



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

*Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.*

### DOCUMENT ID

**WW-19-0045-C**

### DOCUMENT TITLE

**FISH HABITAT – FISH CRIBS EXEMPTION CHECKLIST**

### PROGRAM/BUREAU

**WATERWAYS PROGRAM**

### STATUTORY AUTHORITY OR LEGAL CITATION

**CH. 30, WIS. STATS.**

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

**11/25/19**

### DATE FINALIZED

**12/23/19**

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

A handwritten signature in black ink, appearing to read 'Michael C. [unclear]'.

12/16/19

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Signature

Date

Certain activities in navigable waters are exempt from needing a permit under chapter 30, Wisconsin Statutes. Using this checklist, you can determine if your project qualifies for an exemption.

Your proposed fish crib is eligible for an exemption if your project will meet all the following conditions:

- The fish crib may not be located in an area of special natural resource interest (ASNRI) – see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI or has another special designation.
- The fish crib may be placed and maintained only by a riparian, and shall be placed entirely within the riparian’s zone of interest.
- The fish crib must be placed solely for the purpose of improving fish habitat.
- The riparian shall report the placement of the structure to the local department fisheries biologist within 30 days after placement. The report shall contain a description of the project and its purpose, the name of the waterway and a map showing where the structure was placed.
- A deposit of sand, gravel or stone may be associated with the placement of a fish crib provided the deposit is limited to the area immediately underneath or within one foot of the structure and is less than 2 cubic yards.
- Dredging is not allowed for the placement of a fish crib.
- To protect fish habitat during spawning seasons, the fish crib may not be placed during the following time periods:
  - (a) For trout streams and perennial tributaries to trout streams, September 15 through May 15.
  - (b) For all waters not identified in (a) and south of State Highway 29, March 15 through May 15.
  - (c) For all waters not identified in (a) and north of State Highway 29, April 1 through June 1.
- Fish cribs shall have a minimum of 5 feet of water over the top of the structure. The depth and clearance of the fish cribs shall be based on the normal lowest water level condition in a calendar year.
- Fish cribs may not be placed within 100 feet of swimming beaches or swim rafts.
- Fish cribs may not be located in soft sediment or muck that is greater than 12 inches in depth.
- Fish cribs shall be constructed of biological materials, with the exception of fastening and anchoring devices.
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- Fish cribs may not be placed where the bottom contour of the waterway exceeds a slope of 4-foot horizontal to one-foot vertical.
- Proper erosion control measures shall be used during installation (to prevent soils from eroding into the waterway), removed after work is complete, and any disturbed areas restored.
- Endangered Resources Review: The applicant is not required, but is encouraged to request an endangered resources (ER) review letter before applying for the permit. Information on how to obtain a review can be found by visiting the website at <http://dnr.wi.gov/topic/ERReview/Review.html>. The applicant can also visit the NHI Public Portal, <http://dnr.wi.gov/topic/ERReview/PublicPortal.html>, to determine if a full ER Review is required. Read the ‘What is an ER Preliminary Assessment and what do the results mean?’ section to determine follow-up steps.

If your proposed project meets all of these conditions, the project is exempt from permitting. Keep a copy of this checklist for future reference. If your proposed project does not meet all of these conditions, submit a permit application to the Department. To obtain permit information search for it on our website at [www.dnr.wi.gov](http://www.dnr.wi.gov) under the topic “Waterway and Wetland Permits.”