



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-19-0052-C

DOCUMENT TITLE

PIER, DOCK, OR WHARF 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 existing pier, dock, or wharf is eligible for an exemption if:

- The pier or wharf was initially placed by April, 2012.
- The pier or wharf does NOT interfere with riparian rights of other riparians.
- The riparian owner was NOT NOTIFIED that the structure is detrimental to the public interest.

Your proposed or existing pier, dock, or wharf is eligible for an exemption if your project will meet all the following conditions:

- The pier, dock or wharf may be placed and maintained only by a riparian owner (an authorized agent or contractor may do the work on behalf of the riparian).
- The pier, dock or wharf may extend into the water from the shoreline out to the point where the water is 3 feet at its maximum depth or to the point where there is adequate depth for mooring a boat or using a boat hoist or lift whichever is greater. A pier may also extend to the locally-authorized pierhead line. The depth of water necessary for non-fixed keel sailboats shall be measured with the centerboard or dagger boards raised.
- The pier, dock, or wharf may not exceed 6 feet in width. An "L" or "T" or catwalks are allowed as part of the pier, provided no parts of the pier exceed 6 feet in width.
- If the pier, dock or wharf has a loading platform (any area wider than 6 feet in width) it must meet all of the following:
 - The surface area of the loading platform does not exceed 200 square feet.
- The pier, dock or wharf may not have more than 2 boat slips for the first 50 feet of riparian owner's shoreline footage and no more than one additional boat slip for each additional full 50 feet of shoreline footage.
- In addition to the boat slip limitations above, the pier, dock, or wharf may have up to 2 personal watercraft for the first 50 feet of a riparian owner's shoreline footage and one additional personal watercraft for each additional full 50 feet of shoreline footage.
- The pier, dock or wharf may not be a solid structure, or constructed on rock-filled cribs or similar size and type devices serving as a foundation.
- The pier, dock, or wharf may not totally enclose any portion of a navigable waterway.
- The pier, dock, or wharf may not interrupt the free movement of water nor cause the formation of land by deposition of littoral drift upon the bed of the waterway.
- The pier, dock, or wharf may not be constructed or maintained with a screen or similar structure underneath or in any other manner which would trap or accumulate aquatic plants or other debris.
- The pier, dock, or wharf and any boats, boat shelters, hoists or lifts associated with it shall be located entirely within the riparian's zone of interest.
- Subject to the boat slip limitations above, the pier, dock, or wharf may have an associated seasonal boat shelter, boat hoist or boat lift that meets the requirements of NR 326, Wis. Adm. Code (see Exemption Checklist for Boat Shelters, Hoists or Lifts). If your project does not meet all of these conditions, submit a permit application to the Department.

Note, the Department may require a permit for a pier, dock, or wharf if any of the following are true:

- The pier, dock, or wharf interferes with public rights in navigable waters
 - The pier, dock, or wharf interferes with the rights of other riparians
 - The pier, dock, or wharf does not allow free movement of water underneath or causes formation of land on the bed of the waterway.
- 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.”

Notes:

- Many municipalities have local pier ordinances, containing various requirements including size limits, side setback requirements, and limits on number of boats. Check with your local municipality to ensure that your pier or wharf will meet their requirements.
- Removal of aquatic vegetation is limited to the amount necessary for the placement of a pier, dock or wharf under ch. NR 109, Wis. Adm. Code. Contact your DNR Aquatic Plant Manager for more information.