

Piers, Docks & Wharves

Wisconsin Pier Regulations

Martye Griffin - WDNR Waterway Protection

Why Care about Piers?

Locks and piers cause water shoaling which changes habitat and disrupts fish movement



Wisconsin's pier regulations are designed to protect the state's water resources and ensure that piers are built and maintained in a way that minimizes their impact on the environment.

Evolution of Regulation



History

Piers have been around for 100's of years



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Why Care about Piers?

Docks and piers cause over-water shading which changes habitat and disrupts fish movement.



Public has a complicated relationship with docks. Public's relationship is part of the local environment. It's important to find the right balance between public and private benefits.





Evolution of Regulation



- 2005**: Wisconsin Department of Natural Resources (WDNR) issues regulations regarding pier construction and placement.
- 2012**: Wisconsin Department of Natural Resources (WDNR) updates regulations regarding pier construction and placement.
- 2008**: Wisconsin Department of Natural Resources (WDNR) issues regulations regarding pier construction and placement.

History

Piers have been around for 100's of years



History

Piers have been around for 100's of years



Where there is water



there are docks



Where there is water





there are docks

Common Law ↔ Case Law



Codified in Statute
ss. 30.13



Pier Planner
Administrative Rule NR 326
ss. 30.12(1g)

"A riparian owner has the right to build a pier or wharf for the purpose of reaching or accessing navigable water".

1954

Askew v. Smith, 109 Wis. 532 (1901)

Bond v. Wojahn, 269 Wis. 235 (1954)

Northern Pine Land Co. v. Bigelow (1893)

McCarthy v. Murphy, 119 Wis. 159 (1903)

Doemel v. Jantz, 180 Wis. 225 (1923)

1893



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1954

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Cannot Impact
Riparian or
Public
Navigation!



Pier Planner
Administrative Rule NR 326
ss. 30.12(1g)

In the 1980's Pier
Planner and Admin.
Code created to help
interpret the law

Cumulative impacts of piers and boats in
the near shore area.

"Whether it is one, nine or ninety boat slips,
each slip allows one more boat which
inevitably risks further damage to the
environment and impairs the public's
interest in the lakes...."

Sterlingworth Condominium Assoc. V DNR, 205 Wis 2d. 702 (1996)

1981

Nosek v. Stryker, 103 Wis.2d 633 (1981)

Methods to determining riparian's "Exclusive Use Zone"

Riparian is limited to pier long enough to:

- Reach line of navigability.
- Reach nearest point of navigable water

1996



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interpret the law

- cannot interfere with public rights
- cannot interfere with riparian rights
- cannot extend beyond any pierhead line
- cannot violate any municipal ordinances
- constructed to allow the free movement of water underneath
- cannot cause the formation of land upon the bed of the waterway

Sterlingworth Condominium Assoc. V DNR, 205 Wis 2d. 702 (1996)

1996

Cumulative impacts of piers and boats in the near shore area.

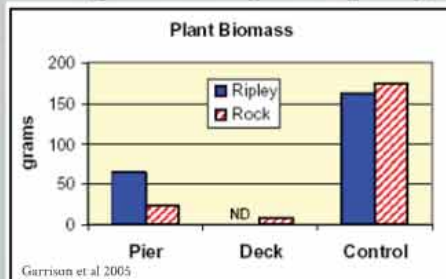
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Why Care about Piers?

Docks and piers cause over water shading which changes habitat and disrupts fish movement

in-water vegetation needs light
loss of vegetation is loss of places for spawning and feeding

small fish afraid to go into shadow cast by pier (eye adjust time)
avoid pier, and travel into deeper water with increased predation

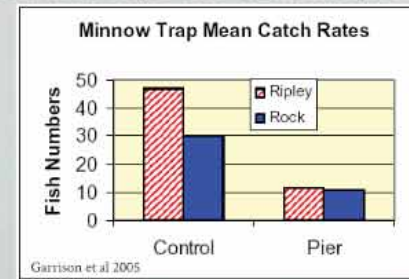


Pier Impacts

- Increased predation on young fish by larger predators (USACE 1993)
- Changes in natural assemblages (Connell & Glasby 1999)
- Disruption of flows and sedimentation (Barns 2004)
- Increased colonization by invasive species (Elliot 2003)
- Affects connectivity (Pears & Williams 2005)

Mitigate?

- limit size
- construct with grating or other materials to let light through
- avoid using boards on sides of dock that extend to water
- bottom of dock at least 18" above water
- use structural beams with long spans between piles or cribs
- shared docks to limit number of structures



But I catch all my fish under my dock...fish love my dock!

Fish have a complicated relationship with docks...

aquatic infrastructure is part of the built environment
all reasonable efforts should be made to reduce
impacts and increase benefits

presence of artificial structures influence fish assemblages

Why Care about Piers?

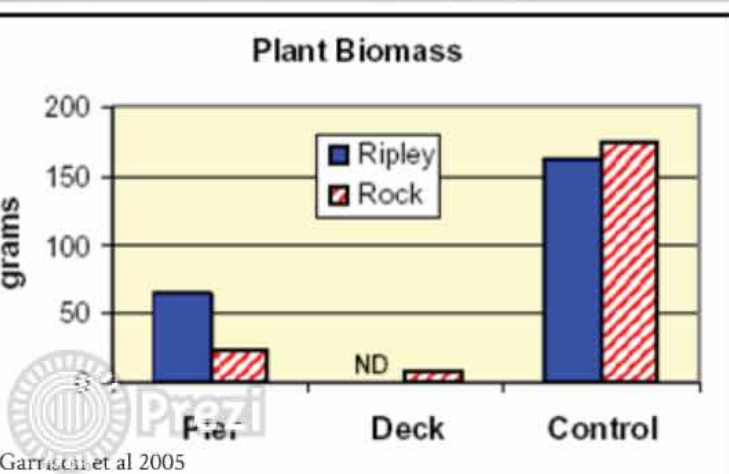
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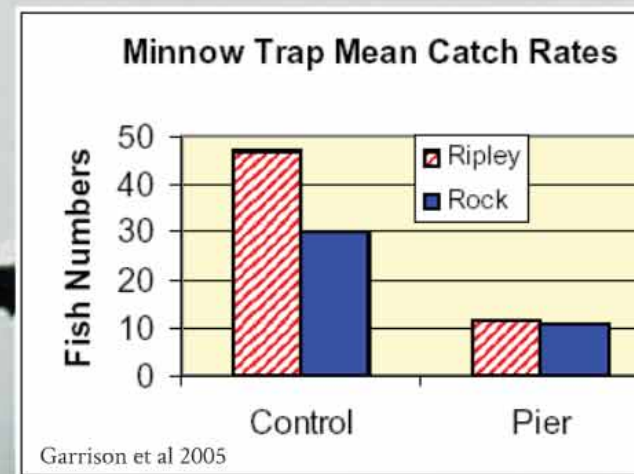


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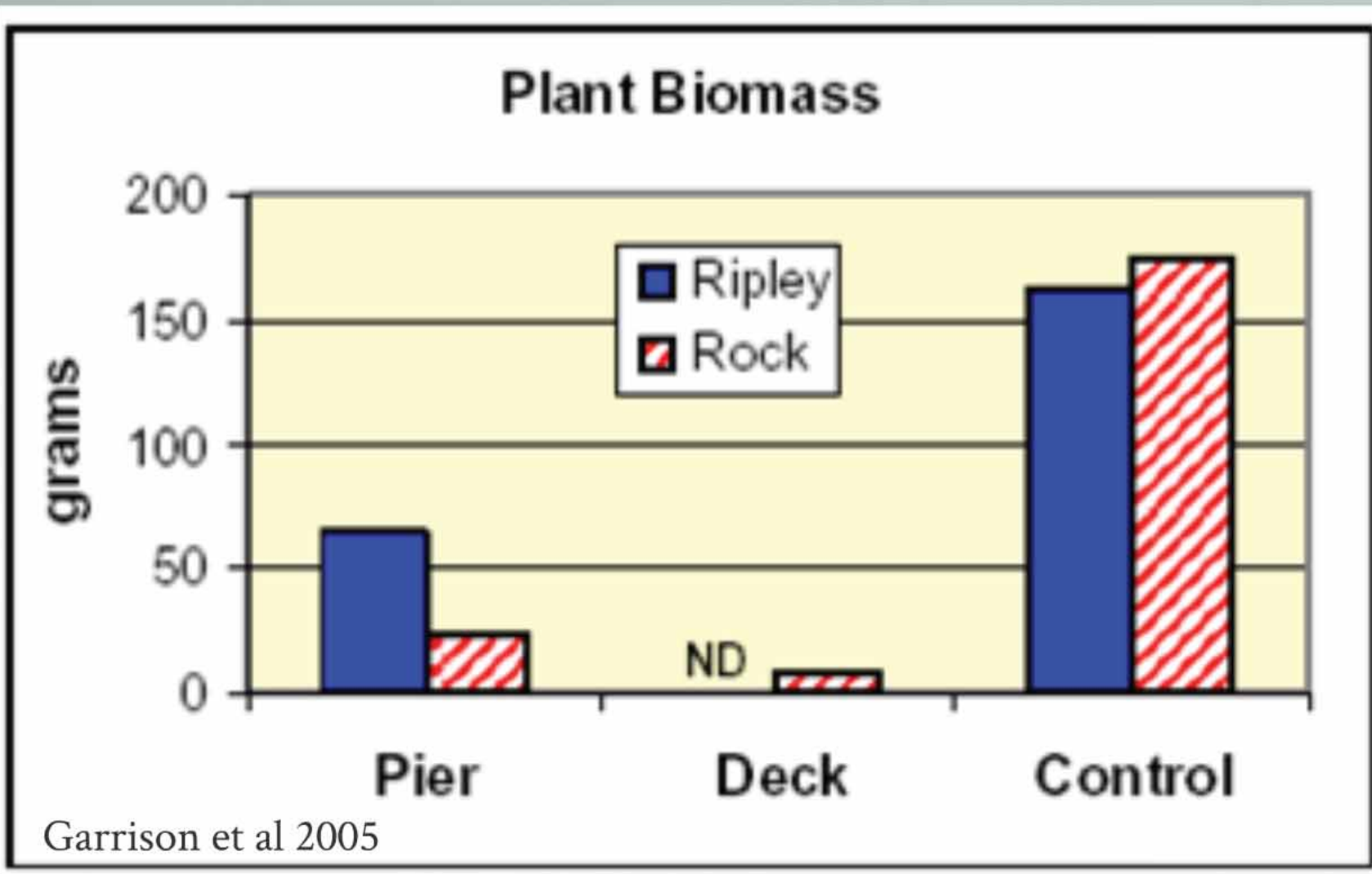
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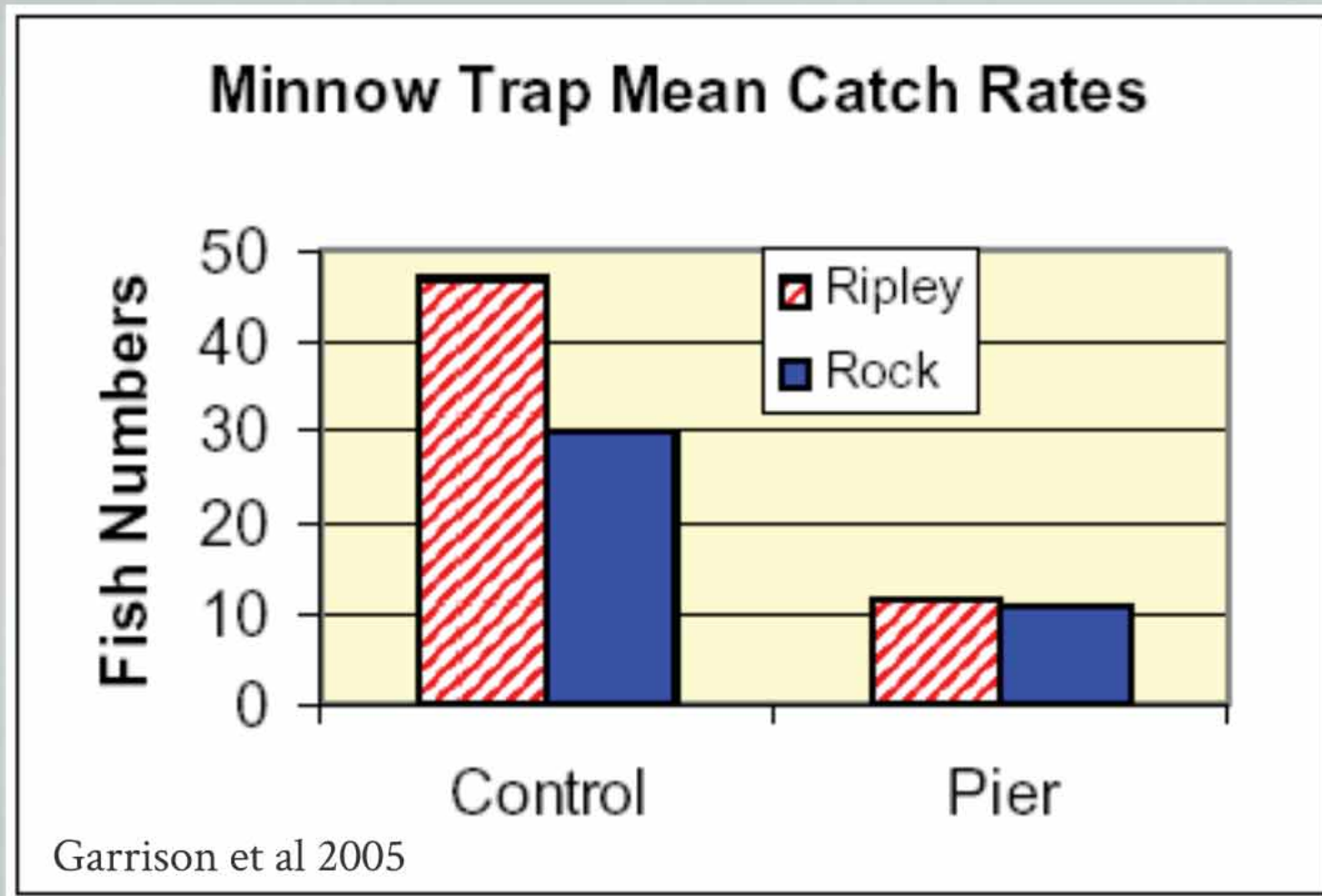
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- Increase
- Change
- Disrupt
- Increase
- Affect

- limit s
- constr
- avoid t
- bottom
- use str
- shared

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predators (USACE 1993)
Sibly 1999)
(2001)
not 2003)

light through
to water

poles or cribs

eding

avoid pier, an

Pier Impacts

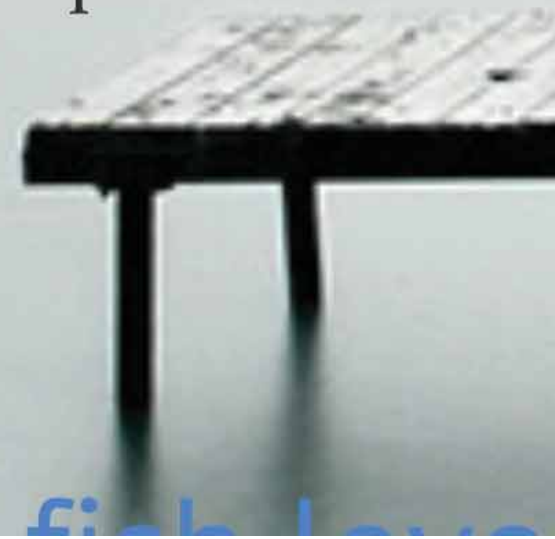
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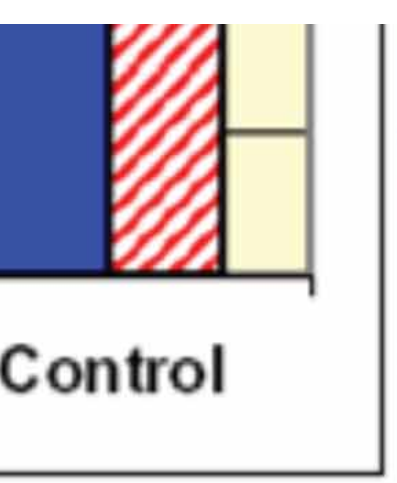
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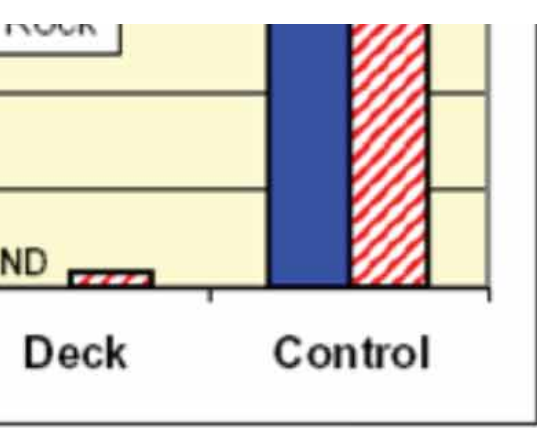
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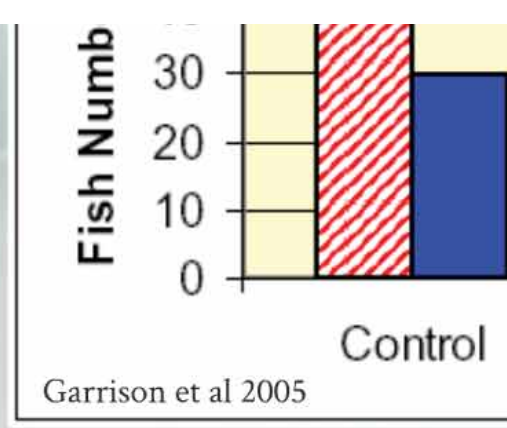
reasonable efforts should be made



- Disruption of flows and sedimentation (Burns 2001)
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Garrison et al 2005

But I catch all my fish under my dock...fish love my dock!

Fish have a complicated relationship with docks...

Artificial infrastructure is part of the built environment

all reasonable efforts should be made to reduce

impacts and increase benefits

e of artificial structures influence fish

ambush predators (bass) take advantage of shade and overhead cover for feeding
species find homogenous full shade areas under docks the equivalent of

Presence of artificial structures influence fish assemblage

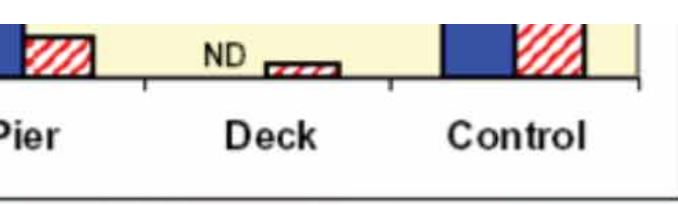
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other species find homogenous full shade areas under docks the equivalent of a dark alley

and increase benefits

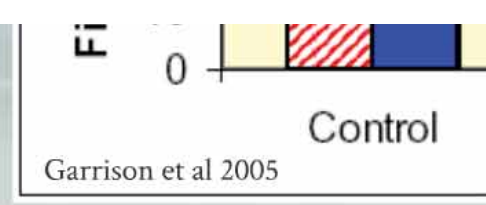
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presence of artificial structures influence fish assemblages

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 other species find homogenous full shade areas under docks the equivalent of a dark alley

Evolution of Regulation

2005

Use Standard

2 boats per first 50 ft. of shoreline
1 boat per each additional 50 ft. of shoreline

2005

Size Standard

6 ft. wide
3 ft. water depth or length needed for boat

2005

Other Standard

2005

Other Standard
Pre-(2012)-Existing structures cannot interfere with the riparian rights structure cannot be detrimental to the public interest
Depth modification required by Aug. 2012
can repair and maintain relocate and reconfigure
Cannot enlarge

2012

Use Standard

2 boats per first 50 ft. of shoreline
1 boat per each additional 50 ft. of shoreline

2012

2 PWC per first 50 ft. of shoreline
1 PWC per each additional 50 ft. of shoreline

2012

Size Standard

6 ft. wide
200 sq ft. loading platform at end or pier
or deck equivalent
3 ft. water depth or length needed for boat

2012

2012

2008

Use Standard

2 boats per first 50 ft. of shoreline
1 boats per each additional 50 ft. of shoreline

2008

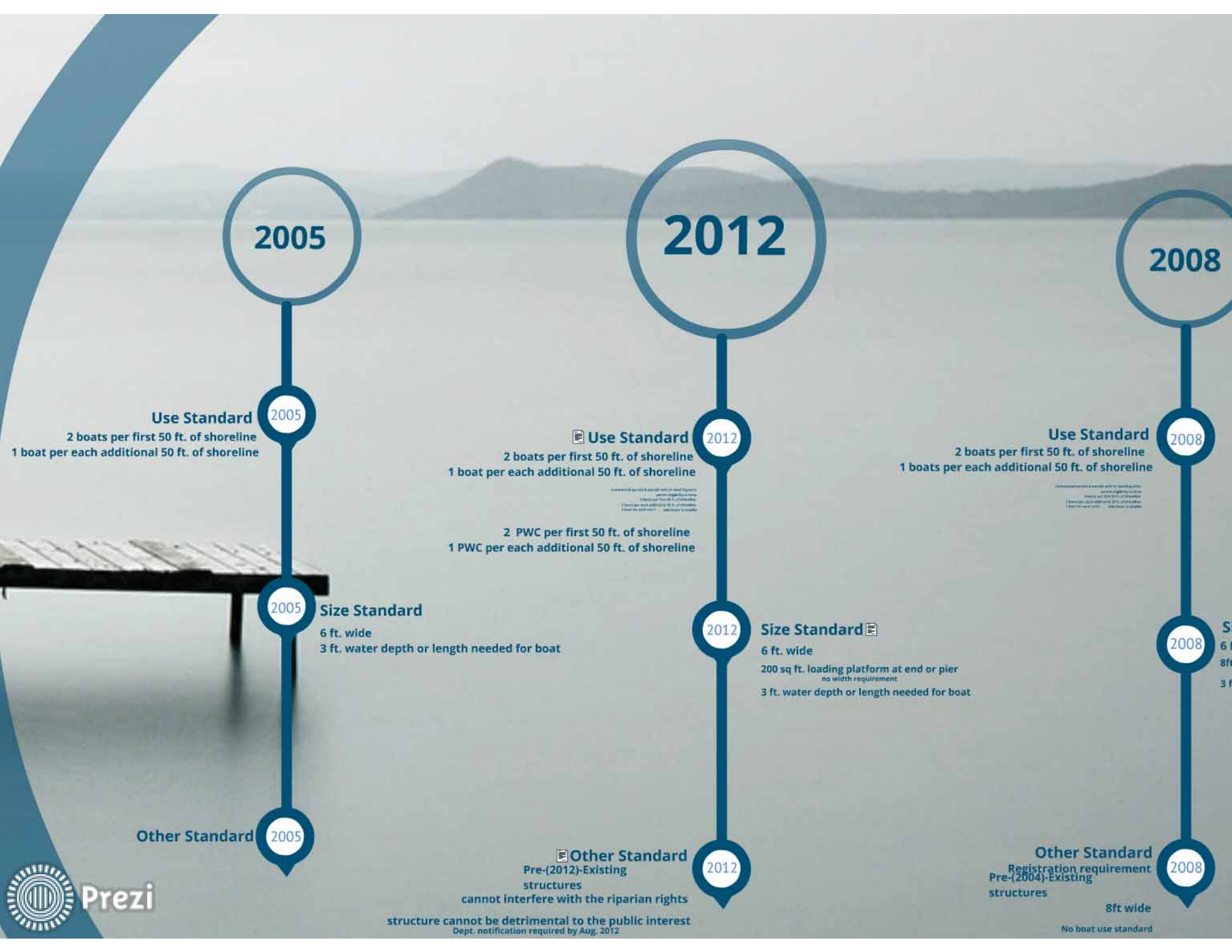
Size Standard

6 ft. wide
8ft. wide loading platform at end or pier
3 ft. water depth or length needed for boat

2008

2008

Other Standard
Registration requirement
Pre-(2004)-Existing structures
8ft wide
No boat use standard
up to 200 sq ft. loading platform at end of pier
or deck equivalent
200-300 sq ft. loading platform at end of pier
(3 ft. wide or less)



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2 boats per first 50 ft. of shoreline
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2012

Other Standard

Registration requirement Pre-(2004)-Existing structures 8ft wide No boat use standard

2008



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2008

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Commercial parcels & parcels with 3+ dwelling units
permit eligibility criteria
4 boats per first 50 ft. of shoreline
2 boats per each additional 50 ft. of shoreline
1 boat for each unit+ whichever is smaller

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permit eligibility criteria
4 boats per first 50 ft. of shoreline
2 boats per each additional 50 ft. of shoreline
1 boat for each unit+ whichever is smaller

double density

new 'slip baseline'

30.12(1j)

tion: not ASNRI! lake >



Prezi

new 'slip baseli

30.12

Location: not ASNRI!

Comr



Prezi

Slip Allowance:

4 boats per first 50

RI! lake > 50 acres

parcels with:
3+ dwelling units

Commercial structures

Slip Allowance: Individual Permit!

4 boats per first 50 ft. of shoreline

2 boats per each additional 50 ft. **OR**

1 boat for each unit **+** transient slips
open to public

whichever is smaller!

2012



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2012



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Use Standard

2 boats per first 50 ft. of shoreline
1 boat per each additional 50 ft. of shoreline

Commercial vessels & pleasure craft in floating zone
subject to applicable permits
4 boats per first 50 ft. of shoreline
1 boat per each additional 50 ft. of shoreline
1 boat for each 100 ft. of shoreline

2 PWC per first 50 ft. of shoreline
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4 boats per first 50 ft. of shoreline
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Other Standard

Pre-(2012)-Existing structures
cannot interfere with the riparian rights
structure cannot be detrimental to the public interest
Dept. notification required by Aug. 2012

can repair and maintain relocate and reconfigure
Cannot Enlarge

Size Standard

6 ft. wide
200 sq ft. loading platform at end or pier
no width requirement
3 ft. water depth or length needed for boat

Size Standard

6 ft. wide
8ft. wide loading platform at end or pier
3 ft. water depth or length needed for boat

Other Standard

Registration requirement
Pre-(2004)-Existing structures
8ft wide
No boat use standard
up to 200 sq ft. loading platform at end of pier
No width requirement
200-300 sq ft. loading platform at end of pier
10 ft. wide or less

2 PWC per fi

1 PWC per each additio

2005

Size Standard

6 ft. wide

3 ft. water depth or length needed for boat

2008

Size Standard

6 ft. wide

8ft. wide loading platform at end or pier

3 ft. water depth or length needed for boat

2012

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200 sq ft. loading platform at end or pier
no width requirement

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Standard

Depth or length needed for boat



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Things may not be as they "a-pier"...



If you go



If you go

below the surface...

Easements

a way for non-riparians to place a pier for water access

30.131

only pre-1987 easements that allow pier placement are valid

landowners to place a pier for water access

30.

only pre-1987 easements that allow pier placement are valid

placed seasonally in the same location at least once every 4 ye

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size and configuration 'frozen' on 04.28.1990

placed seasonally in the same location at least once every

size and configuration 'frozen' on 04.28.1990

 Prezi exempt piers e

size and configuration 'frozen' on 04.28.1990

only exempt piers eligible

Created Equal?

rinas

ti-slip piers



Prezi

Created Equal?

marinas
multi-slip piers

rock filled cribs
solid piers

require the addition or modification of littoral drift openings if the structures fail to perform as expected or problems with littoral drift develop in the future

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solid piers

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Riparian Rights

Complaints



public rights

complaints

NR 326.06

Ch 30.14





public rights impacted?

 yes

investigate

 no

infringement of riparian zone
property
dispute is not our jurisdiction

boat shelters ✓ standards

boat lifts ✗ standards

accessory structures?

incident to navigation?

accessory structures?
incident to navigation?
in the public's interest?

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