



EXECUTIVE ORDER # 148

**Relating to Department of Natural Resources Discretion
in Administering Piers and Wharves Regulation in the State of Wisconsin**

WHEREAS, waterfront property owners deserve, to the greatest extent possible, certainty about their rights to place piers and wharves in the waters of the State; and

WHEREAS, the Wisconsin Legislature passed 2003 Wisconsin Act 118 which revised regulations in chapter 30 of the Wisconsin Statutes related to piers and similar structures, and I signed 2003 Wisconsin Act 118 into law on February 6, 2004; and

WHEREAS, Act 118 contemplated further action in order to create general categories of permissible pre-existing piers and wharves and permissible new piers and wharves; and

WHEREAS, my administration has successfully worked closely for more than 18 months with a broadly representative stakeholder group to develop mutually acceptable standards for permissible piers and wharves that reasonably balance the rights of waterfront property owners and of the public to access and enjoyment of the waters of the State; and

WHEREAS, the Department of Natural Resources has authority to administer the laws governing placement of piers and wharves in the waters of the State, including the ability to exercise enforcement discretion in administering those laws; and

WHEREAS, the 2006 boating season is quickly approaching;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by virtue of the authority vested in me by the Constitution and Laws of the State of Wisconsin, do hereby:

1. Take this action to provide waterfront property owners certainty, to the fullest extent possible, as to their rights to place piers and wharves;
2. Direct the Department of Natural Resources to do the following:
 - a. Not seek removal or modification of any pier or wharf originally placed by the waterfront property owner before February 6, 2004, provided that:
 - i. The pier or wharf does not exceed 8 feet in width;
 - ii. Does not have a wider loading platform at the waterward end of the pier that is more than 200 square feet or more than 300 square feet if it is no more than 10 feet wide;
 - iii. That the pier or wharf does not interfere with the rights of other waterfront property owners; and
 - iv. That the pier or wharf was not the subject of enforcement action initiated by the Department before February 6, 2004;
 - b. Continue to allow minor reconfigurations or relocations of any pier or wharf originally placed by the waterfront property owner before February 6, 2004, provided that the size of the pier or wharf is not increased;

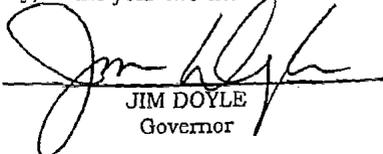
- c. Continue to recognize the terms of any existing permit or other written authorization for a pier or wharf provided that the pier or wharf is in compliance with the conditions of the permit or authorization;
- d. Not seek removal or modification of any pier or wharf originally placed by the waterfront property owner on or after February 6, 2004, provided that:
 - i. The pier or wharf does not harm the public interest;
 - ii. The pier or wharf is no more than 6 feet wide except that a pier may have a loading platform at the waterward end that is not more than 8 feet wide and which is perpendicular to the pier; and
 - iii. The pier or wharf meets existing length and boat slip density standards;
- e. Continue to implement the terms of s. NR 326.04(1) with respect to pier length by allowing piers to extend the greater of the three foot depth contour or to the point where there is adequate depth for mooring a boat or using a boat hoist or boat lift in common use on the waterway;
- f. Grant an individual permit for new piers or wharves on lakes 50 acres or more, for a property on which there are three (3) or more dwelling units or commercial structures, provided that the standards in s. 30.12(3m), Stats., are met, and provided that the piers or wharves are not located in an area of special natural resource interest, and provided that the piers or wharves do not have more than the following number of boat slips, whichever is smaller:
 - i. Four (4) boat slips for the first 50 feet of the property's shoreline footage and no more than two (2) boat slips for each additional 50 feet of the property's shoreline footage; or
 - ii. One boat slip for each dwelling unit, plus an additional number of boat slips if the additional slips are open to the public and the use of the additional slips is limited to the transient docking of boats for less than 24 hours;
- g. Continue to accept and review individual permit applications for any new or existing pier or wharf;
- h. Continue its practice of refraining from ordering the removal of any pier or wharf or from denying a permit for any pier or wharf unless all reasonable alternatives are considered.

3. General Provisions.

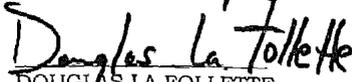
- a. Nothing in this Executive Order creates any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a person against the State of Wisconsin, its agencies, or any person.
- b. Nothing in this Executive Order shall require the Department of Natural Resources to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law.
- c. This Executive Order does not limit any person's rights or obligations otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this eighth day of May, in the year two thousand six.


 JIM DOYLE
 Governor

By the Governor:


 DOUGLAS LA FOLLETTE
 Secretary of State