

PIER PLANNER

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Note: In 2004, changes to Chapter 30 of Wisconsin Statutes created an exemption for piers that meet specific length, width and number of boats. The statute also contains a new permit process for activities that are not exempt. DNR is in the process of revising ch. NR 326, Wisconsin Administrative Code, the state's rules that implement this statute. This edition of PIER PLANNER reflects the new statute and the preexisting NR 326 which remains in effect, and is intended to assist waterfront property owners to design and place a pier that does not require a DNR permit.

Piers are a popular focus for boating and waterfront recreation. It seems like a simple topic, but if you have been involved in a dispute over "pier rights" with your neighbor or have seen shorelines filled with piers and boat lifts, you understand why regulations are important to treat everyone fairly and to protect the natural resources of our lakes, rivers and streams. If you have questions after reading this brochure, contact your local DNR Water Management Specialist for more information.

PIERS and WHARVES

Most Piers and Wharves are Exempt

- Piers or wharves for use by a waterfront property owner are exempt – meaning no DNR permit or fee - if they comply with the specific dimensions and requirements described in this publication. On the Great Lakes, Mississippi River and other specified federal waters, permits from the U.S. Army Corps of Engineers and DNR are required. Some municipalities have local pier ordinances, which may have other restrictions or require local permits.

Who may place and use piers

- Only a riparian (waterfront property owner) may place a pier or wharf. Friends, neighbors or a contractor may assist with installation and maintenance, but owners are responsible for following requirements, obtaining any necessary permits, and for maintenance after construction.
- The waterway is public, but piers, boat lifts and related structures are the private property of the riparian. However, someone wading along the shoreline may cross over a pier to continue using the waterway.

Location of piers and number of boats

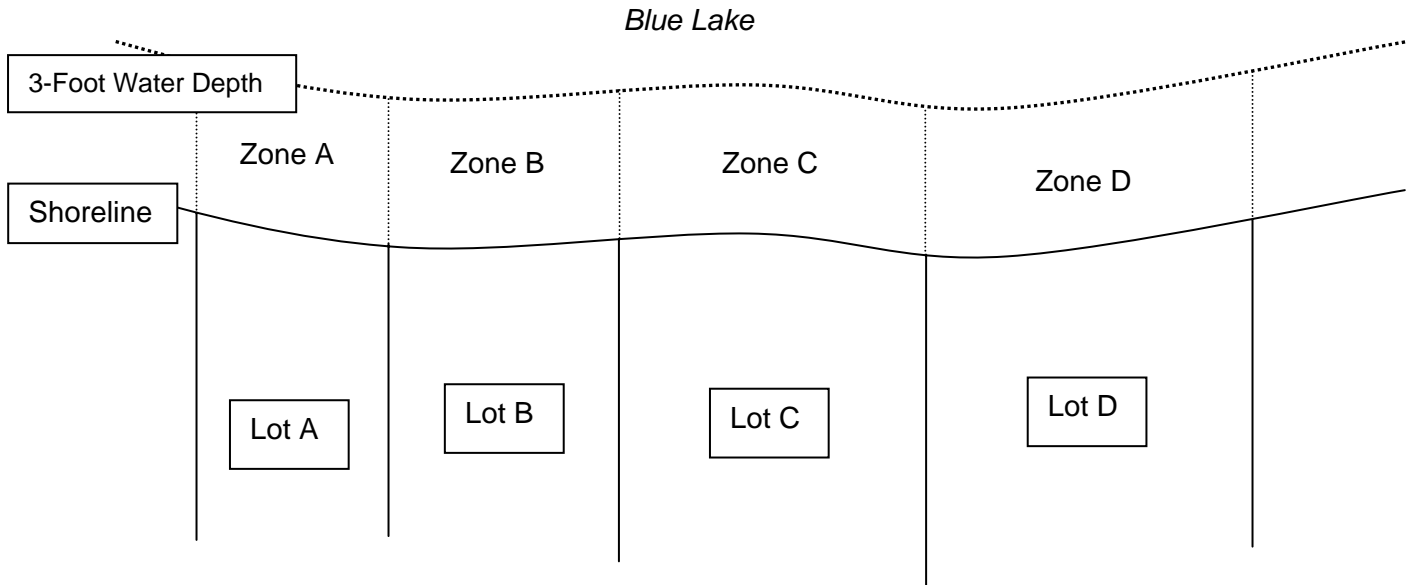
- Piers, wharves and moored boats must be placed in the "riparian zone", which is the space in the water adjacent to the riparian property where the riparian has the exclusive right to place structures. Two primary methods are used to determine the "riparian zone", this dividing line between adjacent owners. See Figure 1.
- The number of boat slips – the total of all watercraft docked at a pier or wharf including boats in a boat lift or hoist - is limited to 2 boat slips for the first 50 feet of the riparian owner's shoreline frontage and no more than 1 boat slip for each additional 50 feet of shoreline.
- A pier or wharf may not obstruct navigation. In narrow rivers or channels, construct a wharf parallel to the shoreline rather than extending a pier perpendicular to it.
- Pier or wharf placement and use may not harm the public interests in waterways, which includes fish and wildlife habitat (such as spawning areas, important vegetation, waterfowl nesting areas); water quality; natural scenic beauty; or public recreation and navigation. If you have any questions about whether your project might affect these public interests, contact your local DNR Water Management Specialist. In some cases, DNR may recommend project modifications to avoid harm to public rights.



Figure 1. Riparian Zones

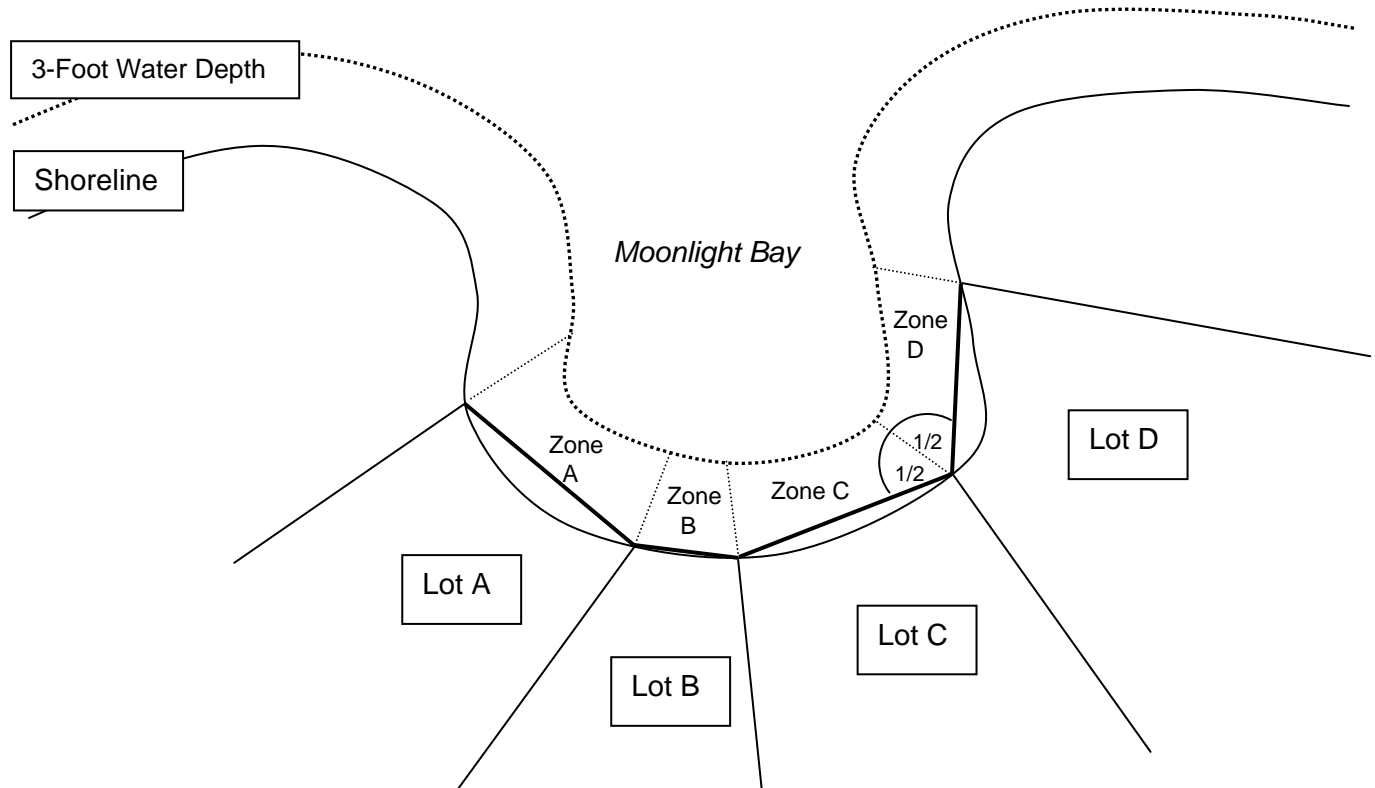
By Extension of Lot Lines...

For relatively straight shorelines and lot lines



By Coterminous Method...

For curved, irregular or angled shorelines or lot lines



- Step 1: Extend lot lines to the shoreline
- Step 2: Connect the points found in step 1 to create chord lines
- Step 3: Bisect the angles formed by the chord lines in half (shown between Lots C and D)

Length and width of piers

- A pier may extend out to the 3-foot water depth, or to adequate depth for mooring a boat or using a boat lift or boat hoist. A pier may also extend out to a DNR-approved municipal pierhead line. See Figure 2. Contact the municipality to see whether it has a pierhead line ordinance.
- Six feet is the maximum width allowed for any portion of a pier or wharf. This width allows safe loading of gear and passengers, and meets ADA requirements.
- Piers may be placed in a variety of configurations, including straight, or with a "T" or "L". Catwalks, finger piers or similar features may be used for access to boat slips, as long as they meet the width and length limits above. A pier may not enclose or isolate any part of a waterway.

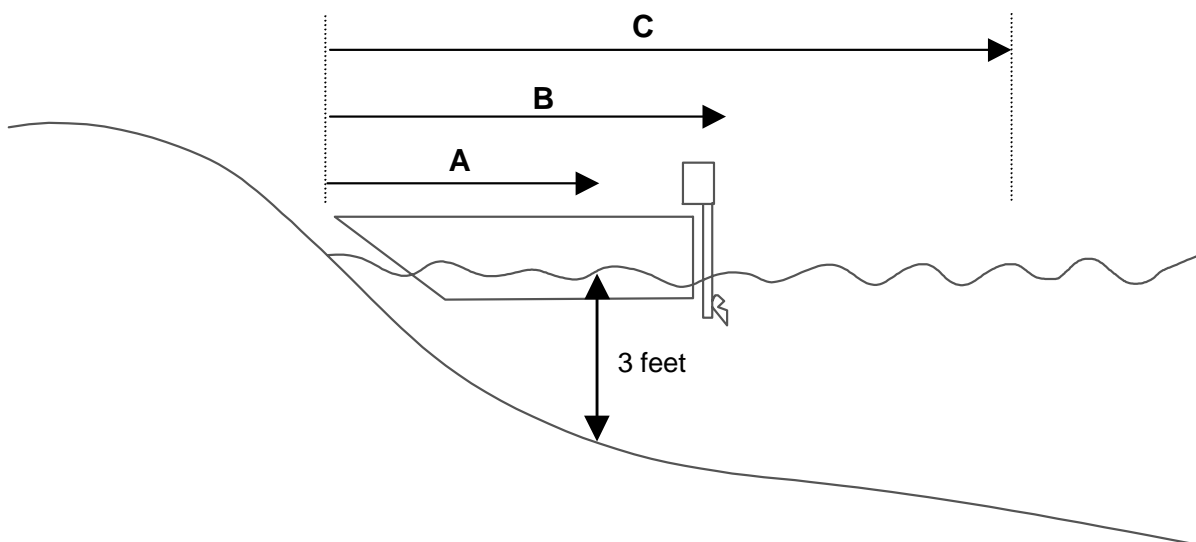
Figure 2. Pier Length

A pier may extend to the greater of:

A – the three-foot water depth, or

B – where there is adequate depth for mooring a boat,
or using a boat hoist or boat lift

A pier may also extend to **C** – the municipal pierhead line - if one is established



Construction

- A pier or wharf may not obstruct the free flow of water or include any features which trap or accumulate aquatic plants or sediment.
- A pier or wharf must be floating, or placed on piles or posts.
- Polystyrene floats must be coated or contained to resist gas, oil and abrasion. Metal and plastic drums must be free of any product residue and corrosion resistant.
- Solid piers on fill and piers on rock-filled timber cribs or similar foundations require a DNR permit, and are only authorized in specific waterways under limited circumstances.

OTHER NEAR SHORE CONSTRUCTION

Boat lifts, hoists and shelters

- Boat lifts, hoists and shelters are exempt from permitting if they meet the standards in NR 326. For example, size is limited to 12-feet wide by 24-feet long on waters under 1000 acres, and 14-feet wide by 24-feet long on waters 1000 acres or larger. Boat shelters may have a roof or canopy but may not have sides or walls, and the boat shelter – including the roof, canopy and any supports – must be removed seasonally between December 1 and April 1 to be exempt. Boat lifts and hoists can remain in place year round.
- A permanent boat shelter requires a DNR permit and must meet standards in NR 326. Permanent boat shelters are not allowed on lakes and flowages less than 500 acres, or on rivers except the Mississippi River, the Wolf River (from Lake Butte des Morts to the upstream limits of the Village of Fremont), and the Fox River (from the DePere Dam to Lake Winnebago).

Boathouses

- Boathouses differ from boat shelters by having sides or walls.
- On land... boathouses above the ordinary high water mark (OHWM) are exclusively for watercraft storage and are regulated by local ordinances. Contact the municipal building inspector or zoning administrator.
- Over water... boathouse construction is prohibited waterward of the OHWM. Boathouses constructed over water prior to 1979 are allowed to remain but their repair and maintenance are restricted.

Swimming Rafts

- A riparian may place a properly anchored swimming raft or water trampoline within 200 feet of shore.
- No permit is needed for a swimming raft or water trampoline as long as the size is no greater than 200 square feet and does not exceed 38-inches in height, or its removed from the water each night. Swimming rafts and water trampolines placed in DNR-designated swimming areas – such as for municipal beaches or private campgrounds – may also be placed without a permit and do not have to follow the size limitations.
- In all cases, the raft or trampoline must be confined to your riparian zone and may not interfere with public rights in the waterway. Keep it as close to shore as possible to avoid interfering with boat traffic.

Mooring Buoys

- Generally, you may place a standard mooring buoy in your riparian zone within 150 feet of the OHWM without a permit from DNR. Local ordinances may require permits. Consult your municipality or local Conservation Warden for more information.

For more information:

To find brochures, permit application forms and more information about regulations for piers and other waterway activities, go to DNR's website listed below, or contact the DNR Water Management Specialist at the DNR Service Center for your county.

<http://dnr.wi.gov/org/water/fhp/waterway/>