

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 wildlife nesting structure is eligible for an exemption if your project will meet all the following conditions:

- The wildlife nesting structure 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 wildlife nesting structure may be placed and maintained only by a riparian.
- The wildlife nesting structure shall be placed entirely within the riparian’s zone of interest.
- The wildlife nesting structure must be placed solely for the purpose of improving wildlife habitat.
- A deposit of sand, gravel or stone may be associated with the placement of a nesting structure 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 nesting structure.
- The surface area of a nesting structure may not exceed 25 square feet.
- Nesting structures shall be designed and constructed of unpainted wood or of materials that are non-glossy earth tone colors that blend into a natural shoreline setting during leaf-on conditions.
- 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.

Note: Wood duck houses and nesting platforms attached to or supported by existing trees in their natural condition do not require a permit.

Note: Wildlife habitat projects authorized under ch. NR 353 relating to wetland conservation activities are not subject to these requirements.

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.”