

Fish Habitat – Spawning Reef Exemption Checklist



Certain activities in navigable waters are exempt from needing a permit under [Chapter 30](#). Use this checklist to determine if your project qualifies for an exemption.

Your proposed project is eligible if it meets **all** the following conditions:

- **ASNR/PRF/PNW:** Spawning reefs may not be located in an area of special natural resource interest (ASNR) or within a public right of way (PRF) - [Property Lookup for Designated Waterways and Wetlands | Waterway protection | Wisconsin DNR](#)
- **Written Notice:** 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 owner(s) 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.
- **Work with a Biologist:** Contact your [local fisheries biologist](#) for recommendations.
 - *Once your project is constructed, then the riparian owner 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.*
- **Federal and State Threatened and Endangered Species:** This exemption does not address threatened and endangered species. Applicants are required to comply with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.) and the Federal Endangered Species Act. To determine if the project is in compliance, visit the [NHI Public Portal](#), and enter the project area to generate an Endangered Resources (ER) Preliminary Assessment. Read the ER Preliminary Assessment carefully to determine follow-up steps, if needed.

EROSION CONTROL/SEDIMENT/PLACEMENT

- Erosion control measures shall meet or exceed the [WDNR Technical Standards](#) developed under Subch. V of ch. NR 151, Wis. Admin. Code. Any area where soil is exposed during construction shall be stabilized or revegetated immediately upon reaching final grade using sod, seed and anchored mulch, seed and erosion control mat, or rip rap to prevent erosion and limit sediment discharge to the waterway.
- The spawning reef must be in the riparian zone of interest and may be placed and maintained only by a riparian landowner and/or in lakes or flowages.
 - [Determination of riparian zones](#)
 - **Note:** *If placing material in a reservoir, appropriate communications may be needed between the riparian owner and the dam owner.*
- A deposit of sand, gravel or stone may be associated with the placement of the 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 placement of a spawning reef.*
 - *Any fill within a floodplain or flood storage area, the fill would be subject to local zoning requirements.*
- Spawning reefs may not be placed where the bottom substrate composition consists of less than 90% clean sand.
- 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 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.

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FISH HABITAT/WATERWAY

- To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, placement, or removal of a temporary waterway crossing below the ordinary high watermark (OHWM) may not occur during the following time periods unless timing restrictions have been waived by the Department:
 - a) September 15th through May 15th for all trout streams; to determine if a waterway is a trout stream, you may use the [WDNR website trout maps](#).
 - b) September 15th through June 15th on all Great Lakes tributaries upstream to the first dam or barrier.
 - c) November 1st through June 15th for Lake Michigan waters surrounding Door County including Green Bay and all harbors and bays.
 - d) September 15th through July 1st for Lake Superior waters surrounding Douglas County including St. Louis River and all harbors and bays.
 - e) March 1st through June 15th for all other waters.

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.*