. Installation of intake structures that are not directly associated with an outfall structure or outfall structures that are not in compliance with regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act) are not eligible for authorization under GP-004-WI.

12. Erosion and Siltation Controls. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark shall be permanently stabilized at the earliest practicable date. Work should be done in accordance with state-approved published practices as described in NR 216 of Wisconsin Administrative Code.

Upon completion of earthwork operations, all exposed slopes, fills, and disturbed areas must be given sufficient protection by appropriate means such as landscaping, or planting and maintaining vegetative cover, to prevent subsequent erosion. Cofferdams shall be constructed and maintained so as to prevent erosion into the water. If earthen material is used for cofferdam construction, sheet piling, riprap or a synthetic cover shall be used to prevent dam erosion. All non-biodegradable erosion controls must be removed within two weeks of site stabilization unless otherwise noted in the Corps GP-004-WI reporting confirmation letter.

13. Removal of Temporary Fills. All temporary fills must be entirely removed and the affected areas returned to their preexisting elevation and hydrology. The timeframe for completing this removal shall be:

- (a) Not later than the timeframe stipulated in the activity description (unless modified in writing by our

office);

(b) Not later than the timeframe stipulated in our office's reporting GP-004-WI confirmation letter; or

(c) Not longer than two weeks from the date the temporary fill was placed in waters of the United States (condition (c) applies only if a timeframe is not otherwise established by applying (a) or (b) above).

14. Federal Threatened and Endangered Species. Prospective permittee's for reporting GP-004-WI categories shall notify the Corps if any federal threatened or endangered (protected) species or critical habitat might be affected or is in the vicinity of the project. Information about protected species may be obtained by contacting the United States Fish and Wildlife Service (FWS) at (920) 866-1717. The Corps website (<http://www.mvp.usace.army.mil/regulatory/>) also contains a link to the FWS list of protected species for each Wisconsin county.

(a) No activity is authorized by GP-004-WI which is likely to jeopardize the continued existence of a protected species or a species proposed for such designation, as identified under the Endangered Species Act (ESA) or which is likely to destroy or adversely modify the critical habitat of such species, unless those activities are determined to comply with the applicable procedures of Section 7 of the ESA.

(b) Authorization of an activity under GP-004-WI does not authorize the take of a protected species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with incidental take provisions, etc.) from the FWS, both lethal and non-lethal takes of protected species are in violation of the ESA.

15. Spawning Areas. Activities, including discharges in spawning areas during spawning seasons must be avoided to the maximum extent practicable.

16. Obstruction of High Flows. To the maximum extent practicable, activities authorized by GP-004-WI shall not permanently restrict or impede the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

17. Adverse Effects from Impoundments and Diversions of Water. If the activity authorized creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable. GP-004-WI may not be used to authorize all or any portion of a project that would divert more than 10,000 gallons/day of surface water or groundwater into or out of the Great Lakes Basin.

18. Fills Within 100-Year Floodplains. All Corps GP-004-WI authorizations shall comply with applicable FEMA approved state or local floodplain management requirements.

19. Waterfowl Breeding Areas. Impacts to breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

20. Aquatic Life Movements. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water.

21. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.

22. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering waters of the United States. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in a way that allows them to enter the watercourse as a result of spillage, natural runoff, or flooding.

23. Disposal Sites. If dredged or excavated material is placed on an upland disposal site (above the ordinary high-water mark), the site must be securely diked or contained by an acceptable method that prevents the return of potentially polluting materials to the watercourse by surface runoff or by leaching. Construction of containment areas, whether bulkhead or upland disposal site, must be complete prior to the placement of any dredged material.

24. Suitable Fill Material. All fill (including riprap), if authorized under this permit, must consist of suitable material (e.g. no trash, debris, car bodies, asphalt, etc.,) free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

25. Spill Contingency Plan. A contingency plan must be formulated that would be effective in the event of a spill. This requirement is particularly applicable in operations involving the handling of petroleum products. If a spill of any potential pollutant 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 Emergency Management Duty Officer at 1-800-943-0003 and the National Response Center at the United States Coast Guard at telephone number 1-800-424-8802.

26. Other Permit Requirements. A Corps GP-004-WI authorization does not eliminate the need for other local, state or federal authorizations, including but not limited to National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permits.

27. State of Wisconsin Section 401 Water Quality Certification. The Wisconsin Department of Natural Resources has denied blanket for water quality certification for GP-004-WI. Therefore all projects authorized by GP-004-WI and involving a discharge of dredged or fill material under Section 404 require the permittee obtain a Section 401 Water Quality Certification or waiver from the WDNR prior to starting work.

28. Wisconsin Coastal Zone Management Program (WCMP) Conditions. The WCMP's Federal consistency determination for GP-004-WI provides that no reporting (category 3.a) GP-004-WI authorization for an activity taking place in coastal wetlands identified as ridge and swale complexes and/or wetlands adjacent to the Mink River (Door County), and the Kakagon and Bad Rivers (Ashland County) will be valid unless and until a Federal consistency determination is granted or waived by the WCMP. This requirement therefore is incorporated as a permit condition of reporting GP-004-WI. Applicants will be notified of this condition in the Corps's GP confirmation letter for projects in these areas.

2. NON-REPORTING GENERAL PERMIT CATEGORIES

The following activities, for a single and complete project, that comply with all terms and conditions of GP-004-WI are authorized by this category.

Project proponents with non-reporting activities should consult the Wisconsin Department of Natural Resources (WDNR) and local governments concerning state and local permit requirements. In addition, all permits involving a discharge of dredged or fill material under §404 are provisional and must obtain water

quality certification (or waiver) from the WDNR. See Department of the Army GP-004-WI General Conditions: 1.b.26, 1.b.27, and 1.b.28.

Note that certain areas and activities are EXCLUDED from this non-reporting general permit (GP) as described in section 2.b.

a. CATEGORIES OF ACTIVITIES ELIGIBLE FOR NON-REPORTING AUTHORIZATION:

1. Maintenance.

The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the activity does not impact more than ½ acre of waters of the United States nor more than 250 linear feet (in sum) of watercourse.

The structure or fill is not to be put to uses differing from those specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized so long as the ½ acre limit is not exceeded.

This GP category may be used for the replacement of bridge abutments and culverts, side-slope flattening, and reconditioning of roadbeds. This GP category may not be used for the addition of new lanes or multi-modal paths on roadways. Any impacts to waters of the United States shall be limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill.

This GP category (2.a.1) also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity authorized under this category, provided the sum of temporary and permanent impacts to waters of the United States does not exceed the thresholds described above. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills shall consist of appropriate materials placed in a manner that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevation and hydrology. Exposed soils must be vegetated prior to project completion. This GP category does not authorize projects where the only regulated activity is the temporary structure or fill. Such projects may be authorized under the reporting category for "Temporary Construction, Access, and Dewatering," under 2.a.5, below.

This GP category also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. This GP category does not authorize beach restoration or projects whose basic project purpose requires dredging. This GP category authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

2. Maintenance dredging.

Dredging and removal of accumulated sediment for maintenance of existing marina basins, boat slips, and access channels to marinas or boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less, provided the dredged material is deposited in uplands and proper siltation controls are used.

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This GP category also authorizes temporary structures, fills, and work necessary to conduct maintenance dredging with no more than 5,000 square feet of impact to waters of the United States. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams are necessary for construction activities, access fills or dewatering of construction sites. Temporary fills must consist of appropriate materials placed in a manner that will not be eroded by expected high flows. Temporary fills shall be removed in their entirety and the affected areas returned to pre-construction elevations. Exposed soils must be vegetated prior to project completion.

This GP category does not authorize maintenance dredging for beach restoration, new waterway channelization, stream relocation projects, and may not be used for projects in waters that are impaired by contaminated sediment on the EPA-approved Wisconsin Section 303(d) list of impaired waters. No permanent discharge of fill shall be authorized as part of this GP category. This GP category does not authorize impacts within wetlands.

3. Piers, docks, wharves, boat shelters, and pilings.

Construction of new piers, docks, boat shelters, boat hoists, boat lifts, pilings/piling clusters, and wharves, provided the work meets all of the following:

(a) The activity may not prevent the free movement of water, impede the surface or subsurface flow into or from any wetland, nor cause littoral drift deposits upon the bed of the waterway. In addition, structures containing screens or similar constructs, which would trap or accumulate aquatic plants or other debris, are not authorized under this category.

(b) The maximum distance a pier, dock, or wharf may extend into the water from the shoreline is the greater of (i) or (ii) below, provided the pier, dock or wharf does not exceed 40 feet waterward (perpendicular) from the shoreline, does not extend into a federal navigational channel, and is not designed in a manner to moor vessels within a federal navigational channel.

(i) From the point where the water is 3 feet at its maximum depth, measured at summer low level; or

(ii) To the point where there is adequate depth for mooring a boat or using a boat hoist or lift (for non-fixed keel sailboats this shall be measured with the centerboard or dagger boards raised).

(c) The pier, dock, or wharf may not exceed 6 feet in width. An "L," "T," or catwalk may be authorized provided it does not exceed 6 feet in width. A loading platform may exceed 6 feet in width provided the platform area does not exceed 200 square feet.

(d) Piers, docks, and wharves must be floating or constructed on pilings and may not be solid structure or constructed on rock-filled cribs or similar devices serving as a foundation. The structure may not completely enclose any portion of a waterbody.

(e) Boat shelters, boat hoists, and boat lifts be constructed adjacent to a pier, wharf, or shoreline and must be designed and used for the berthing of a single watercraft. Post-construction, no more than 2 boat slips or boat shelters are authorized for the first 50 feet of riparian owner's shoreline footage. No more than one additional boat slip or boat shelter may be authorized for each additional 50 feet of that same riparian owner's contiguous shoreline.

(f) Boat shelters may not exceed 12 feet by 24 feet on waters less than 1,000 acres in size. On waters greater than 1,000 acres, the shelter may not exceed 14 feet by 24 feet. Boat shelters may include a roof, but are not eligible if they include walls, sides, or equivalent construction such as canvas side drops. Roofs shall be supported with the minimum vertical components necessary.

(g) Pilings are eligible for authorization under this category (2.a.3) only if the piling is placed for the purposes of deflecting ice to protect an existing or proposed structure, or providing a pivot point for turning watercraft. Pilings may not be placed for the purpose of mooring a boat, except in Lake Michigan, Lake

Superior, or the Mississippi River.

(h) Piling clusters are eligible for authorization under this category (2.a.3) only if the cluster does not exceed 5 individual piles. The individual piles must be placed adjacent to each other and firmly bound together. Any required dredging or deposits of sand, gravel, or stone associated with installation of the pile cluster shall not exceed 2 cubic yards of impact.

4. Bank stabilization.

Work or discharges of dredged or fill material in waters of the United States for bank stabilization activities necessary for erosion prevention provided the activity meets all of the following criteria:

- (a) No material is placed in excess of the minimum needed for erosion protection;
- (b) The activity is no more than 500 feet in length (sum) along the bank(s);
- (c) Material discharged will not exceed an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark;
- (d) The activity does not involve impacts to wetlands;
- (e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;
- (f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and
- (g) All excavation is the minimum needed and is proposed only to provide a stable slope.

This GP category also authorizes temporary structures, fills, and work necessary to construct the bank stabilization activity up to a maximum temporary impact of 4,000 square feet. Appropriate measures shall be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges are necessary for construction activities, access fills or dewatering of construction sites. Temporary fills must consist of appropriate materials placed in a manner that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Exposed soils must be vegetated prior to project completion. Invasive species shall not be used for bioengineering or vegetative bank stabilization. *Note:* Projects authorized under this GP shall avoid and minimize permanent adverse effects on aquatic resources. In low energy environments, biostabilization (using biodegradable materials such as coir logs, often combined with sloping and planting) is generally adequate erosion protection. Non-biodegradable materials, such as riprap, are generally appropriate in moderate to high energy environments (in lakes where the average straight-line distance across the waterbody is greater than 1 mile and/or near high-wake zones; or in high energy streams), or where there is significant erosion placing existing infrastructure at risk. In moderate energy environments, integrated bank treatment (riprap at toe of the bank combined with biostabilization above the toe) may be appropriate.

5. Outfall structures.

Activities related to construction of outfall structures and associated intake structures where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted, or which are otherwise in compliance with the regulations issued under the National Pollutant Discharge Elimination System program (Section 402 of the Clean Water Act). This GP only authorizes those intake structures directly associated with an authorized outfall structure.

6. Activities in areas of navigable waters of the United States that were filled post-enactment of Section 10 of the Rivers and Harbors Act of 1899.

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Modifications to previously authorized work or structures in navigable waters provided the modification does not affect the course, location, or condition of the waterbody in such a manner as to impact its navigable capacity. The modification shall not extend or expand the footprint of the previously authorized work or structure under, over, or in the navigable water. Previously authorized includes:

- (a) Structures or work in navigable waters completed before December 18, 1968;
- (b) Structures or work in waterbodies over which the District Engineer had not asserted jurisdiction at the time the activity occurred; or
- (c) Structures or work authorized by a Department of the Army Section 10 permit.

7. Oil Spill/Hazardous Substances Containment/Cleanup.

Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either:

- (a) The Spill Control and Countermeasure Plan required by 40 CFR 112.3;
- (b) The direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or
- (c) Any approved existing state, regional, or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts.

This GP category also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by the Environmental Protection Agencies (EPA) polychlorinated biphenyl spill response regulations at 40 CFR part 761, as well as Court ordered remedial action plans or related settlements.

This GP category also authorizes the use of temporary structures and fills in waters of the United States for spill response training exercises. This GP category does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of oil, hazardous or toxic waste. All appropriate governmental units, including the Corps, shall be informed of any such activities as soon as practical.

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 or Section 10.

b. AREAS/ACTIVITIES EXCLUDED FROM THE NON-REPORTING AUTHORIZATION:

1. The GP-004-WI non-reporting categories do not authorize any activity in:

- (a) Calcareous fens as identified by the WDNR, and wetlands within 300 feet of such fens (except hazardous material spill confinement and cleanup described at 2.a.7);
- (b) The Pleasant Prairie area identified in Corps permit 198700323 (except bank stabilization described in 2.a.4);
- (c) National Wild and Scenic Rivers listed at: <http://www.rivers.gov/rivers/site-index.php>;
- (d) Wild rice waters or wetlands within 300 feet of a wild rice water. Location information for wild rice waters is available on the WDNR's surface water data viewer at: <http://dnrmaps.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer>;
- (e) Trout waters identified on the WDNR's surface water data viewer (link above); and
- (f) Coastal wetlands in ridge and swale complexes as identified on WDNR maps, and wetlands adjacent to the Mink River in Door County or the Bad River in Ashland County.

2. Removal of vessels listed or eligible for listing on the National Register of Historic Places are not eligible for authorization under the non-reporting categories of GP-004-WI.

3. Activities that would adversely affect cultural and archaeological resources are not authorized by the non-reporting categories of GP-004-WI. No activities which may affect historic properties listed or eligible for listing, on the NRHP are authorized by the non-reporting categories of GP-004-WI. Information concerning cultural resources may be obtained by contacting the SHPO and appropriate THPO at (608) 264-6505.

4. Activities that fail to obtain any required local, state, tribal, or federal authorization are not eligible for non-reporting GP-004-WI authorization.

5. No activity is authorized by the non-reporting GP-004-WI which is likely to jeopardize the continued existence of a threatened or endangered (protected) species or a species proposed for such designation, as identified under the ESA, or which is likely to destroy or adversely modify the critical habitat of such species. Information about protected species may be obtained by contacting the FWS at (920) 866-1717. The Corps website (<http://www.mvp.usace.army.mil/regulatory/>) also contains a link to the FWS list of protected species for each Wisconsin county.

NOTE: Activities excluded above may be eligible for authorization under a reporting GP, a letter of permission, or a standard individual permit.

C. APPLICATION/EVALUATION PROCEDURES UNDER THE NON-REPORTING AUTHORIZATION:

An activity authorized by the non-reporting portion of this GP may commence when project proponents have very carefully confirmed that the activity will be conducted in compliance with the terms and conditions of GP-004-WI. The permittee is responsible for insuring that all work is done in accordance with the conditions and limitations of categories 2.a. It is strongly recommended that project proponents retain documentation that all terms and conditions of GP-004-WI have been met by the proposed project. No application to the Corps is required; however, if requested, the Corps will confirm whether or not proposed work is authorized by the non-reporting GP. General Condition 1.b.10 of GP-004-WI requires that impacts on water and wetland resources are avoided and minimized to the maximum extent practicable.

3. REPORTING GENERAL PERMIT CATEGORIES

The following activities, for a single and complete project, that comply with the terms and conditions of GP-004-WI are eligible for authorization under the reporting GP categories below.

Note that certain areas and activities are EXCLUDED from this reporting GP as described in section 3.b.

Applicants for all activities should consult with the WDNR and local governments concerning state and local permit requirements. See Department of the Army GP-004-WI General Conditions: 1.b.26, 1.b.27, and 1.b.28.

a. ACTIVITIES ELIGIBLE FOR REPORTING AUTHORIZATION:

1. Structures.

Activities that include temporary, seasonal, or permanent placement of structures which do not include a

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discharge of dredged or fill material into waters of the United States are eligible, provided the activity does not impact greater than 10,000 square feet of waters of the United States. In addition to the area limitation above, this category may not be used to authorize projects which impact more than 500 linear feet along the bank(s) of a watercourse (in sum). Examples of such activities include, but are not limited to piers, wharves, boat houses, boat lifts, and boat docks. This category cannot be utilized for activities requiring authorization under Section 404 of the Clean Water Act. Such activities may be eligible for authorization pursuant to category 3.a.3 below.

2. Dredging.

Dredging of no more than 0.5 acre below the plane of the ordinary high water mark or the mean high water mark in waters of the United States (see exclusion 2.b.3 below), provided all the following conditions are met:

- (a) The project will not result in the removal of greater than 5,000 cubic yards of material;
- (b) The project will not cause indirect impact or degradation (including through siltation) to reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), fish spawning areas, or wetlands;
- (c) The project does not include dredging in reefs or fish spawning areas;
- (d) Projects which would have the effect of controlling aquatic vegetation must obtain all necessary permits from the WDNR;
- (e) The project may not connect canals or other artificial waterways to navigable waters of the United States;
- (f) The project would not channelize or relocate a watercourse;
- (g) All dredged material must be deposited in uplands; and
- (h) The project will not impact wetlands, except to allow dredging only in those wetlands previously dredged that lie below the ordinary (or mean) high water mark of a federally navigable water of the United States subject to Section 10 authority.

This GP category may also be used to provide Section 404 authorization for return water from upland contained dredged material disposal areas to satisfy the technical requirement for a Section 404 permit for the return water where the quality of the return water is controlled through the Section 401 certification procedure.

3. Discharges of Dredged or Fill Material.

Minor discharges of dredged or fill material (including structural discharges) for a single and complete project in waters of the United States provided the activity does not, in total, permanently or temporarily impact more than 10,000 square feet of waters of the United States and the discharge is not placed for the purpose of a stream channelization or diversion.

Notification to the Corps for use of this GP category must demonstrate that the proposed project is the least environmentally damaging practicable alternative to accomplish the project purpose. This shall be done by documenting alternatives and reasonable measures to avoid and minimize impacts to waters of the United States, including wetlands. If temporary impacts to waters of the United States are proposed, this notification should include a restoration plan describing how these impacts will be restored to pre-project conditions. The Corps will add special conditions to confirmation letters, where necessary, to ensure that adverse environmental impacts are minimal.

4. Beach Nourishment.

Work associated with the placement of sand or pea gravel in waters of the United States, provided that all the

following conditions are met:

- (a) No sand or pea gravel is placed in wetlands above the ordinary high water mark;
- (b) The project does not exceed 0.5 acre of impact to waters of the U.S. (inclusive of temporary impacts);
- (c) The sand or pea gravel is not placed more than 6 inches in depth; and
- (d) The sand or pea gravel is not placed further than 10 feet (perpendicular to the shoreline) waterward from the ordinary high water mark.

This GP category may be used to authorize temporary construction impacts, provided the areas impacted are restored to preconstruction hydrology, cover, and elevation. This GP category does not authorize material to be placed in areas of existing emergent vegetation in such a manner as to control aquatic vegetation without first obtaining necessary authorization from the WDNR. This GP category does not authorize placement of sand or gravel in fish spawning areas. This GP category does not authorize the use of a plant barrier or liner.

5. Temporary Construction, Access, and Dewatering.

Temporary structures and discharges, including cofferdams needed for construction activities or access fills or dewatering of construction sites (see exclusion at 2.b.3 below).

Appropriate measures must be taken to maintain near-normal downstream flows and to minimize flooding. Fill must consist of appropriate materials and be placed in a manner that will not be eroded by expected high flows. The use of dredged material may be allowed if the Corps determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction activities (see 3.b.14 for removal timeframes), temporary fill must be entirely removed to upland areas, dredged material must be returned to its original location, and the affected areas restored to the pre-project conditions (elevation, hydrology, and vegetation). Construction mats may be placed in wetland areas for up to two weeks during the growing season unless otherwise specified in the Corps verification letter. Cofferdams cannot be used to dewater wetlands or other aquatic areas so as to change their use. This GP category does not allow retention of new structures or fill to be left in place after cofferdams are removed.

Notification to the Corps for use of this GP category must demonstrate reasonable measures to avoid and minimize impacts to waters of the United States, as well as include a restoration plan describing how the site will be restored to pre-project conditions. The Corps will add special conditions to verification letters, where necessary, to ensure that adverse environmental impacts are minimal. Such conditions may include: limiting the temporary work to the minimum necessary; requiring seasonal restrictions; modifying the restoration plan; and requiring alternative construction methods. This GP category does not authorize temporary structures or fill associated with mining activities.

b. AREAS/ACTIVITIES EXCLUDED FROM REPORTING AUTHORIZATION:

1. The GP-004-WI reporting categories do not authorize any activity in:

- (a) Calcareous fens as identified by the WDNR, and wetlands within 300 feet of such fens;
- (b) The City of Superior that is eligible for authorization under a "Superior SAMP" permit (Corps permits 199606788 through 199606792; and does not authorize activities which would result in an impact to
- (c) Greater than 400 square feet of a National Wild and Scenic River listed at:

<http://www.rivers.gov/rivers/site-index.php>.

2. Structures attendant to fleeting of barges are not authorized by this GP in any case.

3. Activities that fail to obtain any required local, state, tribal, or federal authorization are not eligible for reporting GP-004-WI authorization.

4. Activities that the Corps determines warrant further Federal evaluation to address the government's trust responsibility to American Indian Tribes.

c. APPLICATION/EVALUATION PROCEDURES UNDER THE REPORTING AUTHORIZATION:

Applicants seeking coverage under the reporting categories of GP-004-WI must provide notification of the proposed project to the Corps for review. A complete application to both the Corps and WDNR is recommended using the joint state-federal application form that is available from the Corps and WDNR offices and on the websites of both agencies. Once notified, the Corps will review the proposed activity to determine eligibility for the reporting GP. If additional information is required to complete the Corps review, the applicant will be notified. In some cases, the Corps may require a wetland delineation prepared in accordance with the Corps of Engineers Wetland Delineation Manual including applicable Regional Supplement before the application will be considered complete. Once sufficient information is received, the Corps will complete its review and send the applicant a letter advising of the outcome. If the Corps decision is to confirm authorization pursuant to one of the reporting GP categories, the Corps notice to the applicant will be a reporting GP-004-WI confirmation letter. The Corps will simultaneously send a copy of the letter to the WDNR.

ENDANGERED SPECIES AND CULTURAL RESOURCES REVIEW.

The Corps review will include a determination concerning compliance of the project with Section 7 of the ESA and Section 106 of the NHPA. In some cases, another federal agency may initiate consultation under one or both of these acts; however, this does not eliminate the Corps responsibility to ensure ESA and NHPA compliance. Projects found not to comply with either or both of these Acts will not be authorized under the reporting categories of GP-004-WI or any other Corps authorization until actions are taken so that compliance with both acts is assured (see 3.b.4 and 3.b.15 below).

The Corps federal endangered species review will consist of Corps staff consulting appropriate reference materials including endangered species information published by the FWS in informational brochures and on Internet web pages and any other available data, information or specific guidance provided by FWS. Corps staff will be aware of locations where endangered species are known or likely to be present and of the types of activities that may affect those species. Corps staff will directly consult with FWS staff concerning proposals which appear to have potential to affect listed species. The review may include Corps and/or FWS site inspections of specific project sites, and/or formal ESA interagency consultation.

The Corps federal cultural resources review will be conducted in a manner similar to the endangered species review. The NRHP will be consulted to determine the presence or absence of known cultural resources. Corps regulatory staff will be aware of areas that have a high probability to contain important cultural resources and will consult Corps cultural resource staff concerning projects they determine may have the potential to affect cultural resources. Corps regulatory or cultural resource staff will consult with the SHPO and THPO on appropriate projects. Cultural archaeological resource surveys and/or formal consultation with the President's Advisory Council on Historic Preservation may be required.

COMPENSATORY MITIGATION

Notification for activities eligible for reporting GP-004-WI authorization that involve a discharge of dredged or fill material into waters of the United States (including jurisdictional wetlands, streams, ponds, and lakes) shall include a statement regarding compensatory mitigation (33 CFR Part 325.1). This statement must

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describe how impacts to waters of the United States are to be compensated for, or a statement of the applicant's position explaining why compensatory mitigation should not be required for the proposed impacts. The WDNR Mitigation Summary Sheet may be used for this purpose.

Project proponents seeking reporting GP-004-WI authorization whose proposed projects exceed 10,000 square feet of impact to waters of the United States shall submit a compensatory mitigation plan with their notification. The Corps may determine on a case-by-case basis that projects with impacts to waters of the United States less than 10,000 square feet will require compensatory mitigation and will request a mitigation plan which must be received back from the project proponent before the Corps review can be completed. Compensatory mitigation plans shall be prepared in accordance with 33 CFR Part 332, and may utilize the most recent version of the *Guidelines for Wetland Compensatory Mitigation in Wisconsin*. Compensatory mitigation that is proposed to satisfy state or local requirements may, but will not necessarily, satisfy the federal requirement.

Work is authorized under a reporting GP-004-WI category when the project proponent receives a reporting confirmation letter from the Corps. For GP-004-WI authorizations issued pursuant to Section 404, permittee's must also obtain state water quality certification or waiver from the WDNR for the project. Also note GP-004-WI General Condition 28 concerning the need for Wisconsin Coastal Management Program certification for activities in coastal wetlands in ridge and swale complexes as identified on WDNR maps, and wetlands adjacent to the Mink River in Door County or the Bad River in Ashland County.