



**Wisconsin Department of Natural Resources Ruling
 Declaring the Location of the Ordinary High Water Mark of Lake Michigan
 on the Shore of a Parcel of Land Located at 92 East Maple St. (“Parcel 92”)
 in the City of Sturgeon Bay, Door County, Wisconsin
 January 3, 2019**

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SUMMARY

The Wisconsin Department of Natural Resources (“department”) issues this ruling declaring that the Ordinary High Water Mark (“OHWM”) on *Parcel 92* (Figure 1) is located at the meander line shown on the 1835 plat map created as part of the United States General Land Office public land survey of Wisconsin and surveyed, located, and mapped by the City of Sturgeon Bay Engineering Department on a Site Plan dated December 6, 2018 (Figure 3). The department applies the Wisconsin legal standards described herein to fulfill the state’s affirmative duty under Article IX, Sec. 1 of the Wisconsin Constitution to protect the public trust in navigable waters of the state [*Muench v. Pub. Serv. Comm’n*, 261 Wis. 492, 512 (1952)] and provide consistency and efficiency in state administration of water resource laws (chs. 30 and 31, Wis. Stats.).

BACKGROUND

On February 5, 2018, upon petition and as authorized by s. 227.41, Wis. Stats., the department issued a ruling declaring the location of the OHWM of Lake Michigan along the shore of a parcel of land located at 92 E. Maple St. (“*Parcel 92*”) in the City of Sturgeon Bay, Door County, Wisconsin (WDNR, 2018a).

The City of Sturgeon Bay and the Friends of the Sturgeon Bay Public Waterfront, et. al., both filed petitions under s. 227.41(1), Wis. Stats., challenging the department’s OHWM ruling. One petitioner asked how the department had located, mapped, and superimposed the 1835 original Gov’t. meander line onto the 2014 map of *Parcel 92* that the department used in its 2018 ruling. The department checked the accuracy of the 1835 meander line as located on the 2014 map and concluded the 1835 meander line had been inaccurately located on that map (WDNR, 2018b).

Because its 2018 ruling declaring the location of the OHWM on *Parcel 92* was based on this material factual error, on May 15, 2018, the department withdrew that ruling (WDNR, 2018b). In response to the department withdrawing its ruling, the petitioning parties stipulated to a dismissal of their petitions for judicial review which was so ordered by the Honorable D. Todd Ehlers, Door County Branch 1, Circuit Court Judge on June 8, 2018. The City of Sturgeon Bay and the Friends of Sturgeon Bay Public Waterfront et. al. subsequently conferred and negotiated and now agreed to settle the issue of the location of the meander line/OHWM on *Parcel 92* as declared in this department ruling and as shown on the attached Site Plan (Figure 3).

DISCUSSION

The department’s 2018 OHWM ruling (WDNR, 2018a) established the importance of the OHWM in determining the boundary between public lands and privately owned riparian property and described the standard methodology department staff uses to determine the OHWM. The department acknowledges the uncertainty in identifying an OHWM location at *Parcel 92* since the standard method of identifying recognizable physical and biological indicators along the shoreline is impossible to use at this site that has been filled and otherwise manipulated for years. At other Great Lakes shoreline locations with substantial historical fill (e.g., Superior Harbor), the department typically uses the meander line as the starting point for its OHWM determination when the original U.S. Gov’t. survey accurately maps the meander line or shoreline (LaValley, 2017).

The department’s 2018 OHWM ruling (WDNR, 2018a) discussed the difficulties and uncertainties associated with determining an OHWM at *Parcel 92*. The department determined and still maintains that there is significant uncertainty in concluding that any historical mapped shoreline of this site represents the location of recognizable physical and biological indicators that indicate the OHWM. The Department determined and still maintains that there is also uncertainty regarding whether material from borings at the site should be classified as fill or native materials and whether any fill at this location was placed upon accreted lands, lakebed, or both.

Based on these difficulties and uncertainties, in its 2018 OHWM ruling the department used the 1835 mapped meander line as a starting point for the OHWM location at *Parcel 92* and then adjusted the OHWM location based on purported lower water levels 13 years later at the date of statehood (1848). The department accepts that: 1) there are substantial uncertainties using this approach; and 2) the mapped 1835 meander line was inaccurately located on the map that the department used in its 2018 declaratory ruling (see discussions below).

1) *Uncertainty of adjusting the 1835 meander line to 1848 water levels at the time of statehood*

The department's 2018 OHWM ruling used a provisional approach to estimate the OHWM location at the site on the date of statehood by assuming from available information that when the U.S. Gov't. survey was done (1835) water levels were higher than water levels at the time of statehood (1848). The department hypothesized that the lower 1848 water levels would have caused the water to further recede and the shoreline further extend waterward of the 1835 meander line. How far waterward depends on water level changes, near shore topography, and lake bed bathymetry.

To estimate the location of the 1848 shoreline, the department used shorelines mapped in 1873 and 1888 and recorded water levels to estimate average historic shoreline slopes (Figure 2). The department averaged the 1873 and 1885 historic shoreline slopes and averaged measured May-October water elevations to estimate the location of the 1848 shoreline in reference to the 1835 surveyed meander line (WDNR, 2018a).

Using this approach, the department made assumptions that create a level of uncertainty, including the following:

- The department assumed single monthly water level data used to calculate the shoreline slopes was not collected during extreme weather events that could have changed water levels on a short-term basis;
- The department assumed paleo-water level annual elevations reasonably approximated 1835 water levels and could be used to compare to actual monthly water levels measured and recorded starting in 1861;
- The department assumed it was reasonable to average the distances between the 1835, 1873, and 1885 shorelines laterally along property lines, average the monthly water levels and 1873 and 1885 shoreline slopes, and use the averages to estimate an approximate shoreline slope and shoreline location at statehood (1848);
- The department assumed the mapped 1848 shoreline represented the averaged OHWM based upon averaging two shoreline slopes (the 1873 shoreline slope of 61.86:1 and the 1885 shoreline slope of 31.60:1) to estimate the distance of the 1848 shoreline from the 1835 meander line.

Collectively these assumptions added substantial uncertainty to the department's approach for its 2018 OHWM ruling. The department now finds that simply using the mapped meander line of 1835 as the OHWM at this site significantly reduces the uncertainties associated with estimating an 1848 OHWM location.

2) *Correction of the material factual mapping error of the 1835 U.S. Gov't. survey meander line*

In its 2018 ruling declaring the OHWM location on *Parcel 92* (WDNR, 2018a), the department used a 2014 base map created by the Board of Commissioners of Public Lands (BCPL). BCPL created the map to help department staff locate the approximate OHWM on adjacent *Parcel 100* so the department could decide if it concurred with the OHWM location on *Parcel 100* proposed by the City. The department used the 2014 map to reach concurrence on the *Parcel 100* OHWM.

In drafting its 2018 OHWM ruling for *Parcel 92*, the department also relied upon the 2014 map and its mapped location of the 1835 meander line, and did not independently verify whether the 1835 meander line had been accurately located, superimposed, and mapped onto the 2014 map. After the department issued its 2018 ruling, a petitioner questioned how the department had determined the location of the 1835 meander line on the 2014 map used in its ruling. The department subsequently located the 1835 meander line and compare that location to the meander line location on the 2014 map to ascertain whether the 2014 map accurately located the meander line. The department verified the 1835 meander line as located on the 2014 map was not accurate. On June 15, 2018, the department withdrew its 2018 OHWM ruling due to this material mapping error on the 2014 map.

The department recently received the attached Site Plan dated December 6, 2018, prepared by the City of Sturgeon Bay Engineering Department (Figure 3). The meander line location and bearings on the Site Plan are properly based on the Door County survey control monuments for Section 7, Township 27 North, Range 26 East. The department finds the location and description of the U.S. Gov't. meander line as surveyed and mapped onto the Site Plan by the City of Sturgeon Bay is reliable and accurate. The City and Friends of the Sturgeon Bay Public Water Front, et. al., agree the description and location of the U.S. Gov't. meander line surveyed and mapped on the Site Plan is reliable and accurate and agree that it represents the OHWM location on *Parcel 92* (*letter communication from Atty. Paul Kent dated January 2, 2019*).

DEPARTMENT DECISION

Without physical and biological indicators present to indicate the OHWM location on *Parcel 92*, the issue narrows to the question of what area of *Parcel 92* was lakebed that came into state ownership subject to the public trust at statehood (1848)? The department finds using the location of the 1835 U.S. Gov't. meander line as the location of the OHWM on *Parcel 92* is appropriate because (a) physical and biological indicators are absent; (b) such location is consistent with department standard practices; (c) using the meander line location as the OHWM location minimizes uncertainties regarding the OHWM location; and (d) the petitioning parties now agree the OHWM on *Parcel 92* is properly located at the 1835 meander line as located on the Site Plan (Figure 3).

The Department determines the OHWM at *Parcel 92* as:

The 1835 U.S. Gov't. meander line as located and described by the survey diagram titled "Site Plan" prepared by the City of Sturgeon Bay Engineering Department and dated December 6, 2018 (Figure 3).

The department recognizes extensive public and private resources were expended to determine the location of the OHWM on *Parcel 92* and has strived to make a reasonable decision that protects constitutionally based public interests in the navigable waters of Sturgeon Bay and considers the riparian interests of the City of Sturgeon Bay.

FINDINGS OF FACTS

- 1) On March 8, 2017, the Department received a petition from the Friends of Sturgeon Bay Public Waterfront and six individuals requesting a full hearing and declaratory ruling pursuant to s. 227.41, Wis. Stats., declaring the location of the OHWM on a parcel of property located at 92 East Maple Street in the City of Sturgeon Bay (*Parcel 92*) for the purpose of determining the

extent of the state's property rights under the Public Trust Doctrine and Wisconsin Constitution, Article IX, Sec. 1.

- 2) On February 5, 2018, the department issued a ruling declaring the location of the OHWM on Parcel 92. The City of Sturgeon Bay and Friends of the Sturgeon Bay Public Waterfront et al., both filed petitions under s. 227.41, Wis. Stats., challenging the ruling. On May 15, 2018, the department withdrew the ruling due to a material factual error. In response to the department's withdrawal of its 2018 ruling declaring the location of the OHWM on *Parcel 92*, both petitioning parties stipulated to a dismissal of their petitions for judicial review which the Honorable D. Todd Ehlers, Door County Branch 1, Circuit Court Judge, ordered on June 8, 2018.
- 3) The OHWM is the boundary between riparian owned uplands and the publicly owned beds of natural lakes. It is the boundary of public rights and interest in the waters of navigable streams and lakes. When the water's edge is waterward of the OHWM a riparian owner has a qualified right to exclusively use the land between the actual water's edge and the OHWM. *Doemel v. Jantz*, 180 Wis. 225 (1923).
- 4) The first definition of the ordinary high water mark (OHWM) is found in *Lawrence v. American Writing Paper Co.*, 144 Wis. 556,562 (1911): "... ordinary high water mark. That is the point up to which the presence and action of water is so continuous as to leave a distinct mark by erosion, destruction of vegetation or other easily recognized characteristics."
- 5) Three years later the Supreme Court clarified and expanded the definition of OHWM in *Diana Shooting Club v. Husting*, 156 Wis. 261, 272 (1914): "By ordinary high-water mark is meant the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic."
- 6) The *Diana* court also stated, "And where the bank or shore at any particular place is of such character that it is impossible or difficult to ascertain where the point of ordinary high-water mark is, recourse may be had to other places on the bank or shore of the same stream or lake to determine whether a given stage of water is above or below the ordinary high-water mark."
- 7) Wisconsin common law establishes that the boundaries of navigable waters and their beds are determined based on the location of the OHWM at the time of statehood. See *Diana Shooting Club v. Husting*, 156 Wis. 261 and *Illinois Steel Co. v. Bilot*, 109 Wis. 418, 425(1901) ("title to the beds of all lakes and ponds, and of rivers navigable in fact as well, up to the line of ordinary high-water mark, within the boundaries of the state, became vested in it at the instant of its admission into the Union, in trust to hold the same so as to preserve to the people forever ...").
- 8) Among other incidents of riparian ownership, and to preserve the riparian's access to the water, is the right to the land formed by gradual and natural accretions and uncovered by reliction. *Doemel v. Jantz* 180 Wis. 225 (1923), *Attorney General Ex Rel. Bay Boom Wild Rice and Fur Co.*, 172 Wis. 363 (1920), and *Baldwin v. Anderson*, 40 Wis. 2d 33 (1968). This is true even when the riparian does not have title to the bed. *Roberts v. Rust*, 104 Wis. 619 (1899) and *Boorman v. Sunnuchs*, 42 Wis. 223 (1877).
- 9) The courts have held that land waterward of the OHWM is land subject to the public trust doctrine and restricted to uses compatible to the public trust or associated with navigation, except as noted in the case of natural accretion. Wisconsin law holds that the filling of submerged lands does not transfer title to the riparian property owner. See *Menomonee River Lumber Co. v. Seidl*, 149 Wis. 316, 320-321 (1912) ("One cannot by building up land or erecting structures in a lake, the title to the bed of which is in the state, thereby extend his possession into the lake and acquire the state's title."). The possession of a deed or federal patent purporting to convey title to lakebed is meaningless for that purpose. *Illinois Steel Co. v. Bilot*, 109 Wis. 418 (1901).

- 10) Parcel 92 is described as being a part of Lot One (1), Block Nine (9), according to the recorded Plat of Harris First Addition and also a part of Lots One (1), Six (6) and Seven (7), Block Eight (8) of Bay View Plat, and all of Lots Two (2), Three (3), Four (4) and Five (5), Block Eight (8), of Bayview Plat, and part of Subdivision 76, all in the Northeast Quarter (NE1/4), Section Seven (7), Township Twenty-seven (27) North, Range Twenty-six (26) East, in the City of Sturgeon Bay, Door County, Wisconsin described as follows:

Commencing at the intersection point of the East line of Neenah Avenue and the North line of Maple Street; thence North 89 deg. 59 min. 38 sec. West, 91.92 feet along the North line of Maple Street to the point of beginning of lands to be described; thence North 13 deg. 34 min. 55 sec. East, 47.11 feet; thence North 33 deg. 52 min. 22 sec. East, 263 feet; thence North 47 deg. 16 min. 59 sec. West, 200.38 feet; thence South 42 deg. 16 min. 00 sec. West, 229.08 feet; thence South 40 deg. 01 min. 00 sec. West, 33.71 feet; thence South 32 deg. 53 min. 44 sec. West, 33.77 feet; thence West 92.01 feet; thence South 06 deg. 01 min. sec. East, 178.01 feet to the North line of Maple Street; thence South 89 deg. 59 min. 38 sec. East, 256.57 feet along said North line to the point of beginning.

- 11) Parcel 92 has the physical address of 92 East Maple Street, Sturgeon Bay, WI 54235 and Tax Parcel Number 281-12-10080101. The City of Sturgeon Bay obtained title to Parcel 92 in 2012 by a special warranty deed from Freedom Bank.
- 12) The City claims title to the parcel of real property located at 100 East Maple Street in the City of Sturgeon Bay formerly known as Tax Parcel No. 281-2415090101, consisting of parts of Document Nos. 318850 and 783268, excepting part of Document No. 580907 ("Parcel 100"). A portion of Parcel 100 is more particularly described as: A parcel of land located in the NE 1/4 of Section 7, T. 27 N., R. 26 E., City of Sturgeon Bay, Door County, Wisconsin, bounded and described as follows:
- Commencing at the intersection point of the east line of Neenah Avenue and the north line of Maple Street, thence N. 89°39'38" W., 91.60 feet along the north line of Maple Street to the point of beginning of lands to be described; thence N85°03'44" E.-- 49.68 feet; thence N69°31'57"E -- 80.99 feet; thence N46°00'22"E -- 64.41 feet to the approximate ordinary high water mark of Sturgeon Bay as determined by the Wisconsin Department of Natural Resources; thence along said ordinary high water mark as follows: N69°57'18"W-- 16.60 feet; thence N54.01'08"W -- 52.88 feet; thence N46°47'03"W -- 11.34 feet; thence N37°S9'31 "W -- 5.05 feet; thence N24°15'51"W -- 7.57 feet; thence N 01°14'01"W -- 11.87 feet; thence N 11°54'30" E -14.79 feet; thence N 19°09'16"E --35.48 feet; thence N27°35'00"E -- 30.30 feet; thence leaving said ordinary high water mark S33°52'22"W -- 209.15 feet; thence S 13°34'55"W -- 47.11 feet to the aforementioned north line of Maple Street; thence S89°59'38" E -- 0.32 feet along said north line to the point of beginning.*
- 13) The department issued a "WDNR Determination of Concurrence with The Approximate Ordinary High Water Mark for the City of Sturgeon Bay West Side Waterfront Project," recorded in the office of the Door County Register of Deeds on October 28, 2014, as Document No. 782928 (the "Concurrence"). The determination concurs in the location of the OHWM for *Parcel 100*. The area of *Parcel 100* landward of the OHWM stated in the Concurrence is owned by the City of Sturgeon Bay. The area of *Parcel 100* lying waterward of the OHWM stated in the Concurrence is owned by the State in trust for benefit of the public under the public trust doctrine, Wis. Const., Art. IX, sec. 1, and may not be conveyed to a private party.
- 14) In March 2017, the Door County Circuit Court enjoined the City from making any conveyance of *Parcel 92* to a private party (*Friends of the Sturgeon Bay Public Waterfront v. City of Sturgeon Bay*, No. 16-CV -23). The judgment provides that the scope of the injunction is subject to modification following a declaratory ruling by the department determining the location of the OHWM for *Parcel 92*.
- 15) On August 25 and 26, 2017, notices of public hearing were published on the department's website and in the *Door County Advocate* newspaper, respectively. On September 6, 2017, the department held a public hearing to receive comments, provide information and respond to

clarifying questions regarding the location of the OHWM of Sturgeon Bay at 92 East Maple St. (*Parcel 92*), City of Sturgeon Bay, WI. Thirty-five attendees filled out public hearing appearance slips (Appendix A) and approximately 24 people addressed the hearing examiner.

- 16) The department cannot use the standard method of examining biological and physical indicators on *Parcel 92* to establish an OHWM for that site because such indicators do not exist at this site. Instead, the department considered historic documents, maps, water levels, soil borings, and all public testimony presented at the hearing and in the record of the Door County Circuit Court case incorporated as part of the hearing record.
- 17) The department finds there is significant uncertainty associated with using any historically mapped shoreline as the OHWM due to the large variation in Lake Michigan water levels, the variation in shoreline slopes, and the mapped shoreline's relationship to an OHWM.
- 18) The department finds there is significant uncertainty as to whether fill occurred on accreted land or lake bed on *Parcel 92* and to what extent the described lacustrine or alluvial soil layer extends beneath fill in the area of *Parcel 92*.
- 19) The approach the department used to determine the OHWM on *Parcel 92* is based on the unique facts and information for *Parcel 92* and may not apply to other parcels or cases on the Great Lakes or other water bodies. The department determines the location of the OHWM in each specific case and on each specific site based upon the facts and information available for that site and case.

CONCLUSIONS OF LAW

- 1) The Department of Natural Resources (department), upon petition and as authorized by s. 227.41, Wis. Stats., issues this ruling declaring the location of the ordinary high water mark ("OHWM") of Lake Michigan along the shore of a parcel of land located at 92 E. Maple St. ("*Parcel 92*") in the City of Sturgeon Bay, Door County, Wisconsin
- 2) The public trust doctrine applies with equal force to filled lakebeds even if the filled lakebed area can no longer be navigated. See *State v. Trudeau*, 139 Wis. 2d 91 (1987) ("An area need not be navigable to be lakebed. If the land is part of the navigable lake, then the fact that the specific area cannot be navigated is irrelevant to the state's claim."); *State of Wisconsin v. Public Service Commission*, 275 Wis. 112, 117-19 (1957).
- 3) Filling of lakebed below the OHWM does not change the character of those formerly submerged lands as constitutionally protected trust property. *Diedrich v. Northwestern Union R. Co.*, 42 Wis. 248 (1877).
- 4) The department is responsible under s. 30.10(4)(b), Stats., for determining in conformity with the common law the extent to which *Parcel 92* may consist of filled public lakebed. Determining the extent of public lakebed requires the department to determine the location of the ordinary high water mark that represents the landward boundary or lateral extent of the public lakebed.

DEPARTMENT OF NATURAL RESOURCES RULING

The department hereby declares the Ordinary High Water Mark (OHWM) at *Parcel 92* in the City of Sturgeon Bay and adjacent to Sturgeon Bay, Lake Michigan is the mapped meander line as follows:

The U.S. Gov't meander line mapped and described by the City of Sturgeon Bay Engineering Department dated December 6, 2018 (Figure 3) as commencing at the Meander Corner between Government Lot 3 and Government Lot 4 of Section 7, Township 27 North, Range 26 East, City of Sturgeon Bay, Door County, Wisconsin,

thence S 88°12'31"W 517.09 feet to the intersection with the platted center line of South Neenah Avenue, thence N 01°50'52"W along said platted centerline 415.02 feet to the intersection with the platted north right-of-way line of East Maple Street, thence S 88°09'08" W along said platted right-of-way line 91.60 feet; thence along the easterly line of Parcel 92 as follows: N 11°43'41"E 47.11 feet, and N 32°01'08"E 0.58 feet to the intersection with the U.S. Gov't Meander Line and the point of beginning, thence N 43°54'53"W along said U.S. Gov't Meander Line 239.61 feet to the northwesterly line of Parcel #92 and the point of termination.

- 1) The department hereby declares the area of *Parcel 92* landward of the OHWM described above is private riparian land.
- 2) The department hereby declares the area of *Parcel 92* waterward of the OHWM described above:
(a) is owned by the State in trust for the benefit of the public under the public trust doctrine, Wis. Const., Art. IX, Sec. 1; (b) may not be conveyed to a private party; and (c) may be used only for purposes compatible with the public trust doctrine.

Dated at Black River Falls, Wisconsin, January 3, 2019

STATE OF WISCONSIN, DEPARTMENT OF NATURAL RESOURCES

By 

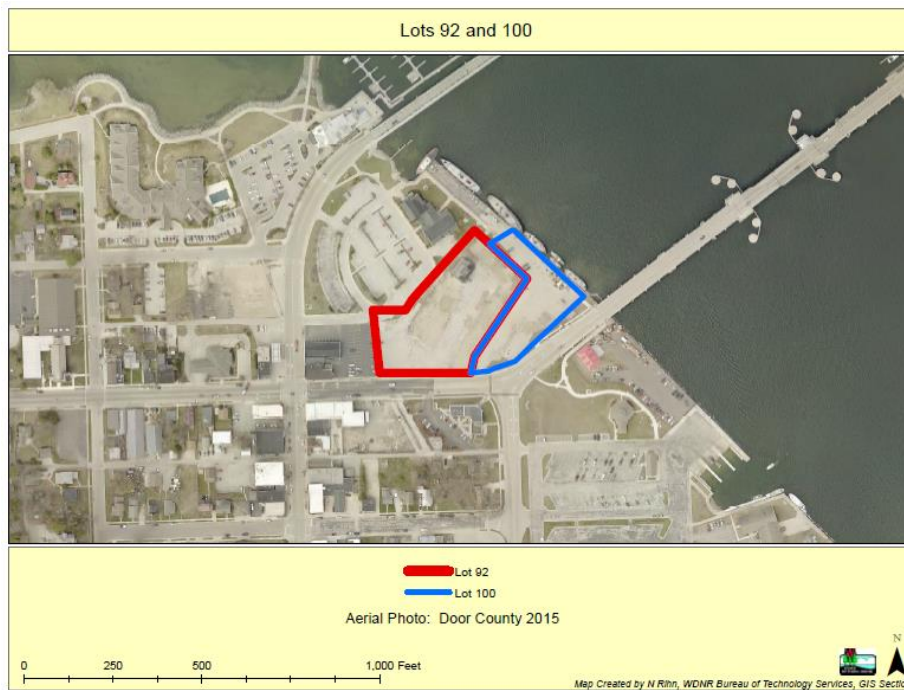
**DANIEL R. HELSEL, HEARING OFFICER
FIELD INTEGRATION LEADER
OFFICE OF THE SECRETARY**

NOTICE OF APPEAL RIGHTS

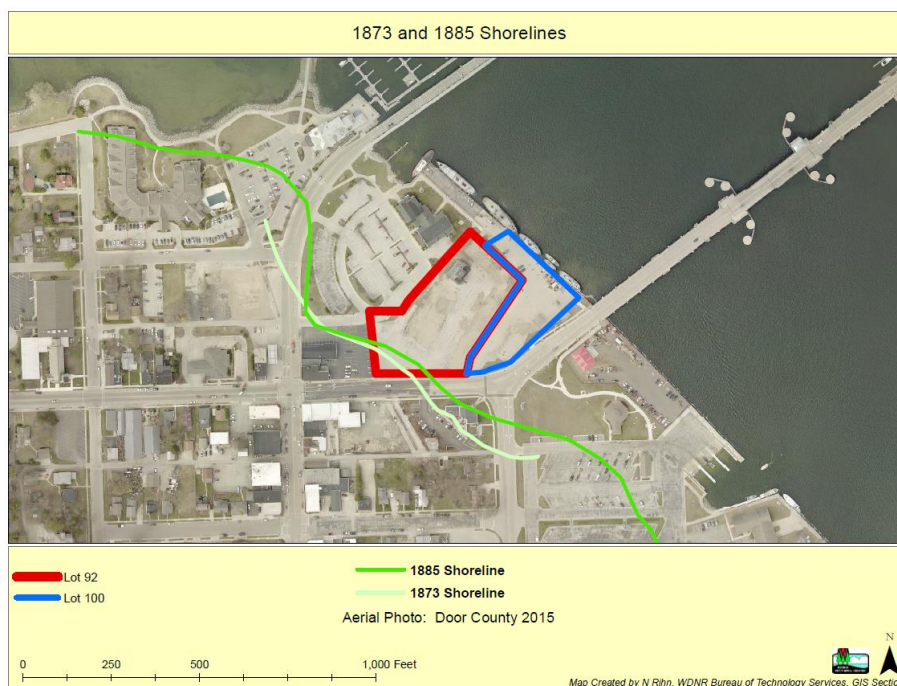
If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Wisconsin Administrative Code establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to Sections 227.41(1), 227.52 and 227.53, Wisconsin Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate court and serve the petition on the Secretary of the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

FIGURES



*Figure 1. Site Location Map
Location of Parcel 92 and Parcel 100 in the City of Sturgeon Bay, North of Oak Street Bridge.*



*Figure 2. 1873 and 1885 mapped shorelines
The mapped shorelines from the Bay View Plats in 1873 and 1885 shown with Parcel 92 and Parcel 100.*

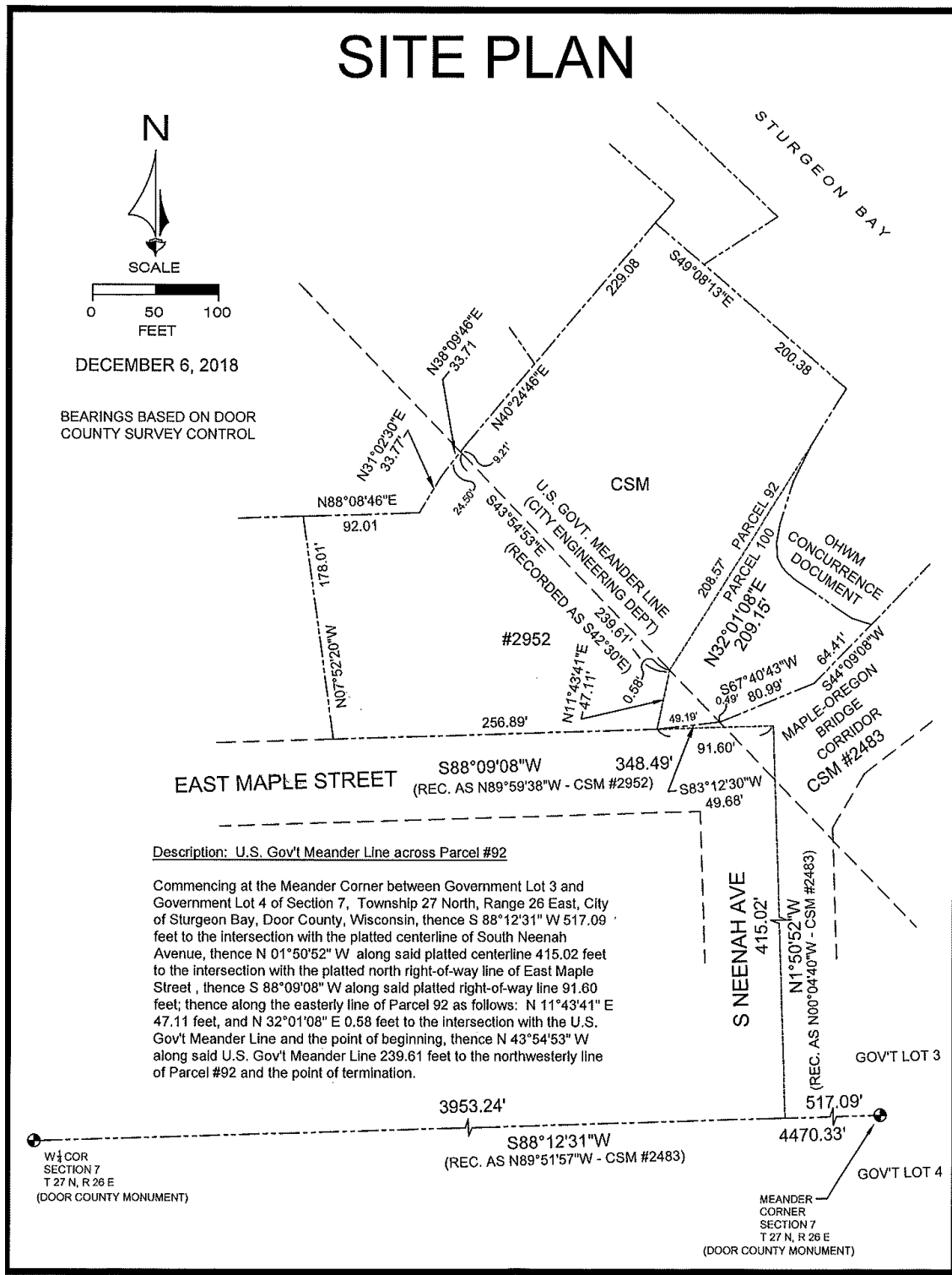


Figure 3. Location of OHWM for Parcel 92 described as the U.S. Gov't Meander Line Location and description of the U.S. Gov't Meander line produced by the City of Sturgeon Bay Engineering Department on December 6, 2018.

REFERENCES

Bruhn, M. (2014). *WDNR Determination of Concurrence with the approximate Ordinary High Water Mark for the City of Sturgeon Bay West Side Waterfront Project*. Madison, WI: Office of the Secretary, Wisconsin Department of Natural Resources.

LaValley, S. (2017). *Personal Communication*. Superior, WI: Water Management Specialist, Bureau of Watershed Management, Department of Natural Resources.

WDNR. (2018a). *Wisconsin Department of Natural Resources Ruling Declaring the Location of the Ordinary High Water Mark of Lake Michigan on the shore of Parcel of Land Located at 92 East Maple St. ("Parcel 92") in the City of Sturgeon Bay, Door County, Wisconsin*. Black River Falls, WI: Wisconsin Department of Natural Resources.

WDNR. (2018b). *Wisconsin Department of Natural Resources May 15, 2018 Withdrawal of Ruling*. Black River Falls, WI: Wisconsin Department of Natural Resources.

APPENDIX A – PUBLIC HEARING APPEARANCE SLIPS RECORDS

NAME	CITY	ST	COMMENT	ORAL STATEMENT	POSITION
Allmann, Barbara	Sturgeon Bay	WI		Yes	
Andersson, Carri	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Anschulz, Paul	Sturgeon Bay	WI		Yes	IO
Ateu, Nancy	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Avenson, Kelly	Sturgeon Bay	WI	(representing Sturgeon Bay Historical Society)	Yes	
Brooks, Laurel	Sturgeon Bay	WI		Yes	
Bultman, Robert	Baileys Harbor	WI	(representing Self) <ul style="list-style-type: none"> • Preserve and protect the public trust for the future – the 1873 map is the OHWM. 	No	
Catarozoli, Kelly	Sturgeon Bay	WI	(representing Sturgeon Bay City Council – District 1)	Yes	
Collins, Dan	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Ewig, Marianne	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Fairchild, Shawn	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Finnerty, Kathleen	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Frix, Donald Freix	Fish Creek	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Geers, Sarah	Madison	WI	(Midwest Environmental Advocates)	Yes	
Goehelman, Elliot	Sturgeon Bay	WI		Yes	

Greene, John			(representing City of Sturgeon Bay)	Yes	
Hans, Christian	Sturgeon Bay	WI		No	
Hauser, Laurel	Sturgeon Bay	WI	(representing Self)	Yes	
Hebal, Bill	Sturgeon Bay	WI		Yes	
Herlache, Thomas L.	Sturgeon Bay	WI		Yes	
Huntoon, Lori	Brookfield	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Kellems, Chris	Sturgeon Bay	WI	(representing Self)	Yes	AIMA
Livingston, Jan	Sturgeon Bay	WI		No	AIMA
Logerquist, Deborah	Sturgeon Bay	WI		No	
Logerquist, Deborah (2)	Sturgeon Bay	WI	Please email the DNR's ruling (IS-ruling that OHWM should be declared to be the 1873 determined OHWM)	No	IS
Malenius, Miriam	Sturgeon Bay	WI		No	
Morkin, Claire	Sturgeon Bay	WI	(Friends of Sturgeon Bay Waterfront)	Yes	
Nesbitt, Randall	Sturgeon Bay	WI	(representing City of Sturgeon Bay)	Yes	AIMA
Olejniczak, Marty	Sturgeon Bay	WI	(representing City of Sturgeon Bay (Comm. Dev. & Waterfront Dev.))	Yes	
Orlock, Mike	Sturgeon Bay	WI	(representing Self)	Yes	
Schabach, Ryan	Hilbert	WI	Protect our waterfront. (Small business representative)	No	
Smith, Larry	Sturgeon Bay	WI		Yes	AIMA

Urban, Robin	Sturgeon Bay	WI	No jurisdiction by the DNR in this hearing	Yes	AIMA
Van Lieshout, Josh	Sturgeon Bay	WI	(representing City of Sturgeon Bay)	No	AIMA
Ward, David J.	Sturgeon Bay	WI	I would like the ruling emailed to be at the above email address. The DNR decision needs to be considered the effect of the St. Lawrence Seaway, built in the 1950s. Subsequent dredging of the St. Clair River lowered (permanently) the level of Lake Michigan/Huron by 10-12 inches-thus altering the historic OHWM.	No	
Weber, Christie	Sturgeon Bay	WI	(Friends of the Public Waterfront)	Yes	
IS= In Support IO-In opposition AIMA= As Interest May Appear					