

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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19-0132

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December 21, 2018

GP-WC-2018-32-N03429

Matt McFarlane
Northern States Power Company – WI (NSP)
1414 W. Hamilton Ave, PO Box 8
Eau Claire, WI 54702

RE: NSP (W3205 LaCrosse to Coulee Rebuild) - Coverage under WDNR-GP3-2018

Dear Mr. McFarlane:

Thank you for submitting an application for the above referenced project for coverage under the wetland and waterway statewide general permit (WDNR-GP3-2018) for utilities to place structures on the bed, to place temporary bridges across waterways, to place fill in wetlands, to remove bed material from waterways, and to drive on the bed of waterways, under Wis. Stats. 30.206 and 281.36.

You have certified that your project meets the eligibility criteria and conditions for this activity. Based upon your signed certification, you may proceed with your project. The enclosed document provides coverage under WDNR-GP3-2018 for:

- 0.01 acres of permanent wetland fill,
- the placement of 1.59 acres of construction matting in wetlands,
- the placement of 3 temporary clear span bridges (TCSB),
- and driving on the bed of a concrete lined waterway

This permit coverage also constitutes the state of Wisconsin's wetland water quality certification under USCS s. 1341 (Clean Water Act s. 401).

Please ensure to follow the required actions detailed in the Endangered Resources Review (log #17-481).

You are responsible for meeting all general permit eligibility standards and permit conditions. General permit eligibility standards can be found here <https://dnr.wi.gov/topic/Sectors/documents/GP3.pdf>, and the permit conditions are attached to this letter. This includes notifying the Department before starting the project, and submitting photographs within two weeks 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.

Department staff may follow up and inspect your project to verify compliance with state statutes and codes. Please be sure to obtain any other local, state or federal permits that are required before starting your project. If you have any questions, please feel free to call me at (608) 535-2602, or you can email me at Lindsay.Tekler@wisconsin.gov.

Sincerely,

Lindsay Tekler

Lindsay Tekler
Environmental Analysis and Review Specialist

cc: Kerrie Hauser, U.S. Army Corps of Engineers
La Crosse County Zoning

You agree to comply with the following conditions:

1. **Application.** You shall submit a complete application package to the Department as outlined in Section 3 of this permit. If requested, you shall furnish the Department, within a reasonable timeframe, any information the department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP3-2018 and efforts to begin work on the activities authorized by this general permit signify that you have certified that the project meets all eligibility standards outlined in Section 2 of this permit 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 application package and plans that you submitted to the Department and certified to comply with the terms and conditions of WDNR-GP3-2018.
5. **Expiration.** This WDNR-GP3-2018 expires 5 years from the date of issuance. Any activity that the Department authorizes under WDNR-GP3-2018 remains authorized under WDNR-GP3-2018 for a period of 5 years from the date the discharge is considered to be authorized under WDNR-GP3-2018, or until the discharge is completed, whichever occurs first, regardless of whether WDNR-GP3-2018 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining all other permits or approvals that may be required for your project by local zoning ordinances, other local authority, other state permits, and by the U.S. Army Corps of Engineers before starting your project.
7. **Authorization Distribution.** You shall supply a copy of the permit coverage authorization to every contractor working on the project.
8. **Project Start.** You shall notify the Department at the telephone number or email address provided on the confirmation of coverage letter you receive before starting construction.
9. **Permit Posting.** You shall post a copy of this permit at a conspicuous location on the project site before beginning the permitted activities. The copy shall remain in place until the permitted activities are completed. A copy of the permit coverage letter and approved plan shall also be maintained and available on the project site before and during the execution of the permitted activities.
10. **Permit Compliance.** The department may modify or revoke coverage of this permit if it is not constructed in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest or wetland water quality standards. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any conditions of this permit are found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.

11. **Construction Timing.** Once in-water work below the OHWM commences, all construction activities in those waterways shall be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands shall be continuous to the extent practicable. During periods of inactivity in wetlands, the site shall be stabilized until the work is resumed and completed.
12. **Construction.** No other portion of the wetland or waterway may be disturbed beyond the area designated in the submitted plans.
13. **Project Completion.** For projects authorized under the Reporting coverage category, within two (2) weeks after completing the regulated activity, you shall submit to the Department a statement certifying that the permitted project complies with all the terms and conditions of this permit and photographs of the activities authorized by this permit. This statement shall reference the Department-issued docket number and be submitted to the Department staff member that authorized coverage.
14. **Proper Maintenance.** The activity authorized by WDNR-GP3-2018 shall remain in good condition and in conformance with the terms and conditions of this permit, and shall avoid additional impacts to waterways and wetlands.
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 compliance with the terms and conditions of WDNR-GP3-2018 and applicable laws.
16. **Erosion and Sediment Control Practices.** Erosion and sediment control measures that adequately control or prevent erosion and prevent damage to waterways and wetlands as outlined in s. NR 151.11(6m), Wis. Adm. Code, shall be implemented on the project site.
17. **Invasive Species.** All project equipment shall be free of invasive species before and after each use on the project site by using best management practices to avoid the spread of invasive species. More information can be found at: <http://dnr.wi.gov/topic/Invasives/bmp.html>
18. **Temporary fills.** Any temporary fills shall be removed in their entirety and the affected areas returned to their preexisting elevation and vegetated.
19. **Federal and State Threatened and Endangered Species.** WDNR-GP3-2018 does not affect the Department's responsibility to ensure that all authorizations comply with Section 7 of the Federal Endangered Species Act, Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats), and any other applicable state laws. The Department may not grant authorization under this permit for projects found not to comply with these laws. No activity is authorized that: (a) is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act or state law; or (b) is likely to destroy or adversely modify the critical habitat area¹ of a species as identified under the Federal Endangered Species Act. To be in compliance, documentation is required showing Endangered Resources (ER) concerns have been addressed. Documents associated with ER are valid for one year from the date they are prepared. Documentation options include:

- a. An ER Review Verification Form (<http://dnr.wi.gov/files/PDF/forms/1700/1700-079.pdf>) showing that all project activities are covered by the Broad Incidental Take Permit for no/low impact activities (<http://dnr.wi.gov/topic/ERReview/ITNoLowImpact.html>) , or
 - b. An ER Preliminary Assessment from the Department Natural Heritage Inventory (NHI) Public Portal (<http://dnr.wi.gov/topic/ERReview/PublicPortal.html>) stating that no further actions are necessary or that further actions are recommended, or
 - c. If option B results state that further actions are required, then submit either a Department ER Review Letter or a Certified ER Review Letter.
20. **Special Concern Species.** If the Wisconsin National Heritage Inventory lists a known special concern species to be present in the project area, reasonable action is recommended to prevent significant adverse impacts or to enhance the habitat for the species of concern.
21. **Historic Properties and Cultural Resources.** WDNR-GP3-2018 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 laws. The project shall avoid impacts to archaeological sites or historic structures and is subject to Department and Wisconsin Historical Society review and approval. 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 or appropriate Tribal Historic Preservation Officer must be contacted for further instruction.
22. **Equipment Use.** To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or shall be low ground pressure equipment, or shall work during stable conditions.
23. **Preventive Measures.** Measures shall be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, may not be stored in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. If a reportable spill 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**. More information can be found at: <http://dnr.wi.gov/topic/Spills/Define.html>
24. **Waste Restrictions.** You shall follow field protocols for activities in proximity to known landfills. Any solid waste encountered shall be disposed of in accordance with chs. NR 500 et. seq., Wis. Adm. Code.
25. **Suitable Fill Material.** All permanent fill authorized under this permit shall consist of clean suitable soil material, 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 ss. 289.01(33), Wis. Stats.
26. **Standard for Coverage.** Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

27. **Property Rights.** This permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.
28. **Transfers.** Coverage under this permit is not transferable to any other utility.
29. **Limits of State Liability.** In authorizing work, the State Government does not assume any liability, including 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 State in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of WDNR-GP3-2018.
30. **Reevaluation of Decision.** The Department may suspend, modify or revoke authorization of any authorized activity and may take enforcement action if the following occur:
- a. The applicant fails to comply with the terms and conditions of WDNR-GP3-2018.
 - b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.