

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Tony Evers, Governor

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June 19, 2024

Lee Alexander
1301 Avenue of the Americas, 10th Floor
New York, NY 10019
[sent electronically]

GP-SE-2024-60-01543

RE: Coverage under the waterway statewide general permit to install waterway crossings over Otter Creek, located in the Town of Plymouth, Sheboygan County.

Dear Mr. Alexander,

Thank you for submitting an application for a General Permit to install two separate culverts (side by side) over Otter Creek located in the SE 1/4, NW 1/4, Section 02, Township 15 North, Range 21 East, W5197 Green Tree Road, Town of Plymouth, Sheboygan 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, also attached). 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, Francesca Sanchez at (414) 531-0305 or email francesca.sanchez@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,

Francesca Sanchez
Water Management Specialist

Copy to:
Leah Huff, USACE Project Manager
Kathryn Fabian, Sheboygan County Code Administrator
Anthony Arndt, WDNR Conservation Warden
Joseph Bronoski, JB Site Design and Engineering, LLC
Waterway/Wetland File

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

15. 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.

16. 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.

17. 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 bankfull 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.

18. Culvert Design shall follow culvert design best practices depicted in the culvert placement example drawing.

19. 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).

20. Culvert installation shall follow established best management practices as referenced in Stream Culverts – Best Management Practices.