



## PROPER ACCESS ABANDONMENT

### Introduction

Most lakes, rivers, and streams in Wisconsin have one or more public access sites. It is basic to our way of life that Wisconsin's waterways are open for everyone to enjoy. Waterway use includes a wide range of activities from boating and fishing to swimming and enjoyment of natural scenic beauty.

State law specifies that the Wisconsin Department of Natural Resources (DNR) must determine whether county and town access sites may be abandoned.

Legal references related to access abandonment:

- *Public access to navigable waters may not be removed, discontinued, or vacated by a county or town except with the approval of the Wisconsin Department of Natural Resources under s. 66.1006, Wis. Stats.*
- *Section 236.43, Wis. Stats., requires approval of a county circuit court for the vacation of a platted public access.*
- *Specific standards relating to access abandonment are found in s. NR 1.92, Wis. Adm. Code.*

### Where are these access sites?

Highways and streets typically provide public access to waterways. These are in the jurisdiction of counties, cities, villages, or towns. Counties and towns often have jurisdiction over public access sites that lie adjacent to private property. Many of these sites are undeveloped.

Some landowners adjacent to public access sites manage the access site as if it were their private property. They build structures, park boats and trailers, store wood and brush piles, and stack yard and building materials. Such private use of public access sites is not legal.

As more of Wisconsin's shorelands and river fronts become developed, counties and townships are being asked to abandon public access sites. When a county or town wishes to abandon accesses within its jurisdiction, the DNR is required to approve these closures. The DNR may approve access abandonment by a county or town only under limited circumstances. When a public access exists in a platted subdivision, approval by a county circuit court is also required.

### The Abandonment Process

A brief outline of the process for requesting access abandonment follows:

- The county or town passes a resolution to abandon access to navigable waters.

- The county or town submits the resolution and request for abandonment to the Wisconsin DNR.
- After an inspection of the access site, the DNR regional access coordinator recommends approval or rejection of the request based on the following standards:
  - An approved replacement site already exists.
  - The access proposed to be abandoned does not contribute to the quality or quantity of public access for that body of water.
  - Environmental degradation is occurring at the access site and abandonment will reduce or eliminate the degradation without reducing public interests in access to the body of water.
- The DNR publishes a public notice of the proposed abandonment action. Public has the opportunity to request a hearing.
- If a hearing is requested, a hearing examiner holds the hearing and issues a decision.
- If no hearing is requested, the DNR issues a decision based on legal and resource management criteria.

### For More Information

For a list of DNR staff who can help with your access abandonment questions, go to [www.dnr.wi.gov/OutdoorActivities/](http://www.dnr.wi.gov/OutdoorActivities/)