



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-19-0051-C

DOCUMENT TITLE

SEASONAL BOAT SHELTERS, HOISTS, OR LIFTS 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

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 **boat shelter, boat hoist, or boat lift** is eligible for an exemption if your project will meet all the following conditions:

- The boat shelter, boat hoist or boat lift is placed and maintained by a riparian (an authorized agent or contractor may do the work on behalf of the riparian). The boat shelter, hoist or lift must be located entirely within the riparian's zone of interest. A boat shelter may not interfere with the rights of other riparians.
- The boat shelter, boat hoist or boat lift is placed adjacent to a pier, wharf or shoreline. A boat shelter shall be connected to adjacent uplands by a pier.
- A boat shelter – a structure designed to cover a boat slip or place for a watercraft - must be seasonal. This means that any roof, supports, or sides must be removed from the water between December 1 and April 1 annually.
- A riparian land owner may place no more than two boat shelters or boat slips for the first 100 feet of shoreline, and one for each additional 50 feet of shoreline footage in common ownership.
- A boat shelter may not interfere with public rights and may not have an unreasonable adverse effect on aquatic habitat.
- A boat shelter shall allow the free movement of water underneath and may not cause formation of land on the bed of the waterway.
- A boat shelter shall comply with applicable provisions of any municipal ordinances.
- Except for designations under s. 30.275, Stats., the structure may not be placed in any waterway designated by federal, state or local government as having outstanding scenic values.
- All boat shelters shall be designed and used exclusively for the berthing of a single watercraft.
- Unless a boat shelter needs to be longer or wider to protect a boat that has a wooden hull or is designated as a boat with significant historic or cultural value, as determined by the state, county, or local historical society, a boat shelter placed or permitted after September 1, 1991, may not exceed an outside dimension of 12 feet wide by 24 feet long on waters under 1000 acres in size and may not exceed an outside dimension of 14 feet wide by 24 feet long on waters 1000 acres and larger in size. The burden of proving that a boat shelter was placed prior to September 1, 1991 shall be on the owner. A seasonal boat shelter originally placed prior to September 1, 1991 and which does not comply with these dimensions may not be expanded in size.
- A boat shelter may include a roof which shall be pitched not less than one foot nor more than 2.5 feet from the roof peak to the bottom of the eaves. Only the size and number of vertical components required to support the watercraft and any roof are permitted. Storage facilities may only be included above the eaves of a boat shelter.
- A boat shelter may include temporary sides to protect a boat that has a wooden hull or is designated as a boat with significant historic or cultural value, as determined by the state, county, or local historical society. The sides must be comprised of flexible material with a minimum openness factor of 5 percent. The temporary sides must be placed no less than 36 inches above the water surface.
- A boat shelter may include only a single sign necessary to identify the property and may only include lighting essential for safety and mooring. A boat shelter may not be visually intrusive as viewed against the shoreline.
- Permanent and seasonal boat shelters shall be placed as close together as practicable at a single location adjacent to each property. Adjacent lots in common ownership shall be considered a single property.
- 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 under the topic "Waterway and Wetland Permits."