

Holloway, Rachel

From: Ramminger, Allen J - DNR <Allen.Ramminger@wisconsin.gov>
Sent: Friday, April 12, 2024 2:14 PM
To: zanfam5@mhtc.net
Cc: chorton@ruekert-mielke.com; Ramminger, Allen J - DNR; Palme, David D MVP; Stautz, Theran; Donar, Jake J - DNR
Subject: GP- Wetland Statewide GP1- Residential_Comm_Indus_00562
Attachments: GP- Waterway rule GP - stormwater pond_00561.pdf; GP- Waterway Statewide GP 21 - Waterway Crossings_00563.pdf; GP- Wetland Statewide GP1- Residential_Comm_Indus_00562.pdf; NHIZander_culvert__pond_wetland_impacts.pdf; WQC - Grant WQC for GPs_8013222.pdf

Dear Mr. Zander;

The Department has evaluated your applications for a stormwater pond, wetland fill and crossing permit. Enclosed are the permits for these activities. Also included is the NHI and Water Quality Certification report. If you need a hard copy, please let me know so I can mail you a copy.

Be sure to contact your local zoning office and U.S. Army Corps of Engineers for any local or federal permits that may be required for your project.

Regards;

We are committed to service excellence.

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

Allen Ramminger

Him/His

Waterway and Wetland Specialist

Wisconsin Department of Natural Resources

3911 Fish Hatchery Road, Fitchburg, WI 53711

Cell Phone: 608-228-4067

Allen.Ramminger@wisconsin.gov



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 12, 2024

Stormwater pond GP-SC-2024-13-00561

Jerome Zander
9283 Windy Lane
Mount Horeb, WI 53572
[sent electronically]

Dear Mr. Zander:

The Department of Natural Resources has completed its review of your application for a permit to construct an unconnected storm water pond in uplands to be located within 500ft of the Sugar River and located in the SE 1/4, SE 1/4, Section 31, Township 07N, Range 07E, Town of Cross Plains, Dane County. You will be pleased to know your project qualified for a General Permit.

Please take this time to re-read the permit eligibility standards and conditions. The eligibility standards can be found on your application checklist (found at <https://dnr.wi.gov/files/PDF/forms/3500/3500-144.pdf>). For project details, maps, and plans related to this decision, please see application number, GP-SC-2024-13-00561, on the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>. The permit conditions are attached to this letter which lists the conditions which must be followed.

A copy of this letter and the attached permit conditions must be posted for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you. You are responsible for meeting all general permit eligibility standards and permit conditions.

Please note you are required to submit photographs of the completed project within 7 days after you've finished construction. This helps both of us to document the completion of the project and compliance with the permit conditions.

Be sure to contact your local zoning office and U.S. Army Corps of Engineers for any local or federal permits that may be required for your project. Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please contact me at (608) 228-4067 or by email at Allen.Ramminger@wisconsin.gov.

Sincerely,

Allen Ramminger
Water Management Specialist

Email CC:

USACE Project Manager
Hans Hilbert, Zoning Administrator
Town Clerk
Conservation Warden
Consultant/contractor
Waterway/Wetland File

**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**GENERAL PERMIT – STORM WATER POND
GP-SC-2024-13-00561**

Jerome Zander is hereby granted under Sections 30.19(1g), Wisconsin Statutes, and NR 343, Wis. Adm. Code, a permit to construct an unconnected storm water pond within 500ft of Sugar River in the Town of Cross Plains, Dane County is subject to the following conditions:

PERMIT

1. You must notify Allen Ramminger at phone (608) 228-4067 or email Allen.Ramminger@wisconsin.gov before starting construction and again not more than 5 days after the project is complete.
2. You must complete the project as described **on or before April 3, 2027**. If you will not complete the project by this date, there is no opportunity for an extension, and you must apply for a new permit.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. Before you start your project, you must first obtain any permit or approval that may be required for your project by local zoning ordinances and by the U.S. Army Corps of Engineers. You are responsible for contacting these local and federal authorities to determine if they require permits or approvals for your project. These local and federal authorities are responsible for determining if your project complies with their requirements.
5. Upon reasonable notice, you shall allow access to your project site during reasonable hours to any Department employee who is investigating the project's construction, operation, maintenance, or permit compliance.
6. The Department may modify or revoke this permit for good cause, including if the project is not completed according to the terms of the permit or if the Department determines the activity is detrimental to the public interest.
7. **You must post a copy of this permit at a conspicuous location on the project site**, visible from the waterway, for at least five days prior to construction, and remaining at least five days after construction. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood, and agreed to follow all conditions of this permit.
9. The permittee shall maintain the project in good condition and in compliance with the terms and conditions of this permit, NR 343 Wis. Admin. Code, and ss. Ch 30.19(1g), Wis. Stats.
10. This project shall comply with all conditions identified in Wisconsin Administrative Code and identified in the Instructions for the General Permit application.
11. **You must submit a series of photographs to the Department, within one week of completing work on the site.** The photographs must be taken from different vantage points and depict all work authorized by this permit.
12. You, your agent, and any involved contractors or consultants may be considered a party to the violation pursuant to Section Ch 30.292, Wis. Stats., for any violations of Chapter 30, Wis. Stats., or this permit.
13. Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters. Erosion control measures (such as silt fence and straw bales) must meet or exceed the technical standards of ch. NR 151, Wis. Admin. Code. The technical standards are found at: http://dnr.wi.gov/topic/stormwater/standards/const_standards.html.
14. Unless part of a permanent storm water management system, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.

15. All equipment used for the project, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile, and pumps shall be de-contaminated for invasive and exotic viruses and species prior to use and after use. The following steps must be taken **every time** you move your equipment to avoid transporting invasive and exotic viruses and species. To the extent practicable, equipment and gear used on infested waters shall not be used on other non-infested waters.

1. **Inspect and remove** aquatic plants, animals, and mud from your equipment.
2. **Drain all water** from your equipment that comes in contact with infested waters, including but not limited to tracked vehicles, barges, boats, silt, or turbidity curtain, hoses, sheet pile and pumps.
3. **Dispose** of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals, or water from one waterbody to another.
4. **Wash your equipment** with hot (>104° F) and/or high-pressure water, - OR - Allow your equipment to **dry thoroughly for 5 days**.

16. The pond or artificial water body does not connect with a navigable waterway below the ordinary high-water mark (OHWM).

17. The pond or artificial water body is not associated with any metallic or non-metallic mining project.

18. No portion of the berm or pond may be any closer than 35 feet from the ordinary high-water mark of any navigable waterway or within 100 feet of the location of any public rights feature as described in s. NR 1.06, Wis. Adm. Code.

19. The pond or artificial water body is a storm water management pond that does not discharge into a navigable waterway except as a result of a storm event.

20. 'Separation distance.' The crest of the berm of the pond or artificial water body may be no closer than 35 feet from the ordinary high-water mark.

21. No portion of the pond or artificial water body may be within 100 feet of the location of any public rights feature as described in s. NR 1.06, Wis. Adm. Code.

22. This separation distance does not include the outlet structure for the pond. An outfall below the ordinary high-water mark shall comply with ch. NR 329, Wis. Adm. Code.

23. 'Wetlands.' The pond or artificial water body may not be constructed, dredged or enlarged in a wetland.

24. 'Thermal.' The pond or artificial water body may not be designed to have a permanent pool of water that discharges to a trout stream or its upstream tributaries.

25. 'Hydraulic connection.' The pond may not be subject to inflow from the navigable waterway up to the 10-year 24-hour rainfall event.

26. 'Stable outlet.' The pond shall have a stable (non-erosive) connection to the navigable waterway.

27. 'Fish.' Fish may not be reared in the storm water pond.

28. 'Entrapment.' The pond or artificial water body shall be designed to prevent fish entrapment.

29. 'Vegetation.' The permanent vegetation planted in areas adjacent to or disturbed during pond construction may not be department regulated invasive plant species.

30. 'Excavated material.' Any excavated material may not be temporarily or permanently placed in a wetland, floodplain or below the ordinary high-water mark of a navigable waterway and shall be disposed of in an upland location.

FINDINGS OF FACT

1. Jerome Zander has filed an application for a permit to construct an unconnected storm water pond at an upland location in the SE 1/4, SE 1/4, Section 31, Township 07N, Range 07E, Town of Cross Plains, Dane County.
2. The project will consist of constructing a berm to hold water and catch sediment.
3. The Department has determined that the project site and project plans meet the standards in s. Chs 30.19(1g), Wis. Stats., as well as NR 343, Wis. Adm. Code, to qualify for this General Permit.
4. The proposed project, if constructed in accordance with this permit will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in s. 283.01(6m), Wis. Stats.
5. The proposed project, if constructed in accordance with this permit will not adversely affect wetlands.
6. The proposed project will not injure public rights or interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the rights of any riparian owner, if constructed in accordance with this permit.
7. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Section Ch 30.19(1g), Wis. Stats., and Chapters NR 102, 103, 150, 299, 310, and 343, Wis. Adm. Code.
8. The construction of a storm water pond within 500ft of a navigable waterway will not be detrimental to the public interest.
9. The activity will not cause environmental pollution as defined in s. 299.01(4).
10. No material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity.

CONCLUSIONS OF LAW

1. The Department has authority under ch. 30, Wis. Stats., and ch. NR 343, Wis. Adm. Code, to issue a permit for the construction and maintenance of this project.
2. The Department has complied with s. 1.11, Wis. Stats.

Dated at the South Central Region Headquarters, Fitchburg, Wisconsin on April 12, 2024.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

BY: 

Allen Ramminger
Water Management Specialist

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 12, 2024

Wetland Disturbance GP-SC-2024-13-00562

Jerome Zander
9283 Windy Lane
Mount Horeb, WI 53572
[sent electronically]

RE: Coverage under the wetland statewide general permit to impact wetlands from residential, commercial, and industrial activities, located in the Town of Cross Plains, Dane County.

Dear Mr. Zander:

Thank you for submitting an application for a General Permit to impact wetlands from residential, commercial and industrial activities located in the SE 1/4 of SE 1/4, Section 31, Township 07, Range 07E, Town of Cross Plains, Dane County. You have certified that your project meets the eligibility criteria for this activity. Based upon your signed certification you may proceed with your project. **The discharge(s) from the proposed activity will comply with water quality requirements.**

Please re-read the permit eligibility standards and conditions. The eligibility standards can be found on the GP1 application checklist or in the GP1 statewide general permit. The permit conditions are attached to this letter. You are responsible for meeting all general permit eligibility standards and permit conditions. This includes notifying the Department before starting the project and submitting photographs within one week of project completion. Please note your coverage is valid for 5 years from the date of the department's determination or until the activity is completed, whichever occurs first.

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project, please contact me, your local Water Management Specialist, at (608) 228-4067 or at Allen.Ramminger@wisconsin.gov to discuss your proposed modifications.

The Department of Natural Resources appreciates your willingness to comply with wetland regulations, which help to protect the water quality, fish and wildlife habitat, recreational value, and other functions and values wetlands provide to current and future generations. You are responsible for obtaining any other local, state, or federal permits that are required before starting your project.

Sincerely,

Allen Ramminger
Water Management Specialist

Email CC:

USACE Project Manager
County/Local Zoning Administrator
Town Clerk
Conservation Warden
Consultant/contractor
Waterway/Wetland File

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in the application requirements (section 2) section of this permit. If requested, within a reasonable timeframe you shall furnish the Department any information it needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of coverage under general permit WDNR-GP1-2023 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined above and that you have read, understood, and agreed to follow all terms and conditions of this general permit.
3. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the Department.
4. **Project Plans.** This permit does not authorize any work other than what is specifically described in the notification package and plans submitted to the Department and is certified by you to comply with the terms and conditions of WDNR-GP1-2023.
5. **Expiration.** The time limit for completing an activity authorized by the provisions of WDNR-GP1-2023 ends 5 years after the date on which the activity is considered to be authorized under WDNR-GP1-2023 or until the activity is completed, whichever occurs first. The Department's use of general permit WDNR-GP1-2022 established under s. 281.36(3g) Wis. Stats. expires on June 30, 2028.
6. **Written authorization for modification of scope.** Any modification to the wetland impacts authorized under this general permit must be approved by the Department in writing to ensure that the project continues to meet the general permit eligibility in section 1. Separate permitting is necessary if the modified project scope no longer meets general permit eligibility.
7. **Authorization Distribution.** You must supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
9. **Project Completion.** Within one week after completing the regulated activity, you shall submit to the Department a statement certifying the project complies with all the terms and conditions of this permit, and photographs of the activities authorized by this permit. This statement must reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
10. **Permit Posting.** You must post a copy of this permit coverage letter at a conspicuous location on the project site before beginning the permitted activity. The copy of the permit coverage letter must remain posted at that location until at least five days after the area where the activity took place is stabilized. You must also keep a copy of the permit coverage letter and the approved plan available at the project site at all times until the project is complete.
11. **Permit Compliance.** The department may revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action.
12. **Construction Timing.** 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.
13. **Construction.** No other portion of the wetland may be disturbed beyond the area designated in the submitted plans.
14. **Proper Maintenance.** You must maintain the activity authorized by WDNR-GP1-2023 in good condition and in conformance with the terms and conditions of this permit using best management practices. Any structure or fill authorized shall be properly maintained to ensure no additional impacts to the remaining wetlands and waterways.

15. **Site Access.** Upon reasonable notice, you shall allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or permit compliance with the terms and conditions of WDNR-GP1-2023 and applicable laws.

16. **Erosion and siltation controls.** The project site shall implement erosion and sediment control measures that adequately control or prevent erosion and prevent damage to wetlands as outlined in s. NR 151.11(6m), Wis. Admin. Code. These standards can be found at the following website: <https://dnr.wisconsin.gov/>, keyword "stormwater technical standards". Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

17. **Equipment use.** The equipment used in the wetlands must be low ground weight equipment as specified by the manufacturer specifications.

18. **Wetland Protection.** You shall 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.

19. **Invasive Species.** All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by using best management practices to avoid the spread of invasive species as outlined in NR 40, Wis. Adm. Code. These protocols and practices can be found on the Department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: "equipment operator" and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>.

20. **Federal and State Threatened and Endangered Species.** WDNR-GP1-2023 does not affect the Department's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, s. 29.604, Wis. Stats., and applicable state laws. No Department authorization under this permit will be granted for projects found not to comply with these acts/laws. No activity is authorized which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act and/or state law or which is likely to destroy or adversely modify the critical habitat of a species as identified under the Federal Endangered Species Act.

21. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area you will take reasonable action to prevent significant adverse impacts or to enhance the habitat for the species of concern.

22. **Historic Properties and Cultural Resources.** WDNR-GP1-2023 does not affect the Department's responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and s. 44.40, Wis. Stats. No Department authorization under this permit will be granted for projects found not to comply with these acts/laws. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed during activities authorized by this permit, work must be stopped immediately, and the State Historic Preservation Officer must be contacted for further instruction

23. **Preventive Measures.** Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, 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. **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 Duty Officer at 1-800-943-0003.**

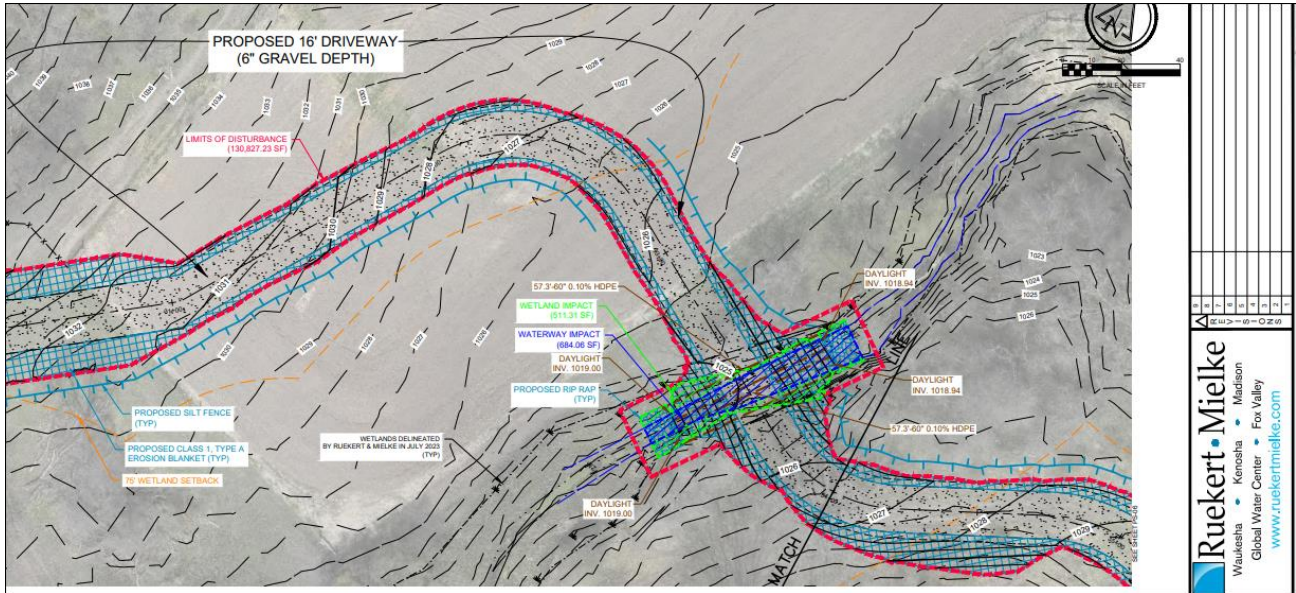
24. **Suitable fill material.** All fill authorized under this permit must consist of clean suitable soil, as defined by s. NR 500.03(214), Wis. Adm. Code, free from hazardous substances as defined by s. 289.01(11), Wis. Stats., and free from solid waste as defined by s. 289.01(33), Wis. Stats.

25. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

26. **Transfers.** Coverage under this permit is transferable to any person upon prior written approval of the transfer by the Department.

27. **Reevaluation of Decision.** The Department may suspend or revoke authorization of any previously authorized activity and may take enforcement action if the following occur:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP1-2023.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 12, 2024

Jerome Zander
9283 Windy Lane
Mount Horeb, WI 53572

Waterways Crossing GP-SC-2024-13-00563

RE: Coverage under the waterway statewide general permit to install waterway crossings near the Sugar River, located at T7N R7E S31 &32 in the Town of Cross Plains, Dane County, docket GP-SC-2024-13-00563.

Dear Mr. Zander:

Thank you for submitting an application for a General Permit to install waterway crossings near the Sugar River located in the SE 1/4, SE 1/4, Sec. 31, T07N, R07E, Town of Cross Plains, Dane County.

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

The Department conducts routine and annual compliance monitoring inspections. Our staff may follow up and inspect your project to verify compliance with state statutes and codes. If you need to modify your project please contact your local Water Management Specialist, Allen Ramminger at (608) 228-4067 or email Allen.Ramminger@wisconsin.gov to discuss your proposed modifications.

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

Sincerely,

Allen Ramminger
Water Management Specialist

Copy to:

USACE Project Manager
County Zoning Administrator

You agree to comply with the following conditions:

1. The applicant has contacted the local WDNR Water Management Specialist during the development of the project to have a pre-application discussion. Go to dnr.wi.gov, key word “waterway protection” for more information. Project design must address the site specific considerations that are identified by the WMS and appropriate resource managers during the pre-application discussion.

2. The project purpose is to place a waterway crossing to allow for access across a navigable river or stream and does not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in s. 299.01(4), Wis. Stats., or result in material injury to the riparian rights of any riparian owner pursuant to s. 30.206(3r)(a)2., Wis. Stats., nor does it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to s. 30.206(1)(am), Wis. Stats.

3. Projects proposed in locations with existing recorded deed restrictions within the project area, including easements limiting construction and land use activities, are not eligible for this general permit.

Note: Department Chs. 30 and 281 Wis. Stats. permits do not supersede any legal restrictions on the use of land

4. Structures over lake outlets and lake systems are not eligible for this permit.

5. Structures shall be placed entirely within the riparian’s zone of interest, as determined by one of the methods outlined in ch. NR 326, Wis. Admin. Code, or applicants have the written permission from all affected riparian landowners to proceed with structure placement in the proposed location.

6. The placement and installation of waterway crossing structures placed on the bed of a river or stream (culvert or ford crossings) shall mimic the natural streambed and gradient above and below the structure to allow for aquatic organism passage (AOP) where appropriate, and not result in a permanent impoundment of water upstream of the crossing location. (note: culverts on streams 2% gradient or greater may require additional culvert design considerations to allow for AOP).

7. Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-stream structures may not be placed during the following time periods:

- September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <https://dnr.wisconsin.gov/topic/Fishing/trout/streammaps.html>
- September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
- March 1st through June 15th for ALL OTHER waters.

Note: The local Department Fisheries Biologist may waive or modify timing restrictions in writing. To request waiver or modification of fish spawning timing restrictions for your project please do so within the narrative portion of your permit application.

8. The applicant is working to obtain a local shoreland zoning authorization for the project or the local shoreland zoning requirements have been waived. (Documentation required). If local zoning permits are not required, the project vegetation and bank disturbance is limited to the amount necessary for project placement and erosion control practices are adequate to prevent sedimentation to surface waters.

9. If the project is located in a regulatory floodplain, the applicant is working to obtain a floodplain permit (NR 116 Wis. Adm. Code) from the local floodplain zoning department.

Note: Contact your local floodplain zoning department to determine whether your project is located in a regulatory floodplain. For general floodplain mapping information, you may review the floodplain themed surface water data viewer at <https://dnrmaps.wi.gov/H5/?Viewer=SWDV&layerTheme=1>

10. Structures in and over navigable waterways must be sized and set at an elevation so that water depths, widths and velocities at the inlet and outlet match the natural stream channel. Invert elevations of culverts shall be determined by surveying the stream bed elevations upstream and downstream of the crossing, and setting the culvert below the natural stream bed elevation. (note: site specific conditions such as northern pike waters, may require different embedding techniques than typical designs to prevent fish entrapment)

11. All bridges and culverts shall maintain a clearance of 5 feet or more above the ordinary high water mark (OHWM), or request a waiver to the navigational clearance requirements, which can be granted by the Department when the following conditions apply:

- a. The waterway is known to have little or no navigation or snowmobile use.
- b. The waterway is not anticipated to have navigational use by other than lightweight craft.
- c. The owner provides a portage over or around the bridge or culvert.
- d. The reduced clearance would not be detrimental to the public interest.

12. Any wetland disturbance associated with the structure placement is incidental to the structure, confined to the area within the stream channel being crossed or the immediate adjacent banks, and has been authorized by a department wetland permit or exemption as required pursuant to s. 281.36 Wis. Stats. (Documentation required).

13. The removal of material from the stream bed to facilitate the placement of structures located on the stream bed is located within 2' of the structure or is limited to the minimum amount necessary for correct placement of the structure and shall not be disposed of in a waterway, floodway, floodplain, or wetland. (Note. Stream channels may not be widened beyond existing bankfull width to accommodate culvert placement.)

14. The applicant shall avoid operating equipment on the stream bed. If required for project installation, the applicant must consult with the Department and follow the best management practices identified below as appropriate in order to minimize adverse resource impacts:

- a. Temporary timber matting is used to protect the streambed
- b. Movement on the stream bed is kept to a minimum
- c. Equipment is kept on streambed for as little time as needed to complete the project and must be removed when not in use;
- d. Properly installed and maintained silt curtains and/or turbidity barriers are used around the perimeter of the project;
- e. Pre-inspection of vehicles/equipment is done for all operating days to avoid leaks;
- f. Biodegradable hydraulic and engine oils are used OR a spill containment kit is on site in case of spill

Additional eligibility standards for culvert crossings

1. The culvert crossing shall not be placed in a stream wider than 35 feet as measured from ordinary high water mark to ordinary high water mark.

2. The required culvert flow-area shall not exceed 20 square feet unless the project is designed by an engineer registered in the state of Wisconsin. Please refer to the culvert sizing worksheet for common culvert sizes, respective flow areas, and appropriate sizing guidelines.

3. The culvert crossing must be appropriately sized. This may be accomplished in any of the following manners:

- a. As calculated in the Culvert Sizing Worksheet (Appendix A), or available at:
http://dnr.wi.gov/topic/Waterways/factsheets/Culvert_Placement_Worksheet.pdf

Note: The Culvert Sizing Worksheet must be included with the plans and specifications portion of the permit application.

- b. The placement of a single Culvert sized to completely span bank full width at a location that is representative of the stream width through the reach in question.
- c. Any other method that is shown to result in the following outcome and can be justified using site specific information:
 - i. adequately pass stream flows without impounding water on the upstream side of the crossing up to the 100 year storm event.
 - ii. meets all other performance standards of this permit.
4. Culvert Design shall follow culvert design best practices depicted in the culvert placement example drawing.
5. Multiple culvert designs must provide adequate spacing between culverts to allow for compaction between pipes during installation in order to prevent piping or washout (Note: The lesser of .5 pipe diameter or 3' for culverts larger than 48" or = 24" for culverts 48" in size or less).
6. Culvert installation shall follow established best management practices as referenced in Stream Culverts – Best Management Practices.

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 12, 2024

GP-SC-2024-13-00561, 00562, 00563

Jerome Zander
9283 Windy Lane
Mount Horeb, WI 53572
[sent electronically]

Dear Mr. Zander,

The Wisconsin Department of Natural Resources received a water quality certification request pursuant to 40 CFR Part 121, requested by Jerome Zander for a project located in the Town of Cross Plains, Dane County, WI.

The Wisconsin Department of Natural Resources (DNR) has examined this certification request as it relates to Clean Water Act Section 401, Wis. Stat. Chs. 30, 281, and 283, and Wis. Adm. Code Ch. NR 299. The DNR has determined the certification request satisfies the requirements under 40 CFR § 121.5. The DNR has also determined that the discharge from the proposed project will comply with water quality requirements. Therefore, **DNR will grant water quality certification without the need for special conditions.**

Please be aware that 401 Water Quality Certification does not release the permittee from obtaining all other necessary federal, state, and local permits, licenses, certificates, approvals, registrations, charters, or similar forms of permission required by law. Specifically, if the DNR has issued coverage under a state general permit for the project, the permittee is required to follow all eligibility requirements and permit conditions. In addition, this 401 Water Quality Certification 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.

Please reach out to me at Allen.Ramminger@wisconsin.gov or at (608) 228-4067 if you have any questions or concerns about this certification.

Sincerely,



Allen Ramminger
Water Management Specialist

E-copy: David Palme, USACE Project Manager