

WETLAND SCIENTISTS

The Douglas County Zoning Office provides this list for your convenience. This list represents currently licensed individuals and is not meant to be an endorsement of any individual or company.

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WISCONSIN'S PUBLIC WATERWAY DEFINITIONS

NAVIGABILITY

The definition of navigability has been developed over the years through Wisconsin law. Its roots are in the commercial use of waterways for floating logs downstream to sawmills.

A waterway is considered navigable if it:

- a. has defined bed and banks; and
- b. is capable of floating a small recreational watercraft on a regular basis.

If a person can float in a solo canoe or kayak on a small stream even once a year in high water, Wisconsin law says that the waterway is considered navigable.

Any lake, pond or stream which is “navigable” is considered a public waterway. This means that the waterway is open to the public for fishing, boating, or other recreational purposes if they can access the waterway legally and “keep their feet wet.”

ORDINARY HIGH WATER MARK

The ordinary high water mark (OHWM) is the dividing line between public waters and private land.

The definition of OHWM has also been developed over the years in Wisconsin law. The OHWM is “that point on the bank or shore up to which the presence and action of water is so continuous as to leave a distinct mark by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.” The mark can be distinguished by signs such as erosion scars, scouring of the banks, changes in vegetation from aquatic or wetland plants to upland plants, and water stains on rocks, seawalls or culverts.

For natural lakes, the bed is owned by the state and held in trust for the public. On rivers and streams, the owner of the adjoining upland owns the bed to the center of the channel, but the water is public. On flowages, the ownership of the bed can vary, but the water is public.

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