



## 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-19-0046-C**

### DOCUMENT TITLE

**FISH HABITAT – SPAWNING REEF 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.*

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 spawning reef is eligible for an exemption if your project will meet all the following conditions:

- The spawning reef may not be located in an area of special natural resource interest (ASNRI) or within a public rights feature (PRF) – see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI, PRF or has another special designation.
- The spawning reef may be placed and maintained only by a riparian land owner.
- The spawning reef shall be placed entirely within the riparian’s zone of interest.
- The spawning reef 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 spawning reef 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 spawning reef.
- To protect fish habitat during spawning seasons, the spawning reef 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.
- Spawning reefs shall be constructed of an aggregate of clean, uncrushed gravel and rock from 2 to 8 inches in diameter, in a ratio of approximately 30% ranging from 2 to 4 inches in diameter and approximately 70% ranging from 4.1 to 8 inches in diameter.
- Spawning reefs shall be placed in a linear form parallel to the shore.
- Spawning reefs shall be no longer than 100 feet along the shoreline and no wider than 30 feet perpendicular to shore and may not be placed more than 100 feet from shore.
- Spawning reefs shall be placed where water depths range from 0 to 5 feet.
- Spawning reefs may not be placed where bottom contour of the waterway exceeds a slope of 4-foot horizontal to 1-foot vertical.
- Spawning reefs may not be placed where the bottom substrate composition consists of less than 90% clean sand.

Note: Natural walleye spawning reefs generally consist of substrates 2-8 inches in diameter with rounded edges. Natural walleye spawning reefs are located adjacent to gently sloping shorelines in shallow water. Walleye spawning reefs require a moderate amount of wave action to keep the substrate clean of algae and provide adequate water circulation for incubating eggs. The requirement of 90% clean sand indicates a lack of spawning habitat, the appropriate wave action, and substrate capable of supporting the reef. If the water depth remains less than 5 feet and the bottom contour remains less than 10:1, a maximum location of 100 feet from shore is required to reduce navigation concerns.

- Any person placing a spawning reef shall, within 30 days after placement, provide written notice to the president or chair of any lake association, property owners association or Lake District. The notice shall include a description of the spawning reef and include a lake map identifying the exact location of the reef. The person is also responsible for posting a laminated copy of the same map, within 30 days after placement, at all public boat landings on the waterbody, where the reef is located, for a period of not less than one year.
- 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.”