

FRIENDS OF THE STURGEON BAY PUBLIC WATERFRONT
JUNE 21, 2017

A delegation of the Friends group and the City's ad hoc negotiating committee, administrator and counsel met for two days of facilitated discussions resulting in a stipulation as to the location of the ordinary high water mark (OHWM) of 92 East Maple Street. The negotiating parties anticipate that they will jointly recommend to DNR approval of an OHWM that is parallel to and 60 feet waterward of the original meander line according to the U.S. government land survey of 1835.

Additional elements of an agreement to resolve the pending litigation and appeal include the City's commitment to an inclusive public process to redevelop the west waterfront site, to strive to maintain a scenic view and public use on 100 East Maple, and to withdraw the City Council's resolution seeking a legislative designation of the OHWM on 92 East Maple.

The parties' OHWM stipulation is founded in the evidence presented at trial and respects the circuit court's previous findings as well as DNR's 2014 OHWM concurrence determination for 100 East Maple. The parties and DNR recognize that uncertainties remain despite the historical evidence. In recognition of these uncertainties, the proposed OHWM grants the City, as riparian owner, the benefit of the doubt of the range of error inherent in the surveyed meander line, which itself was an approximation of the Lake Michigan shoreline near the time of statehood.

DNR will be asked to declare the OHWM consistent with this stipulation within the framework of the pending declaratory ruling proceeding. Supporting evidence will be placed on the record at a forthcoming hearing which will be held in Sturgeon Bay and open to the public.

For more information, contact Attorney Mary Beth Peranteau, (608) 441-3832.