Piling Exemption Requirements

A piling structure does not need a DNR waterway permit if the project meets all the requirements below, including best management practices to protect water quality. Statute and code references for this activity are s. 30.12, Wis. Stats., and s. NR 320.04(3) and (14), Wis. Adm. Code.

If your project meets ALL the requirements below, you do not need to contact DNR and you may proceed with your project in accordance with all other necessary federal, tribal, state, and local permits or approvals.

☐ The structure may not be located in an *area of special natural resource interest* (ASNRI) as defined in s. 30.01(1am), Wis. Stats., or a *public rights feature* (PRF) described under ch. NR 1.06, Wis. Adm. Code.

☐ The structure shall be placed entirely within the riparian's zone of interest as determined by one of the methods outlined in ch. NR 320.09, Wis. Adm. Code.

☐ A one-time deposit of sand, gravel, or stone under s. 30.12(1g)(a), Wis. Stats., may be associated with the structure provided the deposit is limited to the area immediately underneath or adjacent to the structure and is less than 2 cubic yards.

☐ Dredging, grading, excavation, land disturbance, and vegetation removal shall be confined to the minimum area necessary for construction. Such disturbance may also be subject to local shoreland zoning regulations or s. 30.19, Wis. Stats.

☐ Construction shall be accomplished in such a manner as to minimize erosion and siltation into surface waters and wetlands. All erosion control measures shall meet or exceed technical standards under subch. III of ch. NR 151, Wis. Adm. Code. Any topsoil exposed during the project shall be immediately seeded and mulched to prevent erosion into the waterway.

☐ To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, in-water work may not occur during any of the following time periods unless timing restrictions have been waived by the department:

a. September 15 through May 15 for all trout streams identified on DNR published maps. Note: To determine if a waterway is a trout stream, you may use the department trout stream maps at https://dnr.wisconsin.gov, keyword “trout stream maps.”
b. September 15 through June 15 on all Great Lakes tributaries upstream to the first dam or barrier.
c. November 1 through June 15 for Lake Michigan waters surrounding Door County, including Green Bay and all harbors and bays.
d. September 15 through July 1 for Lake Superior waters surrounding Douglas County, including St. Louis River and all harbors and bays.
e. March 1 through June 15 for all other waters.

Note: To request a waiver for some or all of the fish timing restrictions submit the information listed below in a voluntary exemption review request to the DNR Waterways General Question inbox. The DNR will make a determination within 15 days.

- A statement that describes the proposed activity.
- The site location.
- The construction timing and methods that will be used.
- The project scope and design.
- A demonstration that the proposed activity will not cause a material injury to the riparian rights of any riparian owners.

☐ All project equipment shall be decontaminated for removal of invasive species prior to and after each use on the project site by following the most recent department approved washing and disinfection protocols to comply with ch. NR 40, Wis. Adm. Code. Note: Current protocols can be found on the department website at https://dnr.wisconsin.gov, keyword “invasives disinfection.”

☐ A piling may be placed and maintained only by a riparian or their authorized agent.

☐ On Lake Michigan, Lake Superior, or the Mississippi River locations, a piling may be placed only for the purpose of deflecting ice to protect an existing or proposed structure or to moor a watercraft..

☐ A piling shall have a minimum side setback of 10 feet from the riparian zone boundary as determined by one of the methods in s. NR 320.09, Wis. Adm. Code.

☐ A piling may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.

☐ A piling may not result in the permanent or temporary deposition of fill in any floodway or wetland.

☐ A piling may consist of a group of not more than 5 individual piles placed adjacent to each other and firmly bound together.