

## Beach Maintenance Activities

Lower water levels the past few years have left many lake front property owners with additional exposed beach areas. These lake front owners get to enjoy the exclusive right to utilize these exposed areas however this added benefit comes with added responsibility. Any exposed land below the ordinary high water mark (OHWM) of a waterway is held in trust for the public ([http://dnr.wi.gov/topic/waterways/general\\_info/ohwm.htm](http://dnr.wi.gov/topic/waterways/general_info/ohwm.htm)). This means that these areas are protected and activities in these areas, even when temporarily high and dry, may require approval and or permits. Why do we want to protect these areas? Because vegetation along the shoreline plays an essential role in maintaining water quality by filtering water that runs off the land surface. The vegetation also provides important fish and wildlife habitat and protection from wind and wave action.

Below are answers to the most frequent questions relating to activities on exposed lake areas.

### What can I do with washed up debris, Zebra/Quagga mussels, Cladophora (algae), or dead fish?

There is no requirement for you to remove material that accumulates along your shoreline. In many cases, over time the material decomposes or is washed away. Please keep in mind that you can not actively push the material back out into the water – once you touch it - you own it.

You can remove washed up debris, including Cladophora (<http://dnr.wi.gov/topic/greatlakes/cladophora.html>), and mussels, by hand without any Department approvals. This means that you can use a shovel, rake, wheel barrow etc. to pick up and remove the material. The material must be removed and disposed of in an upland location (not in any waterway or wetland). For nuisance levels of this type of material (on the Great Lakes or Green Bay) that require motorized equipment to remove, there is a general permit available from the Department.



### Can I remove vegetation?

Removal of vegetation on exposed lakebed areas (below the OHWM) is limited to a single 30 foot wide path\*\* measured along the shoreline per property. All vegetation (except for any state or federally listed endangered species) may be removed in this 30 foot wide path. You can remove it by hand without any Department approvals. This means that you can hand pull it, use a string trimmer (weed whacker), or a push lawn mower. The cut material must be removed and disposed of in an upland location. When removing exotic species such as Phragmites and purple loosestrife, it is important to dispose of it so it doesn't spread to other areas. One way to do this is to bag up the cut material, mark the bags with "Invasive plant species-approved by WDNR for landfilling" and send them to a landfill. (You will need to check with your local landfill first to determine if they will accept the material.)

If you will be removing native vegetation in a larger area (greater than 30 feet) or you will be using a motor vehicle, you need to get a permit from the Department.

\*\*The following non-native invasive species may be removed by hand in an unlimited area - Phragmites, eurasian water milfoil, curly leaf pondweed, and purple loosestrife.



Chemical treatment of vegetation may require a permit from the Department. Permits are always required if you are using a motor vehicle or if the proposed treatment area is wet at the time of treatment. This means that you would get your socks wet if you stood there with no shoes.

Removal of vegetation above the OHWM is regulated by your local unit of government.

### Can I place sand or rocks?

The placement of any fill at or below the OHWM including sand, pea gravel, and rock requires permits from the Department. Placement of fill above the OHWM may require a permit from your local unit of government.

### Can I drive a golf-cart or ATV on the exposed lakebed?

No. Driving a motor vehicle, which includes golf carts, ATVs, and riding lawn mowers, on the exposed bed of a public waterway is prohibited except for a few limited exceptions. One of the exceptions is for a person operating a motor vehicle to launch or load a boat.

The use of motorized equipment to remove vegetation or debris may also be authorized by an dredging individual or general permit. The individual permit process requires an application fee and 30 day public notice. If your project qualifies for a general permit, the application requires a fee and it is processed in less than 30 days. For severe problems, it is recommended that you organize with your neighbors to obtain one permit for all of your properties.

### Where is the OHWM on my property?

The OHWM is defined as the "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." Water marks are often at various elevations, but the most permanent and prevalent marks constitute the OHWM. The OHWM doesn't change with temporary fluctuations in water levels, nor is it always at or near open water. Only Department Staff can make a formal determination of the location of the OHWM but here are some clues that you can use:

- Existing seawalls and rock riprap banks are likely at or just above the OHWM.
- There is a transition from established mature trees to non woody plants or very young trees.
- There are prominent water stains on permanent structures that indicate the OHWM.



For additional information or to obtain application materials, visit the Wisconsin Department of Natural Resources website at

[http://dnr.wi.gov/topic/waterways/about\\_us/county\\_contacts.html](http://dnr.wi.gov/topic/waterways/about_us/county_contacts.html)

[http://dnr.wi.gov/topic/waterways/recreation/beach\\_maintenance.html](http://dnr.wi.gov/topic/waterways/recreation/beach_maintenance.html)

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