

Fish Habitat – Wing Deflector 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.

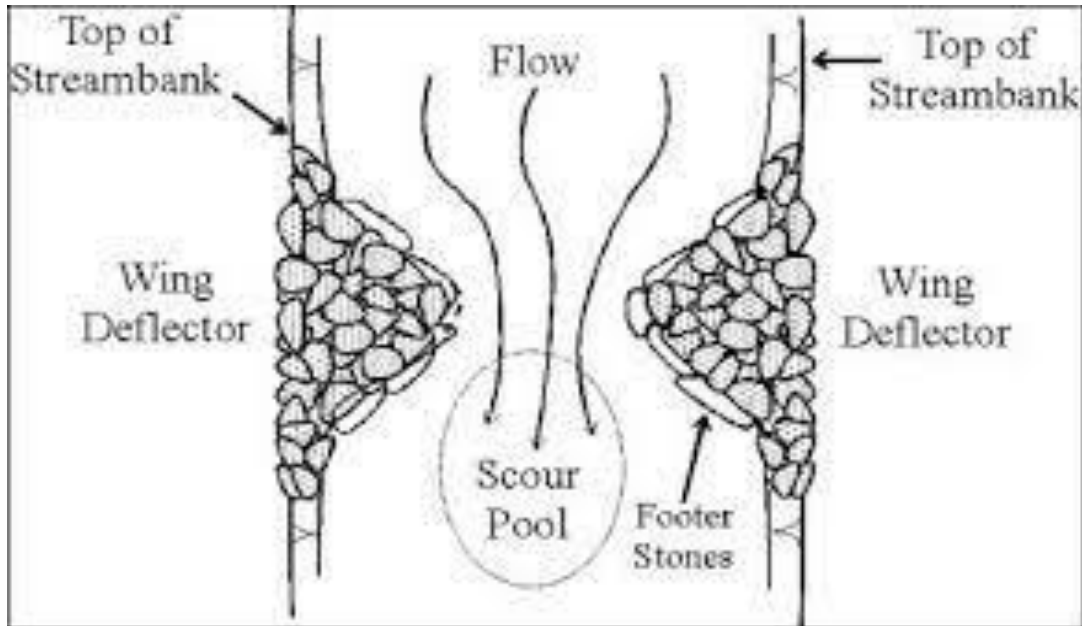
Your proposed project is eligible if it meets **all** the following conditions:

- **ASNRI/PRF/PNW:** The wing deflector may not be located in an area of special natural resource interest (ASNRI) or within a public right features (PRF) - [Property Lookup for Designated Waterways and Wetlands | Waterway protection | Wisconsin DNR](#).
- **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.
- **Work with a Biologist:** Contact your [local fisheries biologist](#) for recommendations.
 - *Once your project is reviewed and approved by the local fish biologist, 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.*

EROSION CONTROL/PLACEMENT/SEDIMENT

- 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 wing deflector 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](#)
- The wing deflector may only be placed in navigable streams which have less than five feet wide, measured from ordinary high watermark (OHWM) to ordinary high watermark (OHWM).
- Wing deflectors may not extend more than 25% across the stream width.
- A deposit of sand, gravel or stone may be associated with the placement of a tree drop 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 wing deflector.*
 - *Mechanical equipment may not be operated below the ordinary high watermark or on the bed of a navigable waterway.*

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FISH HABITAT/WATERWAY

- The wing deflector must be placed solely for the purpose of improving fish habitat.
- **Fish Spawning:** 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.