



The “Water” in Waterfront

What you need to know....

- Public waters = they belong to everyone
- People like to be near, in or on the water
- People expect clean water, access, habitat
- In cases, waterfront uses must be “public”
- Some waterfront activities need permits

Wisconsin lakes and streams are held in trust for all citizens as “common highways and forever free.”

*Article IX, Section 1
Wisconsin Constitution*





Public Rights

- Fishing, Hunting
- Fish & wildlife habitat
- Commercial navigation
- Water recreation & boating
- Natural scenic beauty
- Water quality & quantity



Public Uses

- If the land used to be water....
 - uses must be public
 - ownership is qualified
- How to find out....
 - Title search
 - Local ordinances
 - State records



Bulkhead Lines

- *approved by DNR*
- established only by municipalities
- must be in the public interest
- must conform as nearly as practicable to the existing shoreline, or be consistent with and part of a Submerged Land Lease
- uses are limited by the permit

Submerged Land Lease

- *approved by Board Comm. Public Lands*
- to riparian owners to improve navigation or construct/improve harbor facilities
- only on specified waters
- DNR must find that its consistent with public interest
- lease for max. 50 years, limits on uses
- only for full and fair consideration (\$\$\$)

Lakebed Grant

- *granted by Legislature*
- only to municipalities
- must be in the public interest
- each grant is different - identifies allowable uses in the granted area
- uses must be in support of public rights in navigable waters

Public Uses

- Public uses include:
 - public walkway, bike path
 - open space
 - facilities for public marina, navigation
- Not public uses:
 - hotels, restaurants
 - private commercial uses



Waterway Permitting

- DNR permits required for alteration of waterway or shoreline, wetland fill
- Federal permits
- Common waterfront redevelopment activities that require a DNR permit:
 - Dredging
 - Grading
 - Piers / Marinas

Dredging



Considerations:

- volume of material
- potential for contaminated sediments
- disposal
- timing
- impacts

Grading on the Bank

Considerations:

- area and depth of land disturbance
- proximity to the waterway
- soil contamination
- erosion control
- stormwater management
- impacts



Piers / Marinas

Considerations:

- access
- public v. private
- density of boats
- breakwaters or related structures
- impacts



