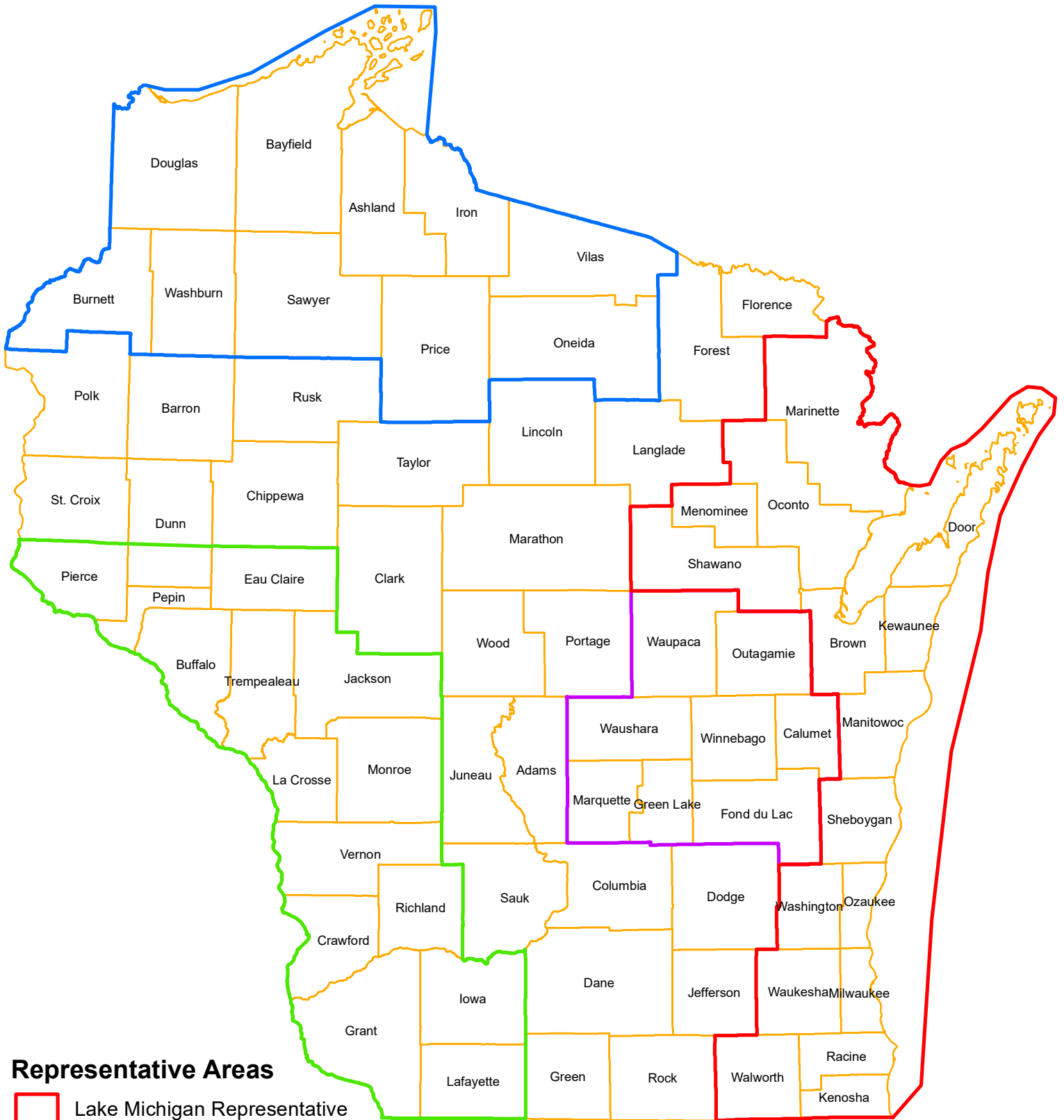





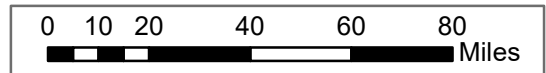


Wisconsin Waterways Commission Representative Areas

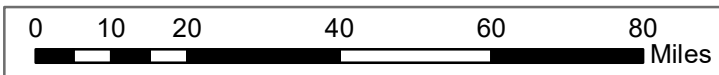


Representative Areas

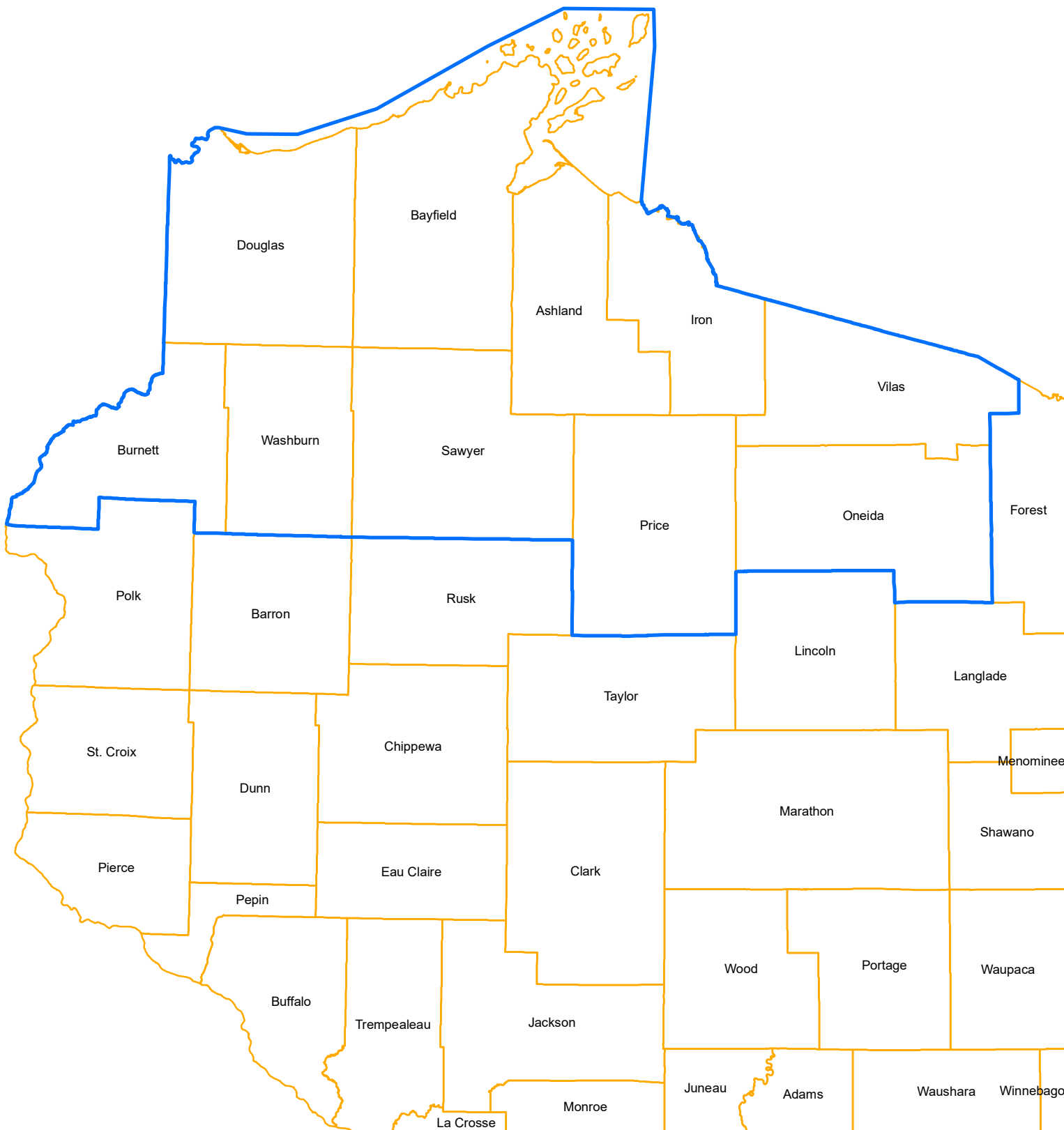
-  Lake Michigan Representative
-  Lake Superior Representative
-  Mississippi River Representative
-  Winnebago Watershed Area
-  Counties



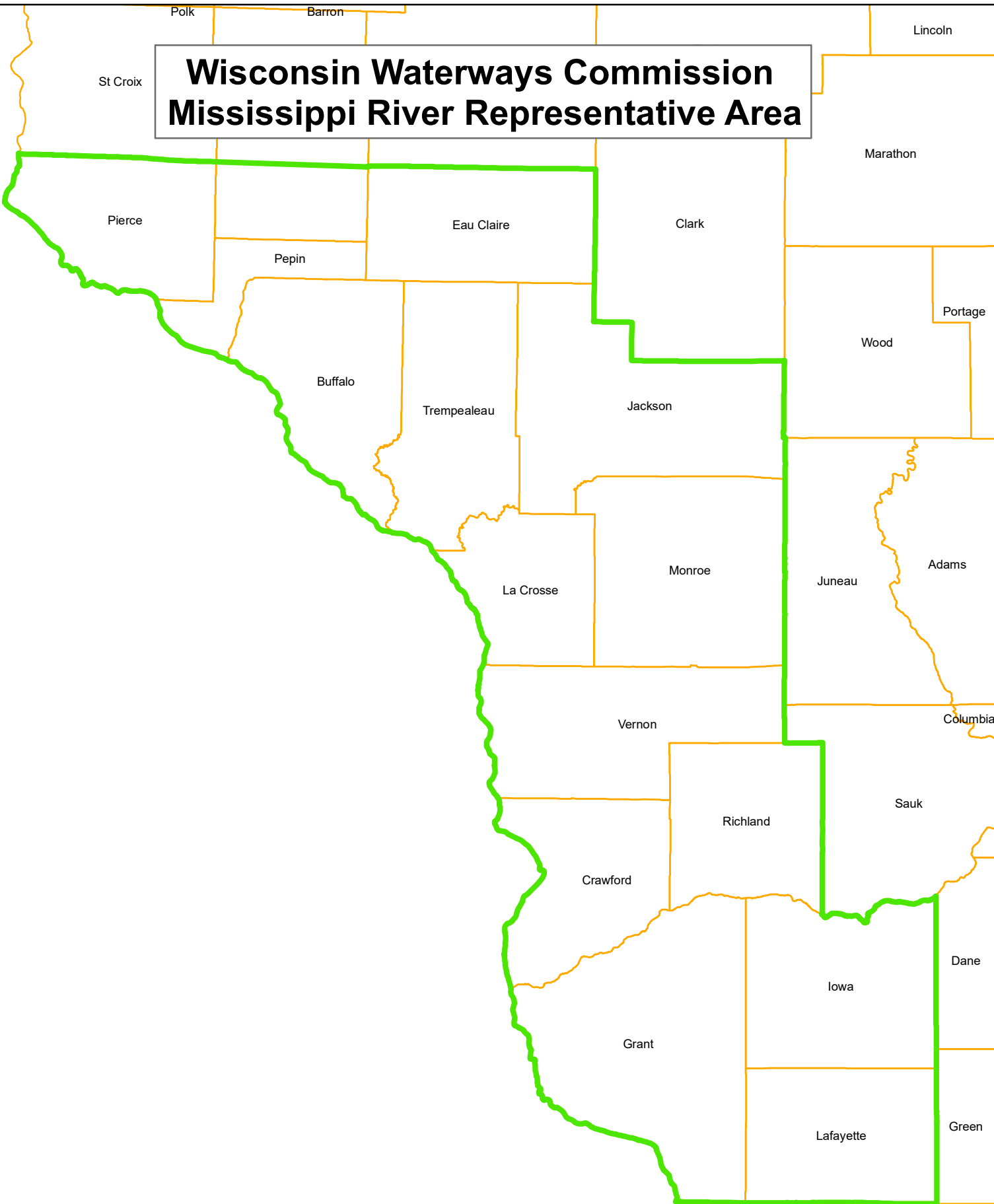
Wisconsin Waterways Commission Lake Superior Representative Area



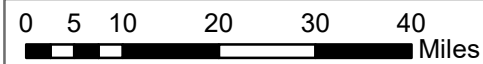
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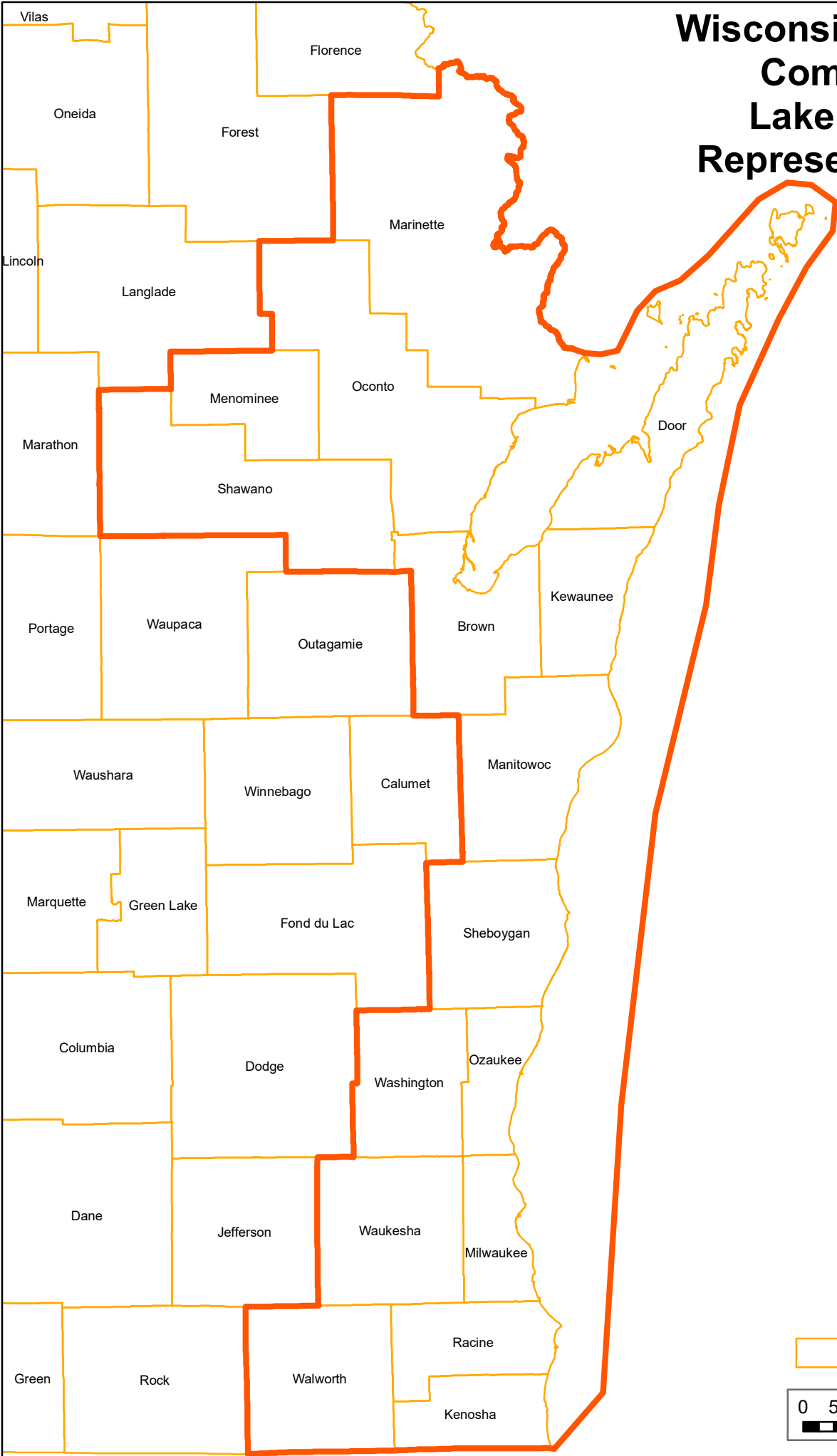
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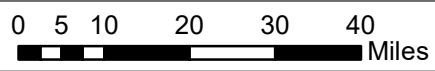
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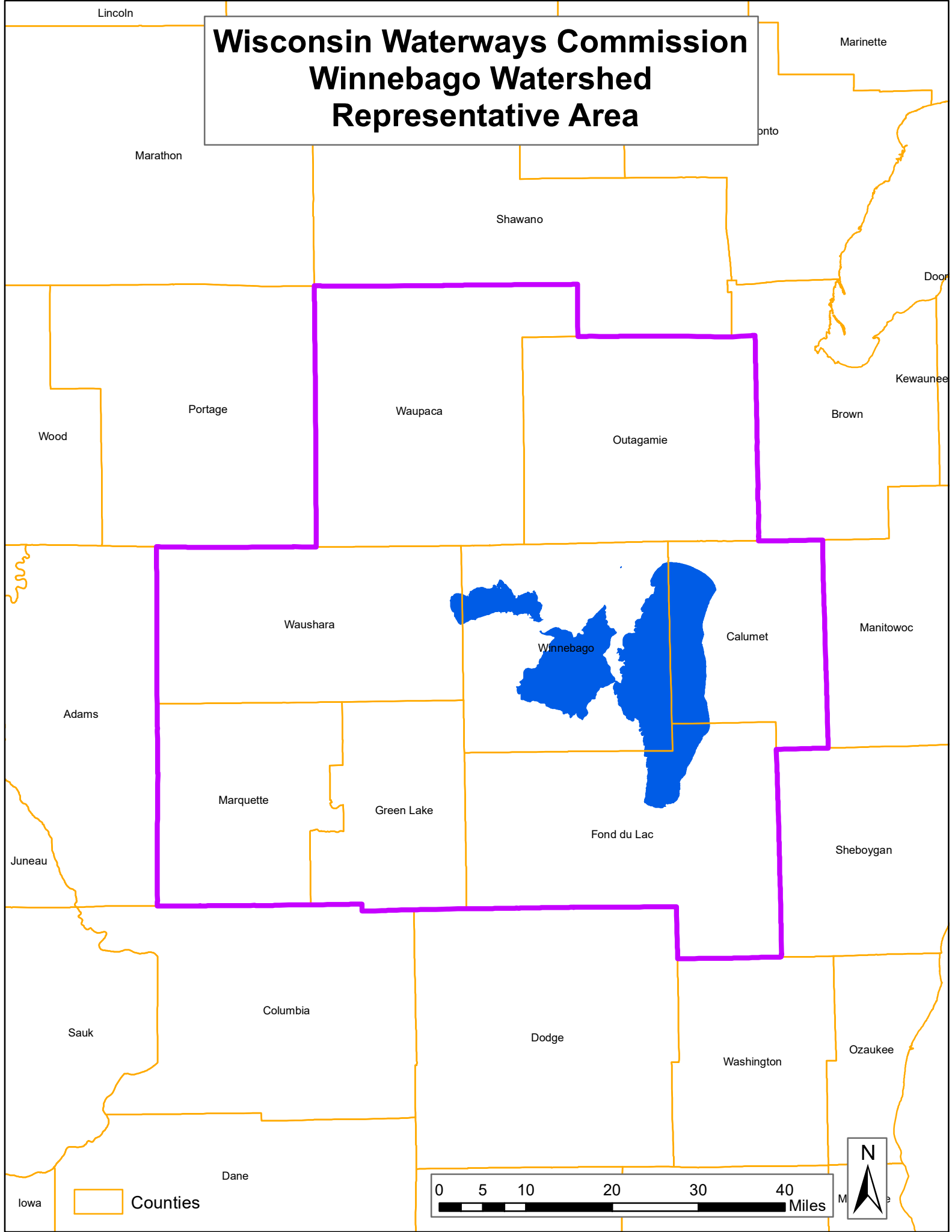
Wisconsin Waterways Commission Lake Michigan Representative Area



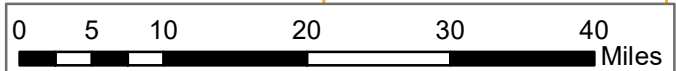
 Counties



Wisconsin Waterways Commission Winnebago Watershed Representative Area



Counties



DATE: January 29, 2024

TO: Joe Magestro, Appointments Director

FROM: Roberta Winebar, Recreational Boating Facility Grant Program Manager, WDNR

SUBJECT: **Updated Wisconsin Waterways Commissioner Boundary Map**

Section 15.345, Wis. Stats., creates the Wisconsin Waterways Commission and describes its make-up. In s. 15.345, Wis. Stats., five representative areas are identified by the preeminent waterbodies dominating these specific areas, i.e., Lake Superior, Lake Michigan, Mississippi River, Lake Winnebago Watershed, and the Inland Lakes area. In order to serve as a representative on the Wisconsin Waterways Commission for one of the five designated representative areas, an individual must be able to assess the recreational water use trends, issues, history and complexities in his or her geographical area and have a principal residence within that same geographical area.

Section 15.345, Wis. Stats., doesn't define the boundaries of these representative areas, so in March of 2021 and at the request of the Governor's Office, the Department worked to delineate these areas on a map to show where these representative boundaries lie. Attachment A is that analysis and its associated residency boundary maps.

After utilizing these boundaries for the last three years, the DNR is submitting an updated boundary map, see attachment B. The primary improvement that attachment B reflects is increasing the eligible residency counties associated with the Lake Superior representative area. This makes those residency boundaries more consistent with the Mississippi River and Lake Michigan areas which allow for the county directly adjacent to the waterbody and the next inland county. The overall boundary map in attachment B makes no changes to the Mississippi area, the Lake Michigan area, the Inland Lakes area and the Winnebago Watershed area.

History:

Establishment of the Wisconsin Waterways Commission:

The Wisconsin Legislature created the Wisconsin Waterways Commission in 1978 with the passage of 1977 Wisconsin Act 274, which also created the boating facilities and boating safety assistance programs and provided for a boating safety and facilities studies. The Legislature recognized that the recreational use of the state's waterbodies was increasing, thus overcrowding and conflicts of interest also increased and were aggravated by a shortage of public access sites.

Originally under s. 15.345, Wis. Stats., the Legislature established the commission and its duties. Four geographical areas were identified and the number of members for each of these geographical areas: Lake Superior – one representative; Lake Michigan – one representative; Mississippi River – one representative; and inland area of the state – two representatives. Later, with the enactment of 1989 Wis. Act 31, the Legislature added the Lake Winnebago watershed area to the list of geographical areas under s. 15.345, Wis. Stats., and reallocated the members so that there was one member representing each geographical area.

Representative Areas:

The statute lists the five geographical areas by name, but does not define the boundaries of these areas or provide any criteria for which the Department could base the extent or delineation of these areas on, except by the name itself. Since the statute does name four of the five geographical areas by the waterbodies dominating these specific areas (Lake Superior, Lake Michigan, Mississippi River, and Lake Winnebago), it is reasonable to conclude that the Legislature intended that these geographical areas be defined by their relationship to these waterbodies or in the case of Lake Winnebago, its watershed. Factors taken into consideration in defining the boundaries of the representative areas include proximity to the waterbody, relative proximity to other identified waterbodies, the extent of its watershed, and the similarity of recreational water uses or problems facing the region.

The fifth geographical area is not identified by a dominant waterbody, but rather by a general reference to the “inland area of the state.” The common, ordinary definition¹ of inland area means land situated in the interior, removed from the sea or borders. Consistent with the intent of the creation of the commission, it is reasonable to interpret “inland area” as a reference to lands containing inland water resources. The Inland Area of the State Representative must be able to assess the recreational uses and issues on these inland waters, wherever they may be located within the state. The Department, therefore, concluded that this representative may have a principal residence anywhere within the border of the state, including the areas defined within the boundaries of the other representative areas.

Resident Requirement:

Resident is not defined in s. 15.345 or ch. 15, Wis. Stats.,² but is generally interpreted to mean a person whose “home and customary and principal residence, to which the person has the intention of returning whenever he or she is away, is in the state,” see s. 343.01(2)(g), Wis. Stats. Section 15.345, Wis. Stats., takes it a step further and requires that a waterway commission member be a resident of the area in which they serve. Therefore, the Department determined that the member of the commission must be a resident of the state of Wisconsin with a principal residence located within the geographical area in which he or she will serve and must be able to assess the recreational water use issues within that geographical area. Simply owning property within the geographical area would generally be insufficient to demonstrate residency.

¹When terms are not defined by statute, Courts resort to its common, ordinary meaning. *Weber v. Town of Saukville*, 209 Wis.2d 214, 224, 562 N.W.2d 412 (1997).

²*Id*

CORRESPONDENCE/MEMORANDUM

DATE: March 23, 2021

TO: Flora Csontos, Director of Gubernatorial Appointments

FROM: Roberta Winebar, Grant Program Manager, WDNR *RW*
Craig Sparks, Attorney, WDNR *CS*

SUBJECT: **Wisconsin Waterways Commissioner Boundary Map**

After consulting with the Department's Bureau of Legal Services, the Department submits the attached map depicting the boundaries of the five representative areas of the Wisconsin Waterways Commission. The following is a brief review of the analysis undertaken and conclusions reached by the Department in formulating this map.

Summary:

In s. 15.345, Wis. Stats., five representative areas are identified by the preeminent waterbodies dominating these specific areas, i.e., Lake Superior, Lake Michigan, Mississippi River, and the Lake Winnebago Watershed. The inland area of the state represents the last representative area. In order to serve as a representative on the Wisconsin Waterways Commission for one of the five designated representative areas, the individual must be able to assess the recreational water use problems in his or her geographical area of the state and have a principal residence within that same geographical area.

Section 15.345, Wis. Stats., doesn't define the boundaries of these representative areas, so at the request of the Governor's Office, the Department worked to delineate these areas on a map to show where these representative boundaries lie. The Department decided to use the county lines bordering these dominant waterbodies as the boundaries for each of the representative areas. This was done because the Department felt that these lines would ensure the lands and waters within them would be characteristic of the representative area while avoiding potential conflicts as to why a certain town, village or city was included or excluded from a representative area if these borders were drawn using roads, highways, or some other subjective boundary. This approach also dovetails nicely with the corresponding resident requirement.

For the Inland Area of the State Representative on the commission, there isn't a defined waterbody feature that can be used to depict a boundary. The Department, instead, determined that the statute required the inland area representative to have a primary residence within the borders of the state of Wisconsin and be able to assess the recreational uses and issues on the inland waters within the state's borders.

Analysis:**Establishment of the Wisconsin Waterways Commission:**

The Wisconsin Legislature created the Wisconsin Waterways Commission in 1978 with the passage of 1977 Wisconsin Act 274, which also created the boating facilities and boating safety assistance programs and provided for a boating safety and facilities studies. The Legislature recognized that the recreational use of the state's waterbodies was increasing, thus

overcrowding and conflicts of interest also increased and were aggravated by a shortage of public access sites.

Originally under s. 15.345, Wis. Stats., the Legislature established the commission and its duties. Four geographical areas were identified and the number of members for each of these geographical areas: Lake Superior – one representative; Lake Michigan – one representative; Mississippi River – one representative; and inland area of the state – two representatives. Later, with the enactment of 1989 Wis. Act 31, the Legislature added the Lake Winnebago watershed area to the list of geographical areas under s. 15.345, Wis. Stats., and reallocated the members so that there was one member representing each geographical area.

Representative Areas:

The statute lists the five geographical areas by name, but does not define the boundaries of these areas or provide any criteria for which the Department could base the extent or delineation of these areas on, except by the name itself. Since the statute does name four of the five geographical areas by the waterbodies dominating these specific areas (Lake Superior, Lake Michigan, Mississippi River, and Lake Winnebago), it is reasonable to conclude that the Legislature intended that these geographical areas be defined by their relationship to these waterbodies or in the case of Lake Winnebago, its watershed. Factors taken into consideration in defining the boundaries of the representative areas include proximity to the waterbody, relative proximity to other identified waterbodies, the extent of its watershed, and the similarity of recreational water uses or problems facing the region.

The fifth geographical area is not identified by a dominant waterbody, but rather by a general reference to the “inland area of the state.” The common, ordinary definition¹ of inland area means land situated in the interior, removed from the sea or borders. Consistent with the intent of the creation of the commission, it is reasonable to interpret “inland area” as a reference to lands containing inland water resources. The Inland Area of the State Representative must be able to assess the recreational uses and issues on these inland waters, wherever they may be located within the state. The Department, therefore, concluded that this representative may have a principal residence anywhere within the border of the state, including the areas defined within the boundaries of the other representative areas.

Resident Requirement:

Resident is not defined in s. 15.345 or ch. 15, Wis. Stats.,² but is generally interpreted to mean a person whose “home and customary and principal residence, to which the person has the intention of returning whenever he or she is away, is in the state.” see s. 343.01(2)(g), Wis. Stats. Section 15.345, Wis. Stats., takes it a step further and requires that a waterway commission member be a resident of the area in which they serve. Therefore, the Department determined that the member of the commission must be a resident of the state of Wisconsin with a principal residence located within the geographical area in which he or she will serve and must be able to assess the recreational water use issues within that geographical area. Simply owning property within the geographical area would generally be insufficient to demonstrate residency.

¹ When terms are not defined by statute, Courts resort to its common, ordinary meaning. *Weber v. Town of Saukville*, 209 Wis.2d 214, 224, 562 N.W.2d 412 (1997).

² *Id.*