



## City of Superior SAMP IV Regional General Permit

PERMIT: City of Superior Special Area Management Plan IV Regional General Permit for Public, Institutional, Commercial/Industrial, and Residential Developments

PERMIT NUMBER: MVP-1996-06788

ISSUING OFFICE: St. Paul District, U.S. Army Corps of Engineers

PERMITTEE: General Public within the City of Superior

EFFECTIVE DATE: 15 August 2024

EXPIRATION DATE: 15 August 2029

### A. Authorization

Authorization pursuant to Section 404 of the Clean Water Act is granted for the placement of dredged and/or fill materials in wetlands in accordance with the City of Superior Special Area Management Plan IV (Superior SAMP IV) and City of Superior zoning code or ordinances. The maximum authorized cumulative impacts to eligible wetlands identified in the Superior SAMP IV General Permit (GP) is 70 acres. The GP may be used for, but not limited to, public facilities, including municipal parks and ball fields; institutional development, including public and private schools, universities, and nursing homes; commercial/industrial development, including building pads, parking lots, on-site stormwater detention, and warehouse facilities; and residential development, including building pads for dwellings, garages, storage sheds, and appurtenant features such as fences, driveways, and lawns. This GP authorization is limited to a maximum of 5.0 acres of adverse impacts to wetlands for each single and complete project. Projects involving speculative fills are not authorized by this GP.

Unless otherwise specified in the St. Paul District Corps of Engineers Regulatory Division (Corps) verification letter confirming a project complies with the terms and conditions of this GP, the time limit for completing authorized work ends upon the expiration date of the GP. Activities authorized under this GP that have commenced construction or are under contract to commence construction in reliance upon this GP, will remain authorized provided the activity is completed within 12 months of the date of the GP expiration, suspension, or revocation; whichever is sooner.

**No GP authorizations are valid without a written GP verification from the Corps.** In addition, some GP authorizations may be subject to project-specific special conditions that will be specified in the Corps verification letter. This GP does not obviate the need for other necessary federal, state, tribal, or local authorizations or permits.

### B. Applicability

The Superior SAMP IV GP applies to certain activities in eligible wetlands, as described below,

within the municipal boundaries of the City of Superior, Douglas County, Wisconsin. Wetlands potentially eligible for SAMP IV GP verifications are identified in Attachment A.

1. Authority: The Superior SAMP IV GP may be used to authorize activities pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344, Section 404) for discharges of dredged and fill material into identified eligible jurisdictional wetlands. Activities subject to Section 404 regulatory requirements are hereafter referred to as regulated activities.

2. Eligible Activities: Regulated activities associated with discharges of dredged and fill material into eligible wetlands associated with single and complete public, institutional, commercial/industrial, and residential development projects.

3. Activity Restrictions: This GP authorization shall be limited to 5.0 acres of adverse impacts to wetlands for each "single and complete project," meaning those proposed or accomplished under a specific development plan by one owner/developer, or association of owners/developers (33 CFR 330.2(i)). For phased development, each phase may constitute a single and complete project if it has independent utility and would accomplish its intended purpose whether or not other phases were constructed. Adverse impacts include, but are not limited to, mechanized land clearing (bulldozing or grading), filling, excavating, flooding or draining of wetlands. Adverse impacts also include activities that damage or destroy threatened, endangered or special concern species. The accounting of adverse impacts includes impacts to all waters and wetlands regardless of their jurisdictional status.

4. Pre-Construction Notification (PCN)/Written Verification: A PCN to the Corps is required and a written GP verification from the Corps is required prior to the start of work. Applicants must meet all the terms and conditions of the verified GP.

### **C. Requirements for SAMP IV-GP Authorizations**

1. The City of Superior shall facilitate the SAMP IV—GPs via the Superior SAMP IV Technical, Implementation, and Administration Document (SAMP IV—TIA). This shall include adoption of the terms and conditions of this GP. Since issuance of this GP is predicated on the terms of the SAMP IV Ordinance, any proposed substantive changes to the ordinance shall be reviewed and approved by the District Engineer or such changes shall invalidate the continued use of this GP.

2. Prospective permittees shall submit to the City of Superior the information required by the SAMP IV—TIA document. The City of Superior SAMP Program Coordinator shall ensure that the application is complete and determine that the proposed activity conforms to the SAMP IV and the terms of this GP. The City shall send this information to the U.S. Army Corps of Engineers (Corps), Wisconsin Department of Natural Resources (WDNR), the U.S. Environmental Protection Agency (USEPA) Region 5, and the U.S. Fish and Wildlife Service (USFWS).

3. The City shall conduct an initial review of applications for SAMP IV—GP authorizations using the Wisconsin Historic Preservation Database (WHPD), which is maintained by the State Historic Preservation Office (SHPO). Applications for SAMP IV—GPs sent to the Corps and the WDNR would also be screened to determine the proposed activity's potential effect on historic properties. Depending on the outcome of that review, cultural resource surveys and coordination with the SHPO and other consulting parties may be required.

4. The Corps will consider this application as a pre-construction notification (PCN) as outlined at 33 CFR 330.1(e), and will promptly initiate an evaluation to:

- a. Ensure that the project conforms to this GP; or
- b. Determine that the project must be evaluated under the Corps individual Section 404 permit process; or
- c. Determine whether site-specific special conditions are required to ensure that the direct, secondary, and cumulative impacts of the proposed project are minimal. If substantive special conditions are necessary, the Corps may determine that the project must be evaluated under the Corps individual permit (IP) process.

Within 20 days of receipt of the application/PCN, the Corps will either verify the GP, notify the applicant that ESA or NHPA consultation must be completed prior to verification, notify the applicant and the City why the project does not qualify for the GP and will require an IP, or request additional information necessary for a project specific GP verification.

5. Each application for this GP shall include the results of a wetland delineation, conducted by a qualified wetland delineator, according to the most current *Corps of Engineers Wetlands Delineation Manual* and the most current version of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral/Northeast Region*. The delineation shall be conducted between May 15 and October 1. Exceptions to this time frame shall be at the discretion of the Corps. Delineations are valid for 5 years.

6. An application for this GP shall include the results of a survey for Federal- and state-listed threatened (THR), endangered (END) and special concern (SC) plant species.

- a. The plant survey shall be conducted between 15 June and 15 September by a qualified wetland ecologist, plant ecologist or botanist. Surveys outside of this time frame may be permissible if approved in advance by the Corps after consultation with the WDNR.

- b. Site-specific THR/END/SC plant survey results are valid for 3 years.

- c. If state-listed THR/END/SC plant species are found within a proposed SAMP IV—GP site, the applicant shall report the finding to the City of Superior SAMP Program Coordinator and the Wisconsin Department of Natural Resources—Bureau of Endangered Resources (WDNR-BER). A completed WDNR Natural Inventory Rare Plant Report Form (DNR Form 1700-049) shall be submitted as part of the GP application package.

- d. The WDNR-BER has the same 20-day review period as stated above to provide specific recommendations for protecting THR/END/SC plant species. Avoidance, minimization and/or compensation of impacts to THR/END/SC plant species shall be determined by using the flowcharts developed by the WDNR-BER.

- e. If an applicant for this GP is unable or unwilling to implement the specified avoidance/minimization/compensation measures for state-listed THR/END/SC plant species, the applicant will be redirected to the Section 404 individual permit process.

- f. If a Federally-listed plant species is found within a proposed SAMP IV—GP site, the applicant shall report the finding to the City, WDNR-BER, Corps and USFWS. No activity that

adversely impacts the Federally-listed species shall be taken.

7. On-site and off-site upland alternatives shall be considered as potential means to avoid/minimize impacts to aquatic resources and this consideration shall be documented in a statement included in the application.

8. Compensatory mitigation requirements for wetland impacts authorized under this GP shall be determined by the Corps. Compensatory mitigation shall be implemented as follows:

a. Compensatory mitigation shall be accomplished by the City of Superior through the City of Superior Wetland Mitigation Bank as approved by the Interagency Review Team (IRT), except as noted by g. below.

b. The City of Superior shall be responsible for any corrective or remedial measures the Corps deems necessary to achieve successful compensatory mitigation under the City of Superior Wetland Mitigation Bank.

c. The minimum ratio for debiting Corps-approved banking credits shall be 1.2:1 (1.2 credits for every acre of wetland impact). The City of Superior shall track credits and debits used for SAMP IV—GPs.

d. This GP authorization may be temporarily suspended if the City of Superior Wetland Mitigation Bank reaches a zero or negative balance of credits. Suspension of this GP shall be maintained until a positive balance of credits is restored.

f. The City of Superior shall assist the IRT in monitoring and evaluating the long-term and cumulative impacts of wetland losses within its municipal boundaries.

g. Independent of the City of Superior Wetland Mitigation Bank, a permittee may also purchase credits from any bank with Corps-approved credits within the Lake Superior Watershed.

h. Project-specific compensation, if determined by the Corps to be environmentally preferable in a specific case, may also be approved. Compensation may be on-site and/or off-site. If permittee responsible compensation is proposed, the site shall be protected in perpetuity by adoption of a conservation easement, or other legally binding mechanism. The legal mechanism for protecting a particular site in perpetuity shall be submitted to the Corps for review and approval.

#### **D. General Conditions**

1. Compliance: The permittee is responsible for ensuring that whomever performs, supervises or oversees any portion of the physical work associated with the construction of the project has a copy of and is familiar with all the terms and conditions of the GP and any special conditions included in any written verification letter from the Corps. The activity must also comply with the conditions of the WDNR Section 401 Water Quality Certification (Attachment B). The permittee is ultimately responsible for ensuring compliance with all the terms and conditions of the GP. Any authorized fill must be properly maintained, including maintenance to ensure public safety, compliance with applicable GP general conditions, and any special conditions added by the Corps to a GP verification.

2. Compliance Certification: Each permittee who receives an RGP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The Corps will provide the permittee the certification document with the RGP verification letter. The completed certification document must be submitted to the Corps within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

### 3. Federally-listed Threatened and Endangered Species

a. No activity is authorized under this GP which is likely to directly or indirectly jeopardize the continued existence of a federally threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), 50 CFR 402, or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this GP which “may affect” a listed species or critical habitat, unless ESA Section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the GP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the GP activity and are later in time, but still are reasonably certain to occur.

b. As a result of formal or informal consultation with the USFWS, the Corps may add species-specific permit conditions to the GP verification.

c. Information on the location of federally threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS or their web page at [www.fws.gov/ipac](http://www.fws.gov/ipac).

4. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the US Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether “incidental take” permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

5. Burial Sites: Burial sites, marked or unmarked, are subject to state law (Wisconsin Statute 157.70). Native American burial sites on federal or tribal land are subject to the provisions of Native American Graves Protection and Repatriation Act (NAGPRA). Regulated activities may not result in disturbance or removal of human remains until disposition of the remains has been determined by the appropriate authority under these laws, and the work is authorized by the Corps. Regulated activities which result in inadvertent discovery of human remains must stop immediately, and the Corps, as well as the appropriate state and tribal authority, must be notified. Regulated work at inadvertent discovery sites requires compliance with state law and NAGPRA, as appropriate, prior to re-starting the work.

6. Historic Properties, Cultural Resources: No activity which may affect historic properties listed or potentially eligible for listing on the National Register of Historic Places is authorized until the requirements of Section 106 of the National Historic Preservation Act (Section 106) have been satisfied. If any previously unknown historic, cultural, or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the permittee must immediately notify the Corps of what they have found, and to the maximum extent practicable,

avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The Corps will initiate the federal, tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

7. The project shall implement erosion and sediment control measures in accordance with the WDNR technical standards of NR 151.11 and 151.12, Wis. Admin. Code. The technical standards are found at: <http://dnr.wi.gov/topic/stormwater>. Any areas of exposed soils due to the project shall be immediately seeded and mulched to stabilize the site and prevent soils from being eroded and washed into waters or wetlands. Projects and associated work must be designed and maintained to prevent runoff containing sediment or other pollutants from entering downstream tributaries.

8. Prospective permittees shall obtain plat approval, building permit approval, and complete the pre-construction notification process prior to commencement of wetland fill activities.

9. Only clean fill material shall be used. Discharges of unsuitable material including trash, construction debris, asphalt, and any contaminated materials (e.g., soils contaminated by petroleum products), are not authorized by this GP.

10. All equipment used for the project shall be decontaminated to remove invasive species and viruses prior to and after each use on the project site by using best management practices as outlined in NR 40, Wis. Admin. Code. For more information, refer to: <http://dnr.wi.gov/topic/Invasives/bmp.html>.

11. Permittees shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit.

12. Permittees shall allow representatives from the Corps, WDNR, and City of Superior, to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this GP.

13. Restoration of Temporary Impacts: All temporary impacts in waters of the US, including discharges resulting from side casting material excavated from trenching, that occur as a result of the regulated activity must be fully contained with appropriate erosion control or containment methods, be restored to pre-construction contours and elevations, and, as appropriate, revegetated with native, non-invasive vegetation, unless otherwise conditioned in a Corps GP verification. All discharges in waters of the US must be properly bridged or culverted to maintain surface flows. In temporarily excavated wetlands, the top 6 to 12 inches of the excavation should normally be backfilled with topsoil originating from the wetland. No temporary excavation area, including, but not limited to trenches, may be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a French drain effect).

Temporary impacts in waters of the U.S., including wetlands, must be avoided and/or minimized to the smallest area and the shortest duration required to accomplish the project purpose. Unless otherwise conditioned in a Corps RGP verification, temporary impacts may not remain in place longer than 90 days between May 15 and November 15. Before those 90 days have elapsed, all temporary discharges must be removed in their entirety. Temporary impacts may extend into no more than 2 growing seasons.

14. The permittee is responsible for removing pollutants and hazardous materials and for minimizing any contamination resulting from a spill in accordance with state and federal laws. In accordance with applicable state, tribal and federal laws and regulations, if a spill of any potential pollutant or hazardous waste occurs, it is the responsibility of the permittee to immediately notify the National Response Center at 1-800-424-8802 or [nrc.uscg.mil](http://nrc.uscg.mil) and the WI DNR Spills Team at 1-800-943-0003.

15. Section 401 Clean Water Act, Water Quality Certification: All regulated activities authorized by this RGP pursuant to Section 404 of the Clean Water Act must adhere to all conditions of the WDNR Section 401 Water Quality Certification (Attachment B).

16. Transfer of Regional General Permit Verifications: If the permittee sells the property associated with a regional general permit verification, the permittee may transfer the regional general permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the regional general permit verification must be attached to the letter, and the letter must contain the following statement and signature "When the structures or work authorized by this regional general permit are still in existence at the time the property is transferred, the terms and conditions of this regional general permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this regional general permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

\_\_\_\_\_  
(Transferee)

\_\_\_\_\_  
(Date)

### **E. Further Information**

1. Congressional Authorities. General permittees have been authorized to undertake the activity described above pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. The Corps retains discretionary authority to require an individual permit for any activity eligible for authorization by this GP based on concern for the aquatic environment or for any other factor of the public interest.
3. Limits of this Authorization.
  - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

4. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes,

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States 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; or

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

5. Reliance on Permittee's Data. The determination of the Corps that issuance of this permit is not contrary to the public interest was made in reliance on the information provided by the general permittee.

6. Re-evaluation of Decision. This office may reevaluate its decision for an individual verification under this GP at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. General permittee(s) fail to comply with the terms and conditions of this permit;

b. The information provided by general permittee(s) proves to have been false, incomplete, or inaccurate (see 5 above);

c. Significant new information surfaces which this office did not consider in reaching the original decision. 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 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring general permittee(s) to comply with the terms and conditions of the general permit and for the initiation of legal action where appropriate. General permittee(s) will be required to pay for any corrective measures ordered by this office, and if general permittee(s) fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill general permittees for the cost.

## **F. Corps Decision**

In reviewing the PCN for the proposed activity, the Corps will determine whether the activity authorized by the GP would result in more than minimal individual or cumulative adverse

environmental effects or may be contrary to the public interest. If a project proponent requests authorization by this GP, the Corps should issue the GP verification for that activity if it meets the terms and conditions of the GP, unless the Corps determines, after considering mitigation, that the proposed activity would result in more than minimal individual and cumulative adverse impacts on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity.

When making minimal adverse environmental effects determinations the Corps will consider the direct and indirect effects caused by the GP activity. The Corps will also consider the cumulative adverse effects caused by activities authorized by the GP and whether those cumulative adverse environmental effects are no more than minimal. The Corps will consider site specific factors, such as the environmental setting in the vicinity of the GP activity, the type of resource that would be affected by the GP activity, the functions provided by the aquatic resources that would be affected by the GP activity, the degree or magnitude to which the aquatic resource would be lost as a result of the GP activity (e.g., partial or complete loss), the duration of the adverse impacts (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the Corps. The Corps may add case-specific special conditions to the GP authorization to address site-specific environmental concerns.

If the Corps determines that the adverse environmental effects of the proposed activity are more than minimal, then the Corps will notify the applicant and direct the applicant to the individual permit process.

## **ATTACHMENT A**

### **Wetlands Potentially Eligible for SAMP IV-GP Authorizations**

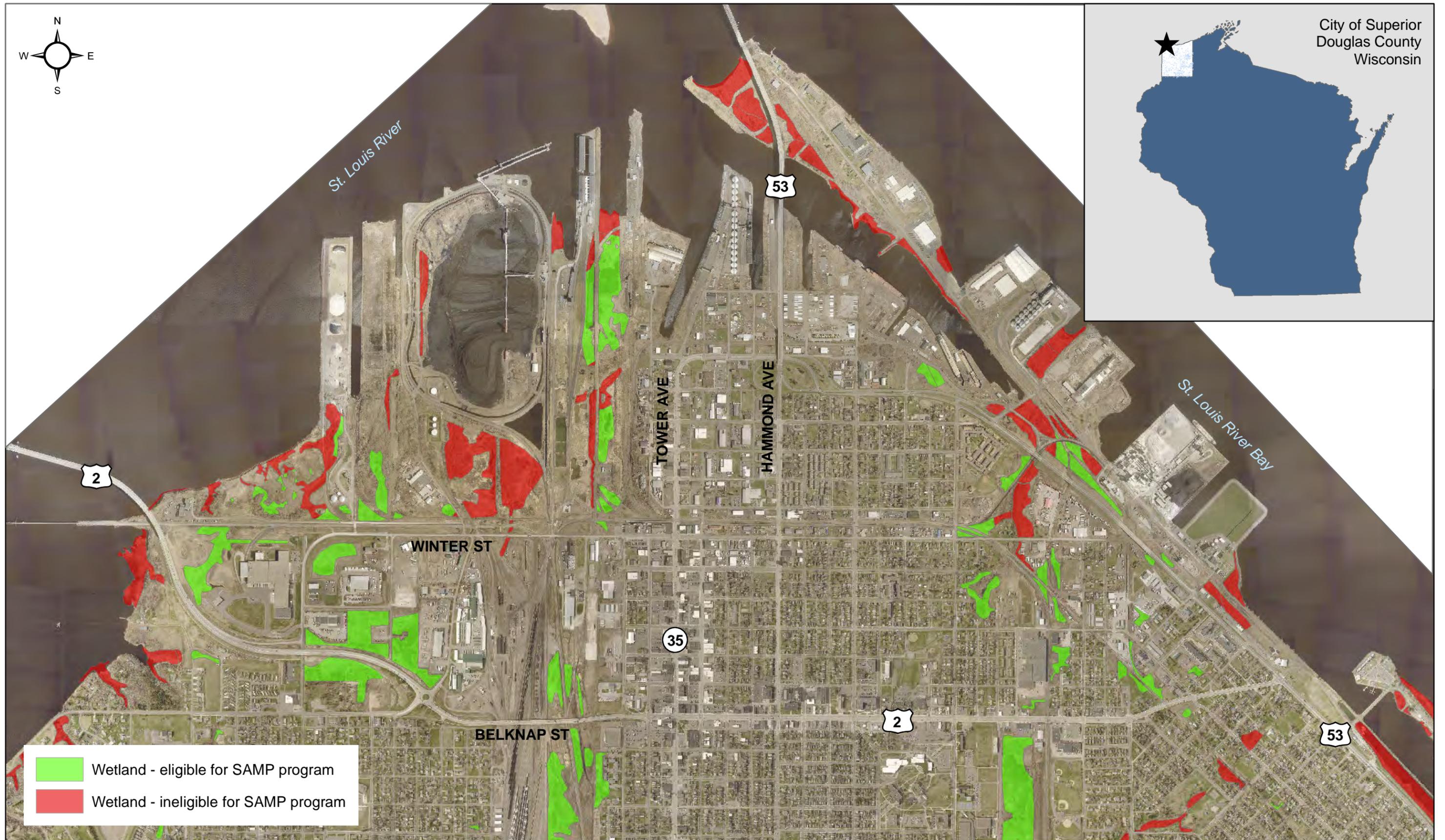
(On-line map available at: <http://douglascowi.wgxtreme.com/>. Select "Dept Maps" and then "Land Use/Zoning." Select the layer, "SAMP Wetlands.")



**Figure 1C. SAMP Wetlands - City of Superior East Central**

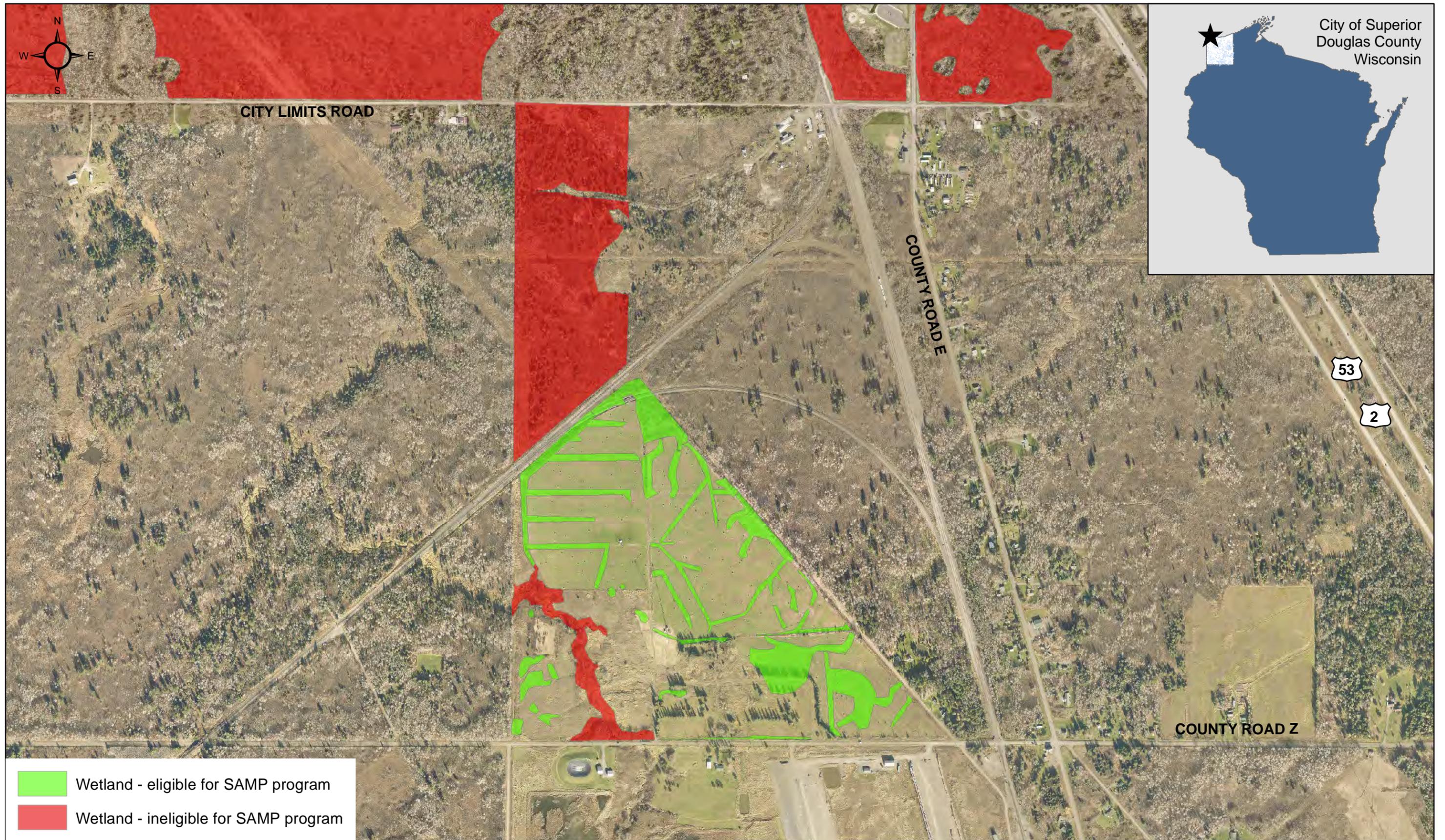
2023 Aerial Image. May by D. McNamara, March 2024.

0 0.5 1 1.5 2 Miles



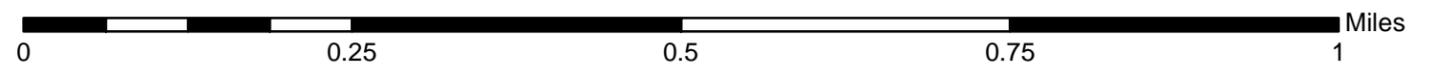
**Figure 1A. SAMP Wetlands - City of Superior North End**

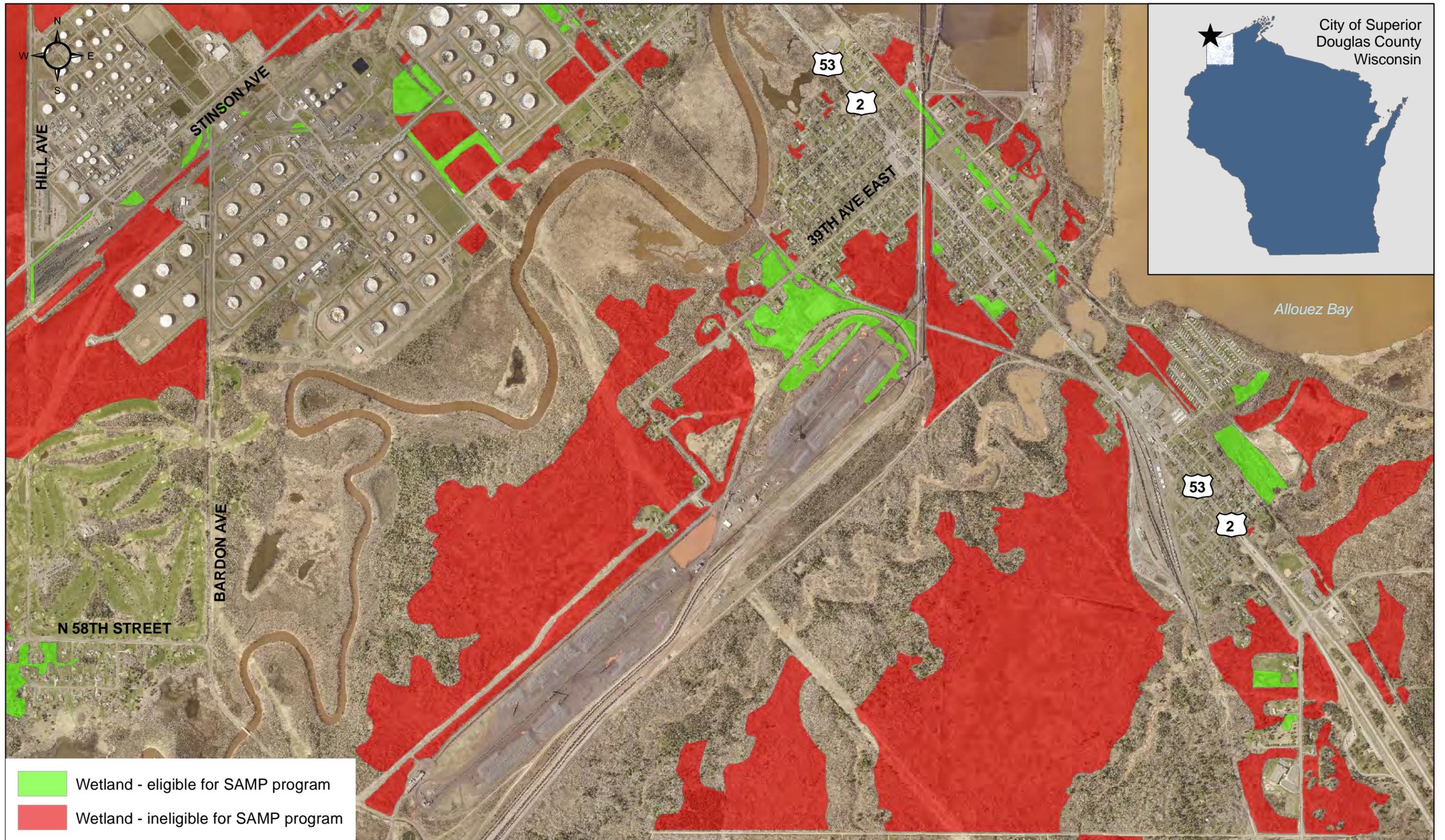
2023 Aerial Image. May by D. McNamara, March 2024.



**Figure 1F. SAMP Wetlands - City of Superior Parkland Annex**

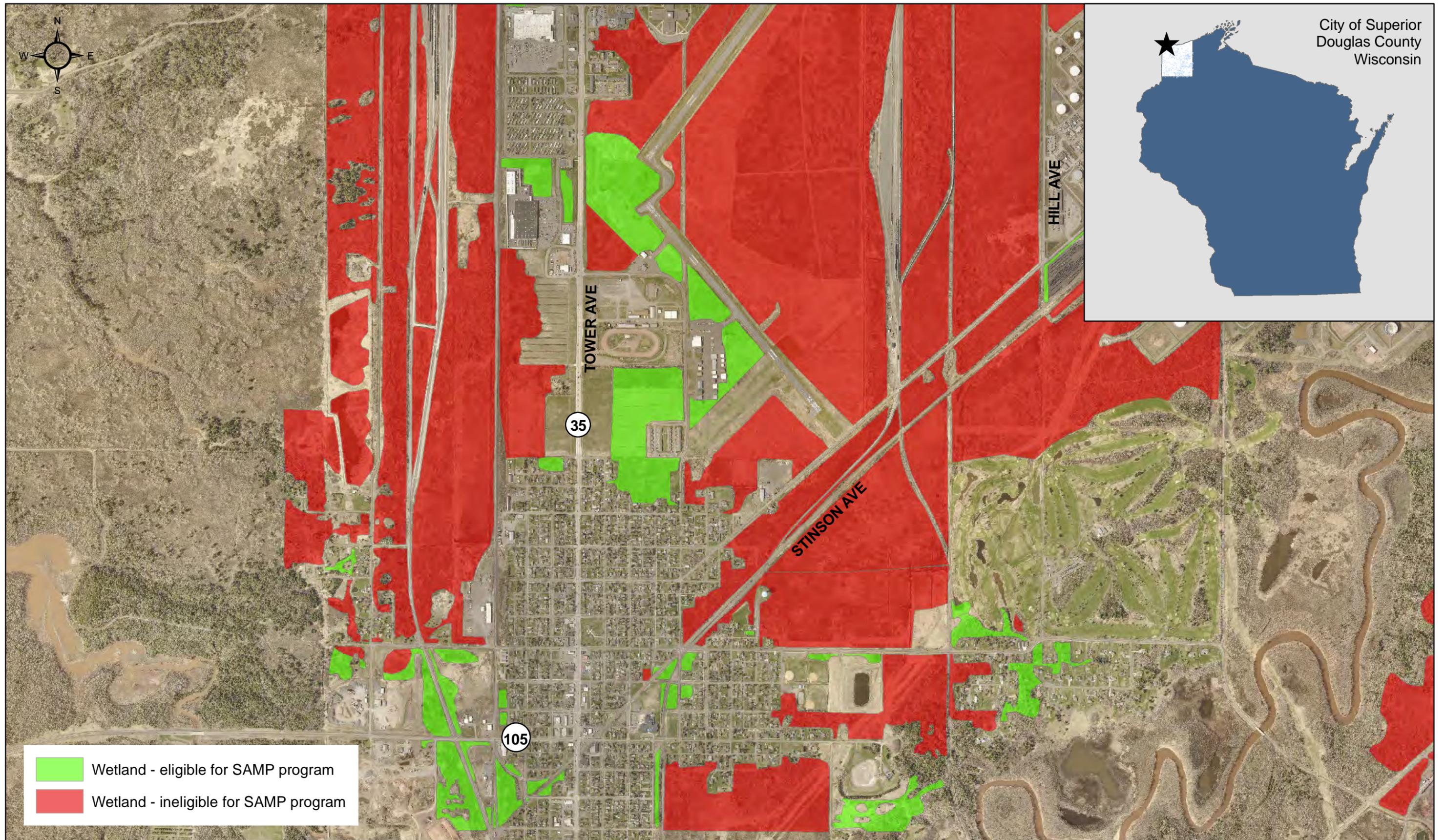
2023 Aerial Image. Map by D. McNamara, March 2024.





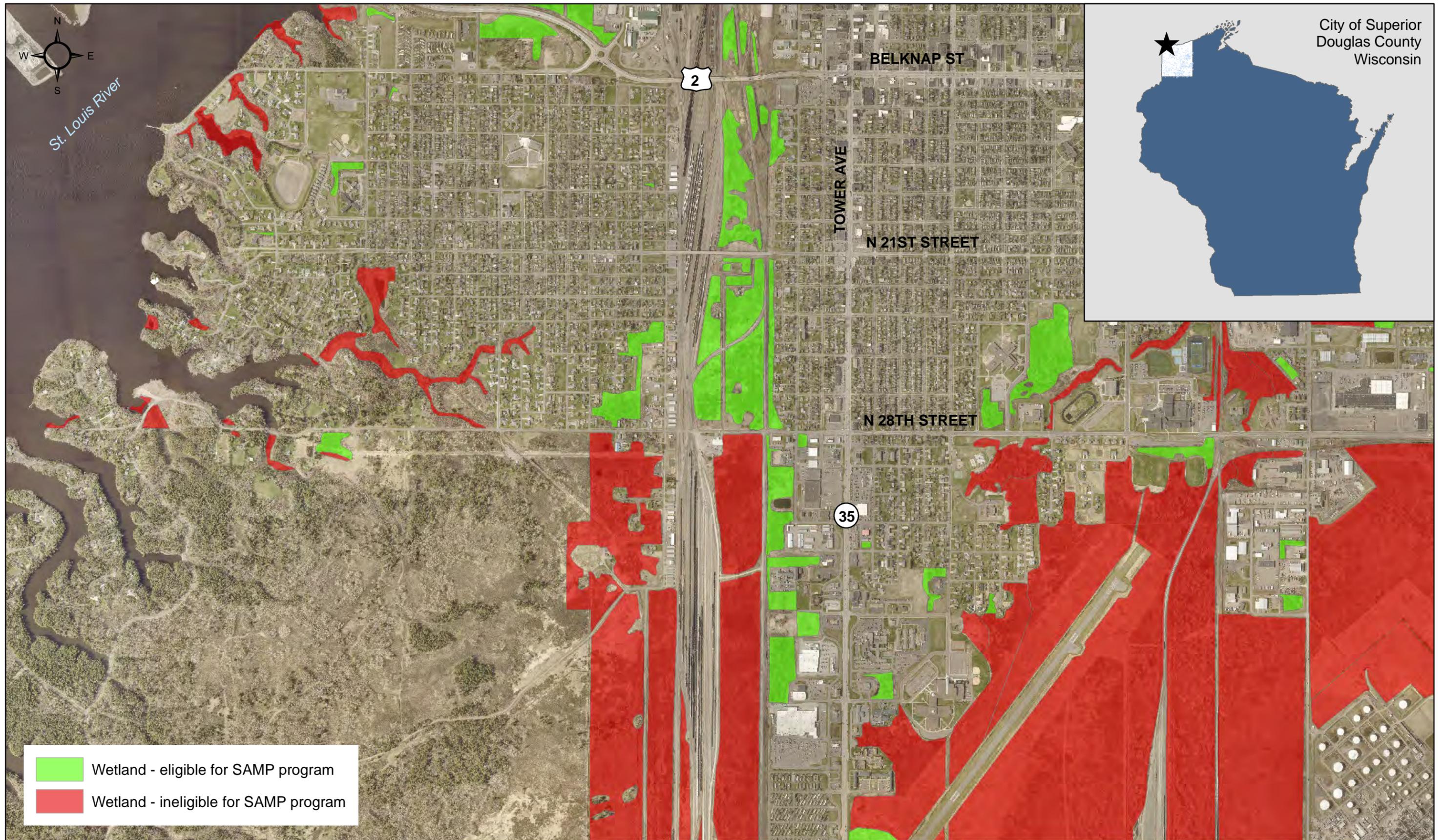
**Figure 1E. SAMP Wetlands - City of Superior South East**

2023 Aerial Image. May by D. McNamara, March 2024.



**Figure 1D. SAMP Wetlands - City of Superior South End**

2023 Aerial Image. May by D. McNamara, March 2024.



**Figure 1B. SAMP Wetlands - City of Superior West Central**

2023 Aerial Image. May by D. McNamara, March 2024.

0 0.5 1 1.5 2 Miles

## Attachment B

### WDNR Section 401 Water Quality Certification

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
101 S. Webster St.  
Madison, WI, 53707-7921

**Tony Evers, Governor**  
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Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



July 12, 2024

Ryan Winn  
USACE Senior Project Manager

Dear Ryan Winn,

The Wisconsin Department of Natural Resources received a water quality certification request pursuant to 40 CFR Part 121, requested by Ryan Winn for the reissued Superior Special Area Management Plan IV Regional General Permit.

The Wisconsin Department of Natural Resources (WDNR) has examined this application as it relates to Clean Water Act Section 401, Chapters 30, 281, and 283, Wis. Stats., and Chapters NR 102-105 and 299, Wis. Adm. Code. The WDNR has determined the following conditions for the Corps are required to ensure the project will comply with water quality requirements. Therefore, **DNR grants water quality certification with conditions.**

Please reach out to me at [Thomas.Pearce@wisconsin.gov](mailto:Thomas.Pearce@wisconsin.gov) or at 608-800-1643 if you have any questions or concerns about this certification.

Sincerely,

Tom Pearce  
Water Management Specialist

## BEFORE THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

Application of the United States Department of the Army,) Corps of Engineers, for Water Quality Certification for the) Final Regulations Pertaining to the Reissuance of a General) Permit.

On April 24, 2024, the United States Department of the Army, Corps of Engineers (Corps), published its final notice regarding the reissuance of a General Permit (GP) in the Federal Register (agency docket number COE-96-06788). Publication of the GP serves as the Corps' request to the State for water quality certification (WQC) under 40 CFR Part 121.

The Wisconsin Department of Natural Resources (WDNR) has examined the GP pursuant to Clean Water Act Section 401, and Chapter NR 299, Wisconsin Administrative Code (Wis. Adm. Code).

The WDNR has determined the following conditions for the GP are required to ensure compliance with state water quality standards enumerated in s. 299.04, Wis. Adm. Code. The certification contained herein shall expire on July 12, 2029.

Section 401 Certification does not release the permittee from obtaining all other necessary federal, tribal, state, and local permits, licenses, certificates, approvals, registrations, charters, or similar forms of permission required by law. It does not limit any other state permit, license, certificate, approval, registration, charter, or similar form of permission required by law that imposes more restrictive requirements. It does not eliminate, waive, or vary the permittee's obligation to comply with all other laws and state statutes and rules throughout the construction, installation, and operation of the project. This Certification does not release the permittee from any liability, penalty, or duty imposed by Wisconsin or federal statutes, regulations, rules, or local ordinances, and it does not convey a property right or an exclusive privilege.

Note: The specific language in the GP is not included in this document. Copies of complete general permits published in the Federal Register on April 25, 2024, may be obtained from your local Corps field office.

## STATE CONDITIONS AND LIMITATIONS OF CERTIFICATION

### GENERAL CONDITIONS:

1. The permittee shall allow the WDNR reasonable entry and access to the discharge site to inspect the discharge for compliance with the certification and applicable laws.
2. If any of these conditions are found invalid or unenforceable, the water quality certification is denied for all activities to which that condition applies.
3. The permittee may not use any materials that contain toxic substances in toxic amounts. This may include materials used for structure placement, beneficially reused materials, or fill.
4. The project will not result in the conversion of a wetland to a storm water treatment facility such as but not limited to a pond or infiltration basin.
5. Once wetland work begins, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be stabilized until the work is resumed and completed.
6. No other area of the wetland may be disturbed beyond the area designated in the submitted plans.
7. The permittee may not store any vegetation, material, or equipment in wetlands unless authorized to do so through an approved project design. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex, if applicable.
8. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, will not be stored in the construction area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding.
9. All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Adm. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
101 S. Webster St.  
Madison, WI, 53707-7921

**Tony Evers, Governor**  
-----  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources.

This determination becomes final in accordance with the provisions of s. NR 299.05(7), Wisconsin Administrative Code, and is judicially reviewable when final. For judicial review of a decision pursuant to Sections 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision becomes final to file your petition with the appropriate circuit court and to serve the petition on the Secretary of the Department of Natural Resources. The petition must name the Department of Natural Resources as the respondent.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Dated at Madison, Wisconsin 07/12/2024

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
WATERWAYS PROGRAM \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'J. Evers', written over a horizontal line.