



## WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

*Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.*

### DOCUMENT ID

WW-20-0004

### DOCUMENT TITLE

Ordinary High Water Mark Factsheet

### PROGRAM/BUREAU

Waterways

### STATUTORY AUTHORITY OR LEGAL CITATION

Chapter 30, Wis. Stat.

### DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

3/9/20

### DATE FINALIZED

4/27/20

### DNR CERTIFICATION

*I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.*

4/17/20

Signature

Date

# Ordinary High Water Mark (OHWM) Determinations

## OHWM Appearance in Different Places

It is important to remember that the OHWM is not a set elevation and typically does not change rapidly with temporary fluctuations in water levels. It also may not always be located at or near open water.

While the same type of biological and physical indicators are reviewed when determining the OHWM on any shoreline or streambank, the indicators can appear quite different depending on the type of waterbody under review. (see examples on the following page).

### Coastal shorelines

- Exposed and/or vegetated lakebed (beach) is common during lower water level years.
- Very old, mature upland trees are often a primary indicator of the OHWM.

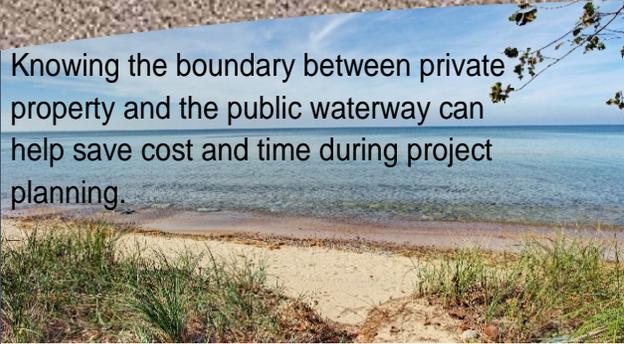
### Inlake Lake shorelines

- Well established, mature vegetation is an excellent primary indicator of OHWM.
- Locations where historic stabilization has been placed is another key indicator.

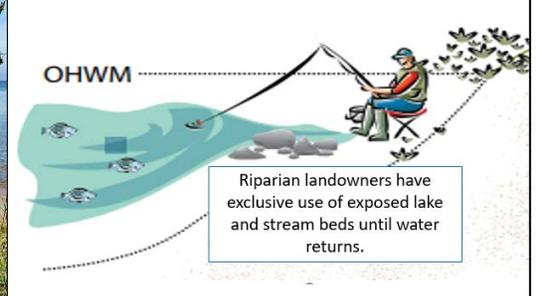
### Streambanks

- Bank erosion and undercutting, exposed root systems, changes in bank vegetation, and water staining on rocks are common indicators.

Knowing the boundary between private property and the public waterway can help save cost and time during project planning.



### When the Water Level is Low



## What is the OHWM?

The Wisconsin Department of Natural Resources is the custodian of Wisconsin's lakes and rivers: managing these resources for the benefit of all WI citizens. Because of the public's rights to utilize waterways for navigation, hunting, fishing, swimming, and other forms of recreation, establishing the boundary between the public resource and adjacent private (riparian) land is very important. The Ordinary High Water Mark (OHWM) serves as such a boundary.

The OHWM is defined as "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". *Diana Shooting Club v. Husting*, 156 Wis. 261, 272 (1914)

## How OHWM affects your property or project

The OHWM isn't often identified on surveys or maps and may be difficult to distinguish on some sites. To help you understand your property rights and to plan projects, knowing the OHWM location can help you in many ways, such as:

- Understanding structural setback requirements
- Identifying the extent of your private property
- Discussing tax assessment or adjustments with your local municipality
- Determining what is accessible to the public
- Developing shoreline protection projects

## Who determines the OHWM?

- County, city, or village zoning staff can be contacted to determine an OHWM specifically for measuring structural setbacks to help ensure your structure meets local zoning ordinance requirements.
- DNR Waterways staff are available upon request to determine the boundary between private property and public resource for purposes of shoreline structures and waterway-related activities.

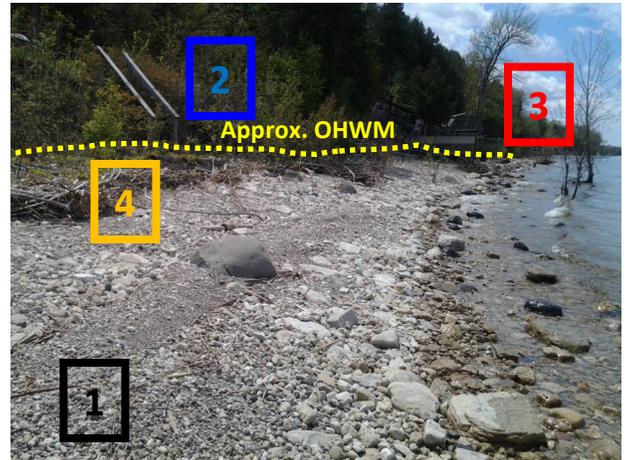
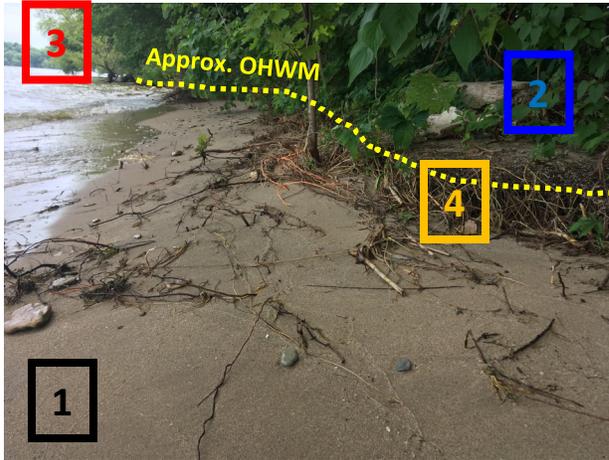
Visit these helpful websites for more information:

General Waterway Info: [https://dnr.wi.gov/topic/waterways/general\\_info/ohwm.htm](https://dnr.wi.gov/topic/waterways/general_info/ohwm.htm)

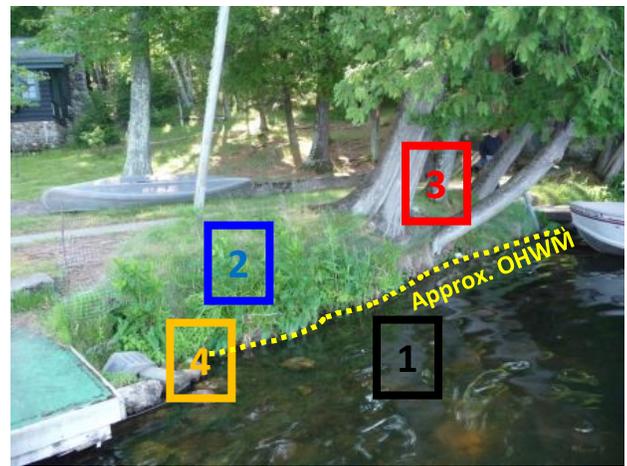
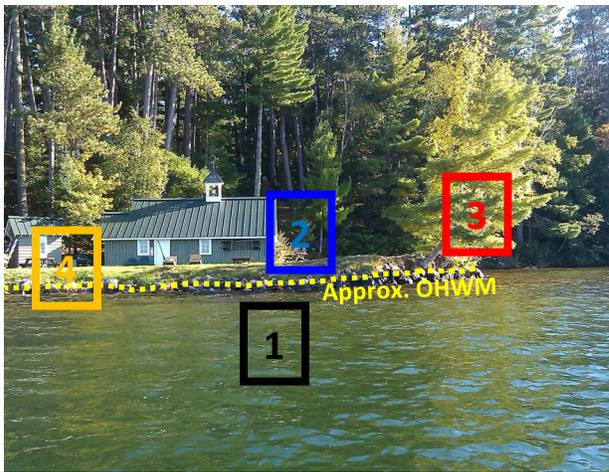
OHWM info: <https://dnr.wi.gov/topic/waterways/documents/OrdinaryHighWaterMark.pdf>

# Ordinary High Water Mark Indicator Examples

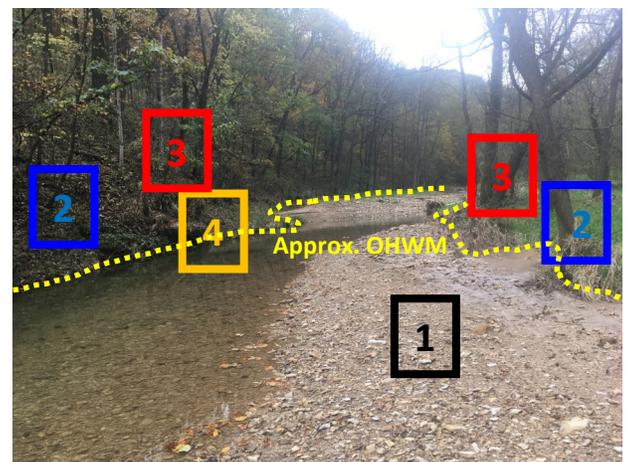
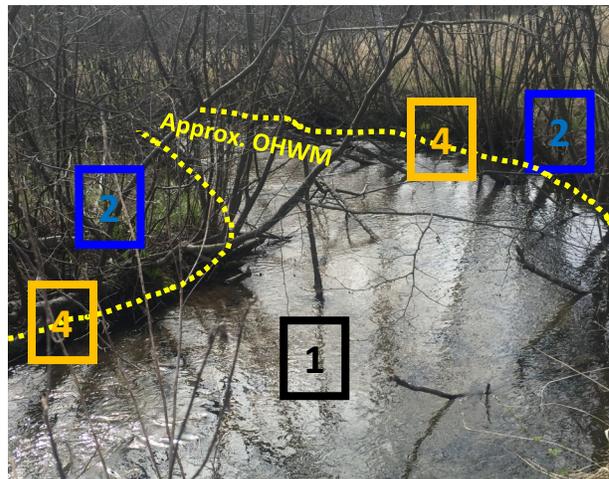
## Coastal Shorelines



## Inland Lakes



## Rivers and Streams



## OHWM Indicator Key

1. Exposed Lake bed, lack of vegetation due to inundation, aquatic vegetation (below OHWM)

2. Changes in Bank Vegetation, lateral exposed roots (above OHWM)

3. Mature Upland Vegetation (above OHWM)

4. Evidence of recent water action—Exposed Roots, bank erosion, or debris (near or below OHWM)