

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB133)**

Received: **05/27/99**

Received By: **gibsom**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 68314**

By/Representing: **Kava**

This file may be shown to any legislator: **NO**

Drafter: **gibsom**

May Contact:

Alt. Drafters: **nelsorp1**

Subject: **Nat. Res. - nav. waters**

Extra Copies: **1 JEO  
1 RPN**

**Pre Topic:**

LFB:.....Kava -

**Topic:**

Public access to shoreline of streams

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	gibsom 06/1/99	wjackson 06/1/99	kfollet 06/1/99	_____	lrb_docadmin 06/1/99		
/1	gibsom 06/8/99	wjackson 06/9/99	kfollet 06/10/99	_____	lrb_docadmin 06/10/99		
/2	gibsom 06/12/99		martykr 06/12/99	_____	lrb_docadmin 06/13/99		

FE Sent For:

<END>

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/1	gibsom 06/8/99	wjackson 06/9/99	kfollet 06/10/99	_____	lrb_docadmin 06/10/99		

12 6/12 WLj *[Handwritten initials]* *[Handwritten initials]*

FE Sent For:

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		1/ 6/9 wlj	Kjf 6/10	Ksf/Km 6/10			
FE Sent For:				<END>			

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1?	gibsom	/PI WLj 6/1	Kjf 6/1	<u>Kjf/jf</u> <u>6/1</u>			

FE Sent For:

<END>

Post-it* Fax Note: 7671	Date 5/26	# of pages 4
To Robin K.	From Russ K.	
Co./Dept.	Co.	
Phone #	Phone # 6-3847	
Fax # 4-8522	Fax #	

Senator Shibilski  
 Senator Cowles  
 Senator Decker  
 Representative Albers

NATURAL RESOURCES -- DEPARTMENTWIDE

Public Access to Exposed Shore Below the Ordinary High-Water Mark of a Stream

Motion:

Move to authorize the public use of the exposed land between the ordinary high-water mark and the edge of a navigable stream for activities related to the recreational use of the stream by the public. Specify that the public must enter this area from the stream, from a point of public access or with the permission of the owner.

Prohibit the public from any of the following activities in the area between the ordinary high-water mark and the stream's edge: (a) use of any motorized vehicle except in a manner allowed under s. 30.29(3); (b) place any permanent structure or object; (c) cut or remove trees or woody vegetation; (d) remove or damage soil, plants or any object placed by the owner, except for normal wear and tear caused by use of the area; and (e) overnight camping.

Specify that a property owner is not liable for the death of, any injury to, or any death or injury caused by a person using the area below the ordinary high-water mark, except for death or injury caused by a malicious act of the owner or an employe or agent of the owner. Specify that the public does not acquire an easement by prescription as the result of any use of the area between the ordinary high-water mark and the water's edge. Provide that it is not trespass for the public to use the area below the ordinary high-water mark of a navigable stream.

Specify that these provisions apply to navigable streams and does not apply to: (a) navigable lakes; (b) any drainage ditch, channel, canal or other artificial stream that has no previous stream history; (c) impoundments on navigable streams; or (d) a navigable stream at any location where there is no water in the stream.

Specify that these provisions supersede any local authority to prohibit or restrict public use of the area below the ordinary high-water mark.

In addition, specify that the public has access to streams in the state through public roadway right-of-way. 86.04 + 86.022

Cannot block roadway to keep from a stream.

Note:

A draft of this motion was shared with Legislative Council staff who noted the following.

Article IX of the Wisconsin Constitution specifies that the state's navigable waters "shall be common highways and forever free" to Wisconsin and U.S. citizens "without any tax, impost or duty therefor." This provision has been interpreted to mean that these waters are held in trust by the state for public use for commercial and recreational purposes.

This public trust doctrine has been found by Wisconsin courts to extend to the ordinary high-water mark (the line along the shore where the water leaves some distinct mark). The private property rights of riparian property owners generally extend to the water's edge, including exposed lakebed or streambed down to the normal low-water mark. Public and private rights to exposed land between the high- and low-water mark is less clear. However, in *Doemel v. Jantz* (1923), the Wisconsin Supreme Court held that most public rights in navigable waters extend only up to the water's edge, and that use of the exposed lakeshore below the high-water mark by a hiker is trespass.

MO#				
Burke	Y			N
Decker	Y			N
Jauch	Y			N
Moore	Y			N
Shibliski	Y			N
Plache	Y			N
Cowles	Y			N
Panzer	Y			N
Gard	Y			N
Porter	Y			N
Kautert	Y			N
Albers	Y			N
Duff	Y			N
Ward	Y			N
Huber	Y			N
Riley	Y			N



State of Wisconsin  
1999 - 2000 LEGISLATURE

P1  
LRBb0429/BRMR  
MGG:f:....  
Wlj

*O-Note Today*

LFB:.....Kava - Public access to shoreline of streams

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

WPO: There is an insert included in the electronic file that should not be included. There are no inserts.

# Page 521, line 22: after that line insert:

1 At the locations indicated, amend the bill as follows:

2 SECTION ?? 30.10 (4) (b) of the statutes is amended to read:

3 30.10 (4) (b) The boundaries of lands adjoining waters and the rights of the

4 state and of individuals with respect to all such lands and waters shall be determined

5 in conformity to the common law so far as applicable and except as provided in s.

6 30.135, but in the case of a lake or stream erroneously meandered in the original U.S.

7 government survey, the owner of title to lands adjoining the meandered lake or

8 stream, as shown on such original survey, is conclusively presumed to own to the

9 actual shorelines unless it is first established in a suit in equity, brought by the U.S.

10 government for that purpose, that the government was in fact defrauded by such

11 survey. If the proper claims of adjacent owners of riparian lots of lands between

1 meander and actual shorelines conflict, each shall have his or her proportion of such  
2 shorelands.

History: 1977 c. 190, 272, 418; 1981 c. 339; 1991 a. 316.

3 SECTION ?? 30.133 (1) of the statutes is amended to read:

4 30.133 (1) Beginning on April 9, 1994, no owner of riparian land that abuts a  
5 navigable water may convey, by easement or by a similar conveyance, any riparian  
6 right in the land to another person, except for the right to cross the land in order to  
7 have access to the navigable water. This right to cross the land may not include the  
8 right to place any structure or material in the navigable water.

History: 1993 a. 167.

9 SECTION ?? 30.134 of the statutes is created to read:

10 30.134 Use of exposed shore areas along streams. (1) DEFINITIONS. In this  
11 section: *1793 m. 6*

12 (a) "Artificial ditch" means a ditch, channel, canal or other stream of water that  
13 has never been considered *by the department* to be a navigable stream.

14 (b) "Exposed shore area" means the area of the bed of a navigable body of water  
15 that is between the ordinary high-water mark and the water's edge.

16 (c) ~~"Water-related"~~ *"Water-related"* recreational activity" means a recreational activity that  
17 requires a body of water and includes swimming, fishing and boating.

18 (2) AUTHORIZATION. Members of the public may use any exposed shore area of  
19 a stream to engage in a ~~water-related~~ recreational activity. *STET*

20 (3) RESTRICTIONS; MEMBERS OF PUBLIC. (a) In engaging in a water-related  
21 recreational activity in the exposed shore area of a stream, a member of the public  
22 may not do any of the following:

23 1. Use a motorized vehicle unless an exception under s. 30.29 (3) applies.



- ① 2. Place any structure or object<sup>on the exposed shore area</sup> that remains after the person leaves the  
2 exposed shore area.
- 3 3. Cut or remove trees or woody vegetation.
- 4 4. Remove or damage soils or plants.
- ⑤ 5. Remove or damage any object<sup>g</sup> placed<sup>r</sup> that was placed<sup>on</sup> the exposed shore  
6 area by the riparian owner.
- 7 6. Camp overnight.
- 8 7. Enter the exposed shore area except from the water in the stream, from a  
9 point of public access on the stream or with the permission of the riparian owner.
- 10 (b) Paragraph (a) 4.<sup>✓</sup> and 5.<sup>✓</sup> does not apply to removal or damage that is caused  
11 by normal wear or tear or that is done with the permission of the riparian owner.
- ⑫ (c) Use of a<sup>^</sup> exposed shore area of a stream by members of the public does not  
13 grant the public an easement or other right to the exposed shore area that is greater  
14 than the right granted to the public under this section.
- ⑮ (4) RESTRICTIONS; RIPARIAN OWNERS; OTHERS. (a) No riparian owner may prohibit  
16 a member of the public from using, as authorized under this section, an exposed shore  
17 area of a stream.
- 18 (b) No riparian owner may charge a fee for the use, as authorized under this  
19 section, of an exposed shore area of a stream.
- 20 (c) No person may obstruct a highway with the intention to impede or prohibit  
21 access by the public to an exposed shore area of a stream.
- 22 (5) EXCEPTIONS. The right granted to the public to engage in recreational  
23 activities on an exposed shore area of a stream does not apply to any of the following:
- 24 (a) An exposed shore area of an impoundment on a stream.
- 25 (b) Any artificial ditch.

① (c) Any location on a stream where there is no surface water flowing in the  
2 stream. ②

3

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0429/?dn

MGG: /:.....

Wlj

1. This is a preliminary draft, subject to review by other drafters and further redrafting. Language on conflicting local regulation, if it is determined to be necessary, on trespass and on immunity from civil liability will be added to a later version.

2. I have included some prohibitions that apply to riparian landowners so that they, as well as members of the public, are subject to the penalties under s. 30.298. ✓ OK?

3. Given the degree of involvement of Mark Patronsky in the preparation and analysis of this motion, I recommend letting him review this draft.

4. As you are already aware, two constitutional issues are present in this draft: 1) Whether the courts would permit this expansion of the public trust doctrine and 2) whether riparian property owners are losing a property right that rises to the degree of a "taking". There are arguments to be made on both sides of these issues and it is impossible to predict how a court would rule. Due to the amount of legal research that has already been presented to at least some members of the ~~committee~~ joint finance committee on these issues and due to time constraints in drafting for the committee, I will not prepare a legal analysis of these issues in this drafter's note. However, if any member of the committee ~~wish~~ wish to discuss these issues further with me, do not hesitate to call.

5. I defined the types of recreational activities to be included ~~and~~ because when I first read the motion, I did not realize how limited the public access was to be ~~and~~; therefore, the language needs to be more specific. ~~However~~ are there any other recreational activities besides the three I have listed that would require water and that would be included?

? The only ones I could think of are bird-watching water birds and hunting water birds. Let's discuss all of this.

No  
4

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0429/P1dn  
MGG:wlj:kjf

June 1, 1999

1. This is a preliminary draft, subject to review by other drafters and further redrafting. Language on conflicting local regulation, if it is determined to be necessary, on trespass and on immunity from civil liability will be added to a later version.

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Mary Gibson-Glass  
Senior Legislative Attorney  
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D-Note

MOON

LFB:.....Kava - Public access to shoreline of streams

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 521, line 22: after that line insert:

3 "SECTION 793m. 30.134 of the statutes is created to read:

4 30.134 Use of exposed shore areas along streams. (1) DEFINITIONS. In this  
5 section:

6 (a) "Artificial ditch" means a ditch, channel, canal or other stream of water that  
7 has never been considered by the department to be a navigable stream.

8 (b) "Exposed shore area" means the area of the bed of a navigable body of water  
9 that is between the ordinary high-water mark and the water's edge.

10 (c) ~~(a)~~ ~~(b)~~ "Water-related recreational activity" means a recreational activity that  
11 requires a body of water and includes swimming, fishing and boating.

(c) "Highway" has the meaning given in § 340.01 (22).

(d) "Riparian" means the owner or lessee of riparian land that abuts a navigable body of water.

1           (2) AUTHORIZATION. Members of the public may use any exposed shore area of  
2 a stream to engage in a water-related recreational activity.

3           (3) RESTRICTIONS; MEMBERS OF PUBLIC. (a) In engaging in a water-related  
4 recreational activity in the exposed shore area of a stream, a member of the public  
5 may not do any of the following:

6           1. Use a motorized vehicle unless an exception under s. 30.29 (3) applies.

7           2. Place any structure or object on the exposed shore area that remains after  
8 the person leaves the exposed shore area.

9           3. Cut or remove trees or woody vegetation.

10          4. Remove or damage soils or plants.

11          5. Remove or damage any object that was placed on the exposed shore area by  
12 the riparian ~~owner~~.

13          6. Camp overnight.

14          7. Enter the exposed shore area except from the water in the stream, from a  
15 point of public access on the stream or with the permission of the riparian ~~owner~~.

16          (b) Paragraph (a) 4. and 5. does not apply to removal or damage that is caused  
17 by normal wear or tear or that is done with the permission of the riparian ~~owner~~.

18          (c) Use of an exposed shore area of a stream by members of the public does not  
19 grant the ~~public~~ an easement or other right to the exposed shore area that is greater  
20 than the right granted to the public under this section.

21          (4) RESTRICTIONS; RIPARIAN <sup>5 ← (3)</sup> ~~owners~~; OTHERS. (a) No riparian ~~owner~~ may prohibit  
22 a member of the public from using, as authorized under this section, an exposed shore  
23 area of a stream.

24          (b) No riparian ~~owner~~ may charge a fee for the use, as authorized under this  
25 section, of an exposed shore area of a stream.

1 (c) No person may obstruct a highway with the intention to impede or prohibit  
2 access by the public to an exposed shore area of a stream.

3 (5) EXCEPTIONS. The right granted to the public to engage in recreational  
4 activities on an exposed shore area of a stream does not apply to any of the following:

5 (a) An exposed shore area of an impoundment on a stream.

6 (b) Any artificial ditch.

7 (c) Any location on a stream where there is no surface water flowing in the  
8 stream.”.

9 (END)

← (INSERT ✓  
3-8)

#. Page 1353, line 14: after that line insert:

<sup>(A)+(B)</sup>  
"SECTION 3190t. CR; 943.13 (4m) (c)"<sup>↓</sup>

<sup>(B)</sup>  
943.13 (4m) (c) A person entering or

remaining on any exposed shore area of  
a stream as authorized under s. 30.134."



AMR

D-Note

4 1. Regarding leases of riparian lands: I spoke to <sup>Attorney</sup> Mike Lutz of DNR <sup>about</sup> regarding this issue. Although a riparian owner may not lease or otherwise convey just the riparian rights that he <sup>or she</sup> enjoys as a riparian owner, he <sup>or she</sup> may lease the entire property like any other piece of property. The lessee then ~~has~~ steps into the shoes of the owner and may exercise the owner's riparian rights. Therefore, I have ~~not~~ created the definition of "rip" ~~as~~ a "riparian" which includes ~~the~~ a lessee. (that

4 2. Bob Nelson has reviewed this draft and has determined that the recreational immunity statute (s. 895.52) covers this proposal and no additional drafting is necessary. the use of without such authority

4 3. Regarding conflicting local regulation: Marc Shover and I have discussed this issue. Under the public trust doctrine, the legislature administers the "trust" for the benefit of local units of the public. The only authority local units of government have over navigable waters is the authority <sup>legally</sup> granted by the legislature. See State v. Village of Lake Delton, 93 Wis. 2d 78, 286 N.W. 2d 622 (1979); Wisconsin Environmental Decade Inc. v. DNR, 85 Wis. 2d 518, 271 N.W. 2d 69 (1978). Therefore, a local unit of government cannot regulate the shoreline of a navigable water, and certainly cannot enact regulations that conflict with state ~~to~~ statutes that regulate riparian rights. No Scoring

(I) No Scoring

No Scoring

that it ✓

4. I have spoken to Mark Patonsky <sup>(the</sup> regarding the phrase "activities related to the use of ~~a~~ stream". He states is meant to be limited to recreational activities for which a body of water is <sup>used</sup> ~~necessary~~ and exclude ~~the~~ merely hiking or picnicking along a stream. ~~How~~ I think, therefore, the definition of "water-related activity" works. However, I recommend that you have Mark Patonsky review this definition and the rest of the draft as well.

MKS

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBb0429/1dn  
MGG:wj:kjf

June 10, 1999

1. Regarding lessees of riparian lands: I spoke to Attorney Mike Lutz of DNR about this issue. Although a riparian owner may not lease or otherwise convey just the riparian rights that he or she enjoys as a riparian owner, he or she may lease the entire property like any other piece of property. The lessee then steps into the shoes of the owner and may exercise the owner's riparian rights. Therefore, I have created the definition of a "riparian" which includes a lessee.

2. Bob Nelson has reviewed this draft and has determined that the recreational immunity statute (s. 895.52) covers this proposal and that no additional drafting is necessary.

3. Regarding conflicting local regulation: Marc Shovers and I have discussed this issue. Under the public trust doctrine, the legislature administers the "trust" for the benefit of the public. The only authority local units of government have over navigable waters is the authority specifically granted by the legislature. See *State v. Village of Lake Delton*, 93 Wis. 2d 78, 286 N.W.2d 622 (1979), *Wisconsin Environmental Decade Inc. v. DNR*, 85 Wis. 2d 518, 271 N.W.2d 69 (1978). Therefore, a local unit of government cannot regulate the use of the shoreline of a navigable water without such authority and certainly cannot enact regulations that conflict with state statutes that regulate riparian rights.

4. I have spoken to Mark Patronsky regarding the phrase "activities related to the use of the stream". He states that it is meant to be limited to recreational activities for which a body of water is used and excludes merely hiking or picnicking along a stream. I think, therefore, the definition of "water-related activity" works. However, I recommend that you have Mark Patronsky review this definition and the rest of the draft as well.

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Senior Legislative Attorney  
Phone: (608) 267-3215



State of Wisconsin  
1999 - 2000 LEGISLATURE

RMR  
LRBb0429/1 2  
MGG:wlj:kjf

soon

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FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 521, line 22: after that line insert:

3 "SECTION 793m. 30.134 of the statutes is created to read:

4 30.134 Use of exposed shore areas along streams. (1) DEFINITIONS. In this  
5 section:

6 (a) "Artificial ditch" means a ditch, channel, canal or other stream of water that  
7 ~~has never been considered by the department to be a navigable stream~~  
*has no prior history as a stream*

8 (b) "Exposed shore area" means the area of the bed of a navigable body of water  
9 that is between the ordinary high-water mark and the water's edge.

10 (c) "Highway" has the meaning given in s. 340.01 (22).

11 (d) "Riparian" means the owner ~~or~~ lessee *or occupant* of land that abuts a navigable body  
12 of water.

1 (e) "Water-related recreational activity" means a recreational activity that  
2 requires a body of water and includes swimming, fishing and boating.

3 (2) AUTHORIZATION. Members of the public may use any exposed shore area of  
4 a stream <sup>without the permission of the riparian</sup> to engage in a water-related recreational activity.

5 (3) RESTRICTIONS; MEMBERS OF PUBLIC. (a) In engaging in a water-related  
6 recreational activity in the exposed shore area of a stream, <sup>as authorized under sub. (2)</sup> a member of the public  
7 may not do any of the following:

- 8 1. Use a motorized vehicle unless an exception under s. 30.29 (3) applies.
- 9 2. Place <sup>a</sup> any structure or object on the exposed shore area that remains after  
10 the person leaves the exposed shore area.
- 11 3. Cut or remove trees or woody vegetation.
- 12 4. Remove or damage soils or plants.
- 13 5. Remove or damage any object that was placed on the exposed shore area by  
14 the riparian.
- 15 6. Camp overnight. ~~YAWN~~
- 16 7. Enter the exposed shore area except from the water in the stream, from a  
17 point of public access on the stream or with the permission of the riparian.

18 (b) Paragraph (a) 4. and 5. does not apply to removal or damage that is caused  
19 by normal wear or tear ~~or that is done with the permission of the riparian~~

20 (c) Use of an exposed shore area of a stream by members of the public does not  
21 grant an easement or other right to the exposed shore area that is greater than the  
22 right granted to the public under this section.

23 (4) RESTRICTIONS; RIPARIANS; OTHERS. (a) No riparian may prohibit a member  
24 of the public from using, as authorized under this section, an exposed shore area of  
25 a stream.

1 (b) No riparian may charge a fee for the use, as authorized under this section,  
2 of an exposed shore area of a stream.

3 (c) No person may obstruct a highway with the intention to impede or prohibit  
4 access by the public to an exposed shore area of a stream.

5 (5) EXCEPTIONS. The right granted to the public to engage in recreational  
6 activities on an exposed shore area of a stream does not apply to any of the following:

7 (a) An exposed shore area of an impoundment on a stream.

8 (b) Any artificial ditch.

9 (c) Any location on a stream where there is no surface water flowing in the  
10 stream.”.

11 **2.** Page 1353, line 14: after that line insert:

12 “SECTION 3190t. 943.13 (4m) (c) of the statutes is created to read:

13 943.13 (4m) (c) A person entering or remaining on any exposed shore area of  
14 a stream as authorized under s. 30.134.”.

15 (END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRBb0429/2  
MGG:wlj:km

LFB:.....Kava - Public access to shoreline of streams

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

**LFB AMENDMENT**

**TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 521, line 22: after that line insert:

3 **"SECTION 793m.** 30.134 of the statutes is created to read:

4 **30.134 Use of exposed shore areas along streams. (1) DEFINITIONS.** In this  
5 section:

6 (a) "Artificial ditch" means a ditch, channel, canal or other stream of water that  
7 has no prior history as a stream.

8 (b) "Exposed shore area" means the area of the bed of a navigable body of water  
9 that is between the ordinary high-water mark and the water's edge.

10 (c) "Highway" has the meaning given in s. 340.01 (22).

11 (d) "Riparian" means the owner, lessee or occupant of land that abuts a  
12 navigable body of water.

1           (e) “Water-related recreational activity” means a recreational activity that  
2 requires a body of water and includes swimming, fishing and boating.

3           (2) AUTHORIZATION. Members of the public may use any exposed shore area of  
4 a stream without the permission of the riparian to engage in a water-related  
5 recreational activity.

6           (3) RESTRICTIONS; MEMBERS OF PUBLIC. (a) In engaging in a water-related  
7 recreational activity in the exposed shore area of a stream, as authorized under sub.  
8 (2), a member of the public may not do any of the following:

9           1. Use a motorized vehicle unless an exception under s. 30.29 (3) applies.

10           2. Place a structure or object on the exposed shore area that remains after the  
11 person leaves the exposed shore area.

12           3. Cut or remove trees or woody vegetation.

13           4. Remove or damage soils or plants.

14           5. Remove or damage any object that was placed on the exposed shore area by  
15 the riparian.

16           6. Camp overnight.

17           7. Enter the exposed shore area except from the water in the stream, from a  
18 point of public access on the stream or with the permission of the riparian.

19           (b) Paragraph (a) 4. and 5. does not apply to removal or damage that is caused  
20 by normal wear or tear.

21           (c) Use of an exposed shore area of a stream by members of the public does not  
22 grant an easement or other right to the exposed shore area that is greater than the  
23 right granted to the public under this section.



1 (4) RESTRICTIONS; RIPARIANS; OTHERS. (a) No riparian may prohibit a member  
2 of the public from using, as authorized under this section, an exposed shore area of  
3 a stream.

4 (b) No riparian may charge a fee for the use, as authorized under this section,  
5 of an exposed shore area of a stream.

6 (c) No person may obstruct a highway with the intention to impede or prohibit  
7 access by the public to an exposed shore area of a stream.

8 (5) EXCEPTIONS. The right granted to the public to engage in recreational  
9 activities on an exposed shore area of a stream does not apply to any of the following:

10 (a) An exposed shore area of an impoundment on a stream.

11 (b) Any artificial ditch.

12 (c) Any location on a stream where there is no surface water flowing in the  
13 stream.”.

14 **2.** Page 1353, line 14: after that line insert:

15 “SECTION 3190t. 943.13 (4m) (c) of the statutes is created to read:

16 943.13 (4m) (c) A person entering or remaining on any exposed shore area of  
17 a stream as authorized under s. 30.134.”.

18 (END)