



2005 ASSEMBLY BILL 71

February 1, 2005 - Introduced by Representatives MEYER, GARD, FRISKE, GRONEMUS, MONTGOMERY, KRAWCZYK, NASS, GUNDERSON, HINES, HAHN, STONE, MUSSER, LEMAHIEU, VOS, M. WILLIAMS, BIES, MCCORMICK, ALBERS, MURSAU, F. LASEE, VAN ROY and MOULTON, cosponsored by Senators STEPP, KANAVAS, BRESKE and GROTHMAN. Referred to Committee on Natural Resources.

- 1 **AN ACT to create** 30.104 of the statutes; **relating to:** determinations of ordinary
2 high-water marks by counties and by the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

This bill provides that if there is a difference between the determination by a county and by the Department of Natural Resources (DNR) as to the location of an ordinary high-water mark (OHWM) on a lake, the county's determination prevails. The OHWM is the point on the lakeshore where there is a distinctive mark that shows, by certain physical characteristics such as erosion marks or a change of vegetation, that the presence or action of surface water ends at that point. The area below the OHWM is considered to be part of the lake bed and owned by the state. The OHWM is also used in determining the rights of lakefront property owners and in determining what are shorelands for zoning ordinances enacted by counties. These zoning ordinances must meet certain standards promulgated by DNR. Current law defines a "shoreland" for these ordinances as being the area within 1,000 feet of the OHWM.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 **SECTION 1.** 30.104 of the statutes is created to read:
4 **30.104 Determinations of ordinary high-water marks by counties.** If
5 a county determines that an ordinary high-water mark on a lake at a given location

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SECTION 1

1 is different from the ordinary high-water mark at the location as determined by the
2 department, the determination by the county shall prevail.

3 (END)