



Care of Exposed Lake Beds

These management practices will provide protection for water quality and wildlife habitat

Lower water levels during the past few years have left many lake front property owners with additional areas of exposed lake bed. These 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 (the top of the ice ridge or where the type of vegetation shifts) of a waterway is held in trust for the public (<http://dnr.wi.gov/org/water/wm/dsfm/shore/ohwm.htm>). This means that areas of exposed lake bed are protected by state law and activities in these areas are limited and may require approval and/or permits even when temporarily high and dry. County shoreland zoning requirements also may apply.

Why do we want to protect exposed lake bed?

Vegetation along lake shorelines plays an essential role in maintaining water quality by filtering water that runs off the land surface. Whether dry or submerged this vegetation also provides important fish and wildlife habitat and protects the exposed lake bed from erosion caused by wind and wave action. When lake levels rise again, the gravel, rocks, plants, and downed trees seen on exposed lake bed, will provide habitat for fish to spawn, feed, and find shelter. Below are answers to the most frequent questions relating to what is allowed on exposed lake beds:

What can I do with washed up debris?

Like mussels, algae, wood, or dead fish

There is no requirement for you to remove material that accumulates along the 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 may remove washed up debris, including algae, mussels, and dead fish (<http://dnr.wi.gov/org/water/greatlakes/cladophora/>), by hand without any Wisconsin Department of Natural Resources (WI-DNR) permits. This means that you can use a shovel, rake, wheel barrow, etc. to pick up and remove this 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 that require motorized equipment to remove, there is a permit available from the WI-DNR

Can I remove the vegetation growing on exposed lake bed?

Removal of any vegetation on exposed lake bed areas (below the OHWM) is limited to a single 30 foot wide path** per property measured along the shoreline. 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 a WI-DNR permit. This means that you can pull it by hand or use 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 WI-DNR for land filling" 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 need to remove native vegetation in an area wider than 30 feet or if you will be using any motorized equipment, you need to get a permit from the WI-DNR.

**The following non-native invasive species may be removed by hand in an unlimited area - Phragmites, reed canary grass, thistles, and purple loosestrife.

Chemical treatment of vegetation may require a permit from the WI-DNR. Permits are always required if you are using a motor vehicle on the exposed lake bed 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.

Can I remove logs and/or rocks and stones on exposed lake bed?

Naturally occurring logs and rocks can not be removed without a permit and it is very unlikely that a permit would be granted. Areas of rock and stone along the shoreline often serve as fish spawning areas and submerged logs function as excellent habitat for fish and other aquatic animals. When lake water levels return to normal or above normal conditions, submerged or partially submerged logs will buffer the shoreline from waves helping to protect your shoreline from erosion.

Can I place sand or rocks on exposed lake bed?

The placement of any fill, such as sand, rocks, or pea gravel, at or below the OHWM requires permits from the WI-DNR. Placement of fill above the OHWM may require a permit from your county or local unit of government.

Can I place downed wood in the lake or on exposed lake bed?

Natural tree drops into water are commonly dead trees that grew along the shoreline. This coarse wood is a very important habitat component of a sustainable fishery and home for aquatic invertebrates. This component of the shallow water habitat is often missing where logging has occurred in past years or where it was unadvisedly removed. So, if a tree falls on exposed lake bed it should remain. Sinking of trees in deep water must follow the requirements listed on these web sites. Some require WI-DNR permits.

http://dnr.wi.gov/waterways/shoreline_habitat/fish_wildlife.html and
http://dnr.wi.gov/waterways/checklists/checklist_treedrop.pdf

Can I drive a motorized vehicle on exposed lakebed?

No. Using motorized equipment and vehicles, which includes golf carts, ATVs, tractors, automobiles, riding lawn mowers, power lawn mowers, rotor tillers, etc. on the exposed bed of a public waterway is prohibited except in very few limited circumstances. One of the exceptions is for a person operating a motor vehicle to launch or load a boat at a landing.

The use of motorized equipment on exposed lake bed to remove vegetation or debris requires a WI-DNR permit or a general dredging permit. The individual permit process requires a \$500 application fee and 30 day public notice. If your project qualifies for a general permit, the application fee is \$50 and it is processed in less than 30 days. For severe problems (such as after a tornado), it is recommended that you coordinate with your neighbors to obtain one permit for all of your properties.

Where is the OHWM on my property?

The ordinary high water mark (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 WI-DNR or county zoning professionals can make a formal determination of the location of the OHWM, but here are some clues that you can use:

- Old seawalls, rock riprap, banks, and ice ridges 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.
- During periods of low water level, vegetation often encroaches upon exposed lake bed making the OHWM mark difficult to discern.

For additional information or to obtain application materials, visit the Wisconsin Department of Natural Resources website at <http://dnr.wi.gov/waterways/>

For a list of Waterfront permit contacts go to http://dnr.wi.gov/waterways/about_us/county_contacts.html

Removal of vegetation above the OHWM is regulated by the State and County

Although neatly trimmed grass lawns are popular, these offer limited benefits for water quality and wildlife habitat. A single house near a waterbody may not seem like a “big deal,” but the cumulative effects of many houses can negatively impact lakes, streams and wetlands.

In Vilas County, the *removal* (sawing, plowing, mowing, smothering) of trees, shrubs or undergrowth is not permitted within 75 feet of the OHWM of a lake or stream, with exceptions only as permitted in county ordinance.

No land *disturbance* is allowed within 35 feet of the OHWM, except as specifically authorized by Wisconsin Statutes. In the area between 35 feet of the OHWM, back to 75 feet from the OHWM, only select cutting is allowed. A 30 foot clear cut is allowed as a fire break around a house.

For each shoreland lot, one pedestrian access path to the shore is allowed, provided it has a maximum width of 6-feet within 75-feet of the OHWM and is constructed of natural materials. A path constructed with a hard surface or paved requires a permit. Resorts, hotels or motels may provide one 6-foot wide pedestrian access path for each one hundred feet of shoreline frontage width.

Private boat landings and roadway access are not permitted except on a water body where there is no publicly accessible boat landing in existence.

No placement of sand or other material to create a new beach, other than beaches formed entirely through natural processes, shall be permitted on shorelines in Vilas County.

Additional Vilas County zoning and shoreland ordinance information is available at: <http://www.co.vilas.wi.us/dept/zoning.html> or telephone at: 715-479-3720

