



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 390
[2005 Assembly Bill 868]

**Conveyance of Lake Bed
to Brown County**

Title to the beds of navigable lakes is held by the state. In 2005 Wisconsin Act 390, the Legislature grants title to a portion of the bed of Green Bay, described specifically by survey coordinates, to Brown County. The Act describes the purposes for which Brown County may hold and use the land, including restoration of the chain of islands that formerly existed in that location and were known as the Cat Island Chain. This lake bed area will be used as a place to deposit dredged materials for the navigation channel, and the reconstructed islands will restore the function of the islands in protecting water quality in Green Bay, provide near-shore aquatic habitat, and provide opportunities for public use.

The Act specifies conditions for management of the lake bed area by Brown County, allowing Brown County to restrict access to the islands during bird breeding and nesting season, providing that Brown County is not required to make facilities available for public access and public use of the land, and allowing Brown County to impose regulations on the use of the land to protect public safety and welfare. The Act requires Brown County to cooperate with the Department of Natural Resources (DNR) to develop and implement plans for construction of the Cat Island Chain and to assure that the purposes specified in the Act are achieved and that the water quality in Green Bay is not adversely affected. The Act authorizes Brown County to erect structures on the land to facilitate public use and access, to construct and maintain aids to navigation, and to construct and maintain the Cat Island Chain. The Act prohibits Brown County from licensing or permitting any private commercial use of the land.

The Act restricts the ability of Brown County to convey the land, providing that the land granted by the Act may be conveyed only to the state, a political subdivision of the state, or a special purpose district of the state. If Brown County conveys the land to any of these entities, the entity is required to comply with all provisions of the Act.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

As provided under s. 13.097, Stats., the DNR prepared a report describing the lake bed grant and its consequences, and offering its conclusions regarding the consistency of the conveyance with the public rights in navigable waters.

Effective Date: May 25, 2006.

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July 6, 2006

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