

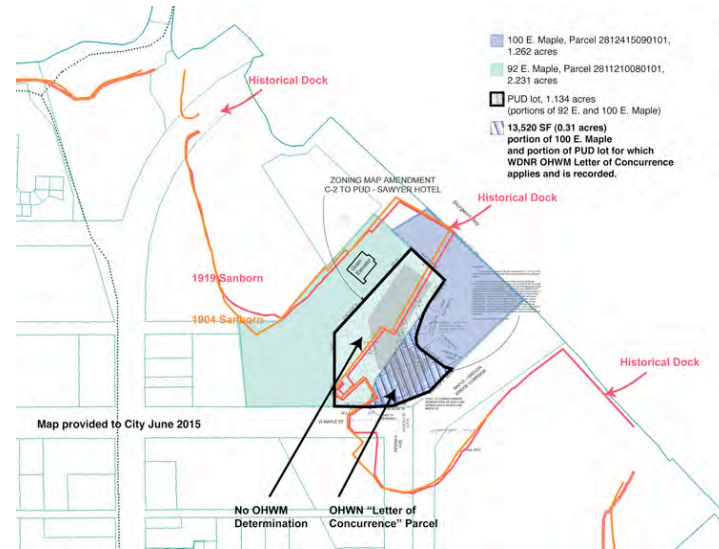
Thank you for the opportunity to speak today about facts relating to Parcel 92.

My name is Sarah Geers, and I’m a staff attorney with Midwest Environmental Advocates, a nonprofit environmental law firm.

Midwest Environmental Advocates wrote a letter to the City of Sturgeon Bay on Jun 23rd, 2015, which warned the City that its planned hotel development was on public trust land. This letter contained several key facts relevant to DNR’s ordinary high water mark determination for Parcel 92.

These facts establish that the OHWM on Parcel 92 is located at the 1873 shoreline found in the Bay View plat. **Three** key points in MEA’s letter support that this is the location of the ordinary high water mark.

Point One (1): We are here because there is no DNR OHWM determination for Parcel 92. MEA’s letter clarified the extent of the Parcel 100 OHWM Concurrence by DNR and explained that the City



did not have a valid OHWM determination for Parcel 92.

Point Two (2): The City was informed that they were proceeding at Significant Risk in this letter more than two years ago. The letter points out at that time that

“the City has in its possession documents and reports conclusively showing that the Hotel Parcel (which was located on parts of both parcels 92 and 100) is situated on artificially filled lands”.

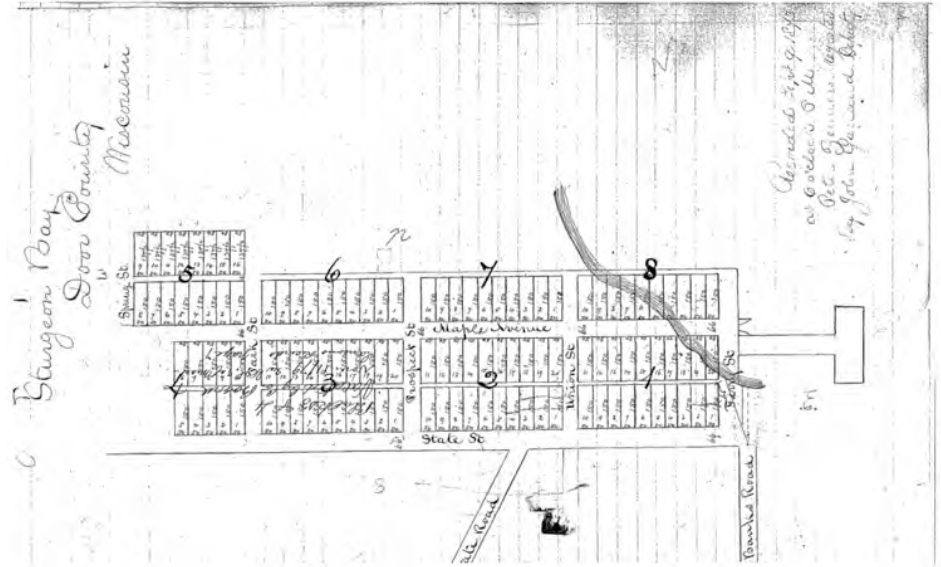
Point Three (3): MEA’s letter summarized and attached overwhelming evidence showing that most of Parcel 92 was lakebed artificially filled by the riparian owner and subject to the Public Trust Doctrine.

The letter outlines the numerous maps showing the parcels as being underwater.

The letter continues:

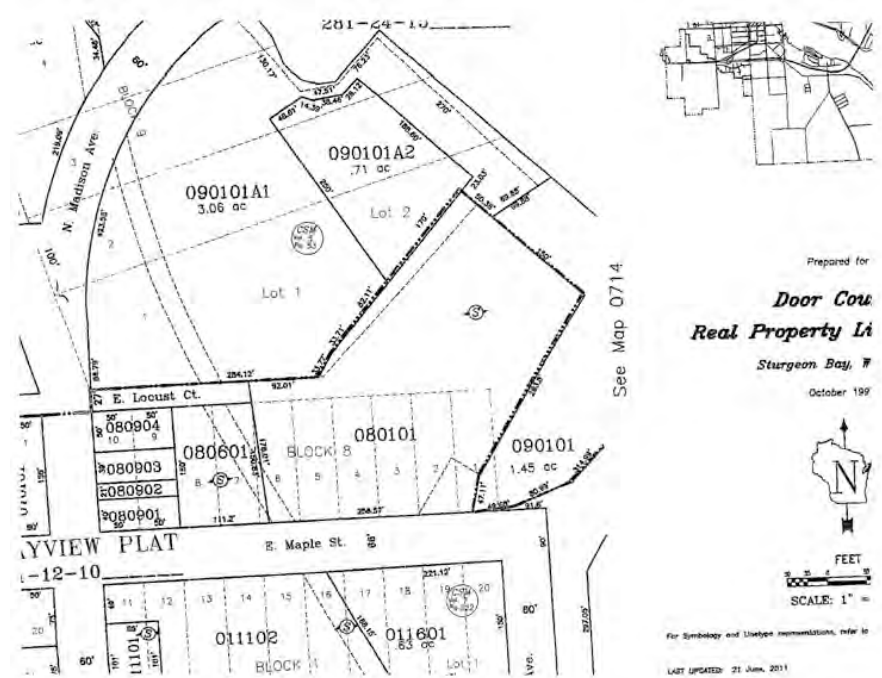
“The map evidence is consistent with title documents recorded with the Door County Register of Deeds, beginning with the Plat of the Village of Bayview recorded by Joseph Harris in 1873 (ATTACHMENT 11).

The Bayview Plat depicts the shoreline of Sturgeon Bay and shows Lots 1 through 9 of Block 8 as being either partially or entirely submerged.”



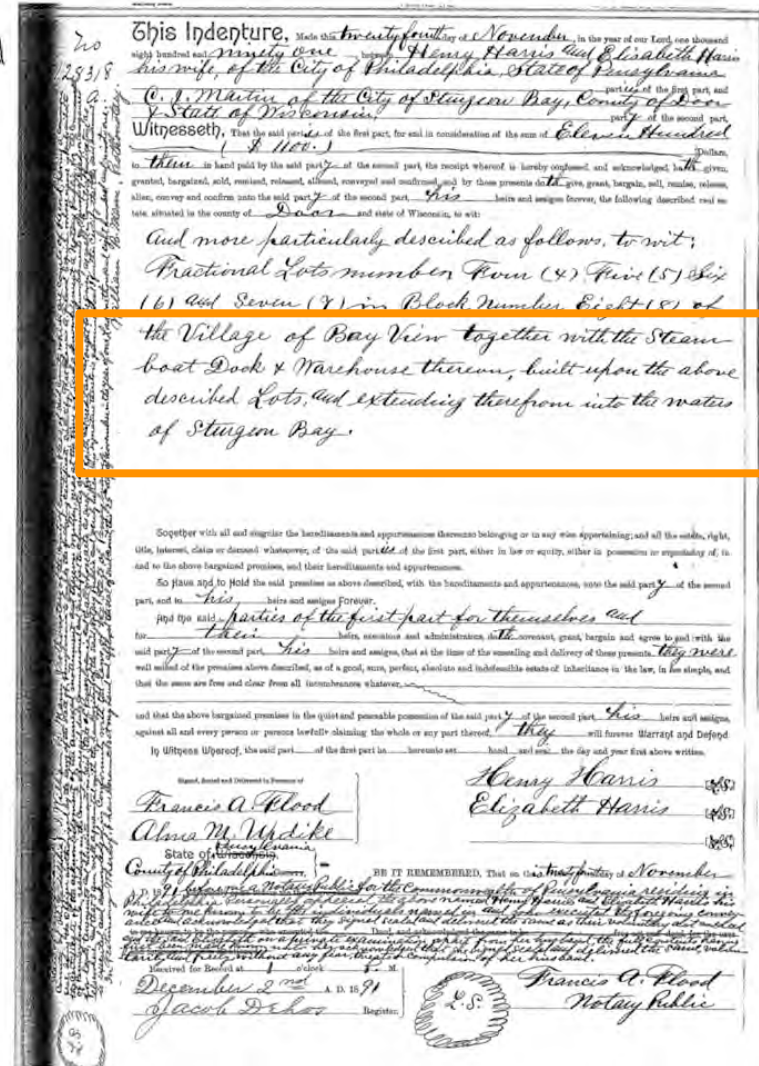
The letter continues,

“For comparison purposes, the attached tax parcel map obtained as part of the City’s response to MEA’s open record request (ATTACHMENT 12) shows Lots 1 through 6 of Block 8 of the Bayview Plat forming the southern portion of 92-100 East Maple Street. These maps evidence that most of the Hotel Parcel (found on both parcels 92 and 100) footprint was under water at least until 1873. Deeds in the City’s chain of title confirm that the Hotel Parcel was largely created by artificially filling submerged lakebed. “



The letter continues,

“For example, an 1891 deed from Harris to Martin conveying portions of Lots 4 through 7 of Block 8 of the ‘Village of Bay View’ (ATTACHMENT 13) includes ‘the steamboat dock + warehouse thereon, built upon the above described Lots and extending therefrom into the waters of Sturgeon Bay.’



I urge you to review MEA’s letter as it contains a wealth of information helpful to making a determination. I also urge you to determine the Ordinary High Water Mark for Parcel 92 where the overwhelming and un-refuted evidence shows for this filled lakebed setting, at the originally mapped shoreline as shown in the 1873 Bayview plat.

Thank you for the opportunity to testify today.

