Wildlife Habitat Structures - Exemption Requirements

A wildlife habitat structure does not need a DNR waterway permit if the project meets all of the requirements below, including best management practices to protect water quality. Statute and code references for this activity are ch. 30.12, Wis. Stats., and ch. NR 320.04(3) and (7), 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, 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 is placed and maintained only by a riparian (or their authorized agent) and 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 placement of 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 area where topsoil is 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."

☐ The nesting structure shall be placed for the purpose of improving wildlife habitat.

☐ The surface area of a nesting structure may not exceed 25 square feet.

☐ The nesting structure shall be designed and constructed of unpainted wood or of materials that are non-gloss earthtone colors that blend into a natural shoreline setting during leaf-on condition.