



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-19-0054-C

DOCUMENT TITLE

PILINGS 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 pilings are eligible for an exemption if your project will meet all the following conditions:

- Pilings 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.
- Erosion control measures shall meet or exceed the technical standards for erosion control approved by the department under subch. V of ch. [NR 151](#). Any area where topsoil is exposed during construction shall be immediately sodded, seeded and mulched, covered with an erosion mat or ripped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.
Note: These standards can be found at the following website: [WDNR Technical Standards](#).
- Unless part of a permanent stormwater management plan, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.
- To protect fish habitat during spawning seasons, the pilings 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.
- Pilings may be placed and maintained only by a riparian.
- Pilings shall be placed entirely within the riparian’s zone of interest, and shall have a minimum side setback of 10 feet from the riparian zone.
- Pilings may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.
- Pilings may not result in the permanent or temporary deposition of fill in any floodway or wetland.
- Pilings shall be placed only for the purposes of deflecting ice to protect an existing or proposed structure, or providing a pivot point for turning watercraft.
- Pilings may not be placed or used for mooring a boat, except in Lake Michigan, Lake Superior or on the Mississippi River.
- Pilings may consist of a group of not more than 5 individual piles placed adjacent to each other and firmly bound together.
- All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- A deposit of sand, gravel or stone may be associated with the placement of pilings provided the deposit is limited to the area underneath the pilings and is less than 2 cubic yards. Dredging may be associated with the pilings provided the dredging does not exceed 2 cubic yards.
- 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.”