

# **REASONS TO OPPOSE SOLID DOCK STRUCTURES**

---

## **INTERRUPTION OF THE LITTORAL DRIFT**

The DNR study indicates that “water quality and near shore species are impacted by the obstruction of the littoral drift created by these solid piers.” This zone, the shallow water area encompassing three feet or less, is essential for aquatic organisms and a variety of fish and water for their life sustaining functions. Piers interrupt and reduce aquatic plant communities and affect lake productivity and biodiversity. Sea wall construction and pier construction coupled with the growing number of piers will simply result in cumulative effects.

---

## **WATER MOVEMENT AND LONG SHORE CURRENTS**

When piers are located in proximity, they change the normal current patterns and disrupt the long shore currents. They create a barrier to free water movement and the space between the two structures becomes a catch basin for dead fish, debris, rotting vegetation and the exotic Eurasian water milfoil and curly leafed pond weed. This change can destroy the natural habitat of the native species found there and can create a more suitable habitat for non-native species of plant and aquatic life.

---

## **OBSTRUCTION OF NAVIGATION**

Shallow waters of the shoreline are routinely used by swimmers, fishermen, canoers and kayakers who travel close to the shore for safety and enjoyment of the shoreline beauty. These same waters are also used by smallmouth bass, walleye, trout and many other fish species for spawning and feeding areas. Solid dock piers thus become an interruption for these activities. Furthermore, navigable waters are considered to be public waters.

---

## **ADJACENT LAND OWNERS**

Piers may also interrupt the view or immediate landowners. Owners buy water property to appreciate and savor the view. Not only does a pier interrupt their view, but it may also reduce their property value. Adjacent properties are also targets for erosion and accretion along their shorelines due to wave refraction from the solid piers. Invariably, sediment will begin to accumulate on one side of the solid dock and the shoreline on the other side will be starved. Most riparian owners want their beach and shoreline to remain in its natural state.

---

## **WATER DAMAGE**

While some docks are located in protected waters and are free of winter damage, many of the existing and proposed docks are in unprotected waters, such as the bay of Green Bay. It is well known that docks can easily sustain damage and the damage is often extensive. When traveling along the shoreline in such an area, one can witness damaged docks that owners have chosen not to repair. These are unsightly from the water as well as for the neighbors along the shoreline. There is no requirement that the dock owner keep his dock, located on the publicly owned lakebed, in good repair. Many of these dock structures are no longer used for their original purpose.

---

## NATURAL SCENIC BEAUTY/AESTHETICS

We understand that over 30 permits have been requested in the Sturgeon Bay and Green Bay area in the past few years. A number of these permits are for docks in excess of 100 feet or more in length and include an 'L' configuration. The Green Bay shoreline is considered by many to be especially beautiful. In recent years, however, a number of particularly large docks have been built occupying thousands of square feet of public lakebed. Viewing the shoreline from the water quickly confirms the fact that these structures are diminishing the natural beauty of the shoreline. Zoning laws control construction within 75 feet of the high water mark inland but controls are not in effect from that mark toward and into the water.

---

## CUMULATIVE EFFECT

One dock may not be a strong reason to oppose solid dock structures. The cumulative effect over the years on all the above points, however, creates an extremely strong case for opposition to these structures. Imagine what the beautiful shoreline of Door County would look like if there were a solid fill dock structure every 100-150 feet? If there were a solid fill dock with a 35-foot base every 100 feet along the shoreline, over 1,800 feet of lake bottom would be filled every mile. There would be no littoral drift along the shoreline. There would be no free water movement and no long shore currents within 150 to 200 feet of the shoreline. **There would be no scenic shoreline left.**

Many promotional pictures of the Door County shoreline show a pristine view with no solid fill docks evident. **Let's protect one of Door County's most valuable assets.**

## COURT COMMENTS

*Hixon v. Public Service Commission, (1966)* While the State of Wisconsin holds the beds of navigable waters in trust for all its Citizens, the trust doctrine does not prevent minor alterations of the natural boundaries between water and land. However, in this case, the Court ordered a 120 foot long breakwater to be removed as an obstruction. **The Court noted that the State of Wisconsin must look at the cumulative impacts of fills,** stating:

"There are over 9,000 navigable lakes in Wisconsin covering an area of over 54,000 square miles. A little fill here and there may seem to be nothing to become excited about. **But one fill, though comparatively inconsequential, may lead to** another, and another, and before long a great body of water may be eaten away until it may no longer exist. Our navigable waters are a precious natural heritage. Once **gone, they disappear forever.**"

*Justice Currie (1952)* **"The right of the citizens of the state to enjoy our navigable streams for recreational purposes, including the enjoyment of scenic beauty, is a legal right that is entitled to all the protection which is given to financial rights."**

*Chaffin v. State Department of Natural Resources 58 Wis.2<sup>nd</sup> 182 (1973)* "Determination that a specific structure is detrimental to public interest on grounds that it impairs the natural beauty of a lake is proper basis for denial of a permit for the structure. The natural beauty of our northern lakes is one of the most precious heritages Wisconsin citizens enjoy. **It is entirely proper that the natural beauty should be protected against specific structures that may be found to mar that beauty.**"