



**WISCONSIN
LAKES**

Water Battles at the State Capitol: A Legislative Update

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Wisconsin Lakes' approach to public policy

- Science based is best
- Balance the interests of protecting the resource with the needs of users
- Present policy matters in an objective format first
- Educate citizens to engage in the legislative process
- Advocate for our position





Where are we in the legislative process?

- End of current session
- First half of 2015 – mostly budget
- Other legislation fall of 2015-now
- Election season
- New legislature in January
- Budget process already beginning



THEMES OF THE SESSION:

THEME #1: Rise of the Rookies

- Youngest legislature (in terms of service time) in years
- Leadership gave lots of power to youth

THEMES OF THE SESSION:

THEME #2: Dissolution of local control

- Legislation of all sorts took away local decision making authority
- The “Uniform Standards” myth
- Examples for water include shoreland zoning, prohibiting development moratoriums

THEMES OF THE SESSION:

THEME #3: The age old battle...

- **Private property rights**

- Right to do what you want on your own property

VS.

- **Public rights**

- State's obligation to manage resources for good of all
- e.g. Public Trust Doctrine



But 2015 saw something new happen in this battle...

An awakening...

The “Community” sense of property rights:

What others can do that damages my property, or my property values, or my ability to enjoy my lake, is itself an assault on my “property rights”.

The Themes of the Session

- I. Rise of the Rookies
- II. Dissolution of Local Control
- III. Individual Private Property Rights vs. Public Rights and “Community” Private Property Rights

MAJOR LEGISLATION THIS SESSION

- State budget
- Shoreland zoning
- Property rights vs waterways & the public trust
- Groundwater



STATE BUDGET

- Preserved most funding for non-point, polluted runoff work
- Preserved most funding for Stewardship Fund land purchases
- Preserved county conservationist funding

STATE BUDGET

- Cut DNR science and educator staff (18.4 Science Services, 11 Educator)
- Cut partnership funding to conservation orgs
- Cut funding to state parks – revenue all fee-based
- Significant change to shoreland zoning laws

SHORELAND ZONING

- Budget prohibits counties from enforcing any ordinance or provision of an ordinance that is stricter than shoreland zoning standards in NR115 or the statutes
- Budget significantly limited county oversight of repairs and reconstruction to non-conforming structures
- Invalidated decades of work by many counties

SHORELAND ZONING

- AB603
 - Setback averaging mandatory within the setback
 - Setback averaging allowed outside the setback
 - Counties lose oversight on other in-setback structures
- AB582
 - Who defines ordinary high water mark
 - Counties lose oversight on yet more in-setback structures

WATERWAYS & THE PUBLIC TRUST

- AB600/SB249 & AB582/SB464 – “Property Rights Bills”
- Prohibition on development moratoriums (AB582)
- Artificial waterbodies exempt from navigable waters law
- Courts must weigh decision in favor of private property rights
- New method for DNR to designate sensitive natural areas on lakes
- Changes wetland permitting - could allow easier development
- Relaxes oversight of reconstruction and repair of sea walls
- Allows increased use of boat shelters
- Clarifies use of some boathouses, but largely keeps existing laws intact

WATERWAYS & THE PUBLIC TRUST

- AB600/SB249 & AB582/SB464 – “Property Rights Bills”
- What’s not in the bill
 - Individuals allowed to dredge up to 30 cubic yards
 - Limited supervision of rip rap repair
 - Giveaway to private interests of state owned lake bed
- YOU helped get these provisions out!

GROUNDWATER

- No bill passing this session?
- SB239 – No review of permit – creates virtual water rights
- Designation of higher level protection zones, less strict regulation elsewhere in state
 - Could not find workable solution, but good in concept
- Wisconsin deserves science-based, fair groundwater management system that balances protection of waters with needs of users

TAKEAWAYS

- Stunning breadth to the changes – no reason not to expect more of the same
- The next budget: More cuts? More non-fiscal items?
- More stripping of local control?
- **MOST IMPORTANT:** Citizen voices still matter
- Participation in the legislative process is crucial!

WHAT CAN YOU DO?

- Fully educate yourself and come to your own informed opinion
 - Read what you don't think you agree with
 - Think. Don't be told
- Talk to people, Listen to people!
- Talk to your legislators
- Work as a group as well as individuals



Questions you have?

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