



WISCONSIN ASSOCIATION OF LAKES, INC.

*is a nonprofit group of citizens,
organizations, and businesses working for clean, safe, healthy lakes for everyone.*

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Pier rules move ahead: WAL's position

Since last summer, WAL has served on the DNR's pier rule (NR 326) advisory group, recognizing that the people of Wisconsin have different interests, and that pier regulations affect all Wisconsin's lakes and lakefront property owners. Throughout the process, WAL has worked to balance property owners' rights to access the water and the preservation of the character and health of our lakes.

Why the concern over piers?

Shoreland development impacts our lakes, affecting how they look, how we use them, and their overall health. The cumulative impacts of piers and the activities (boating, swimming, vegetation clearing, etc.) that typically occur around them can cause adverse impacts on our lakes.

In some cases, a pier that suits one property owner can harm other property owners' rights on a lake, by blocking navigation, damaging valued habitat, or hurting water quality. We need rules that properly balance private and public rights.

The proposed revisions to NR 326

Before 2003 Act 118 (the "Job Creation Act") was enacted, there were few complaints about piers. Most piers did not require a permit, and the complaint-driven process provided a reasonable way to resolve problem situations. However, Act 118 changed the way piers and other waterway activities are governed. The Advisory Team and the DNR have worked diligently to craft fair, reasonable pier rules that implement Act 118's statutory changes.

WAL supports the proposed standards for piers that can be placed without a permit—the "exemption" standards, which represent a codification of longstanding DNR guidance contained in The Pier Planner. The vast majority of existing piers will meet these standards and not need a permit.

WAL recognizes the proposed rule establishes minimum standards for all lakes in Wisconsin. The rule also allows local governments to set more restrictive standards for their lakes. However, WAL has two main areas of concern with the proposed pier rule.

No protections for Areas of Special Natural Resource Interest

Act 118 defined a new category of waters: Areas of Special Natural Resource Interest (ASNRI). The statute says a pier may not be placed in ASNRI waters without a permit. But, the proposed pier rule offers no greater restrictions for piers in ASNRI waters than other waters. We believe ASNRI waters need greater protection if they are to remain "special." Therefore, WAL opposes allowing the placement of piers without a permit in ASNRI waters.

Grandfathering pre-existing piers with no assurance they're not harmful

The pier rule Advisory Team recognized there are existing piers that are larger than the statutory limitations for exemption from a permit. Some interests in Wisconsin want all pre-existing piers—no matter how large—to be grandfathered without any review by DNR and without any type of permits. WAL disagrees.

We support the proposed rule that deals with larger pre-existing piers by requiring a quick, \$50 "general" permit, that does not require a DNR site inspection and must be processed

within 30 days by the DNR. These one-time grandfathering permits give current and future property owners certainty that they can continue to use their large pre-existing piers...forever.

Some existing piers may be quite large, and may interfere with rights of others. These piers may require a site inspection to assure that they are not causing undue harm to water quality and other's rights. WAL supports the need for an individual permit for these piers.