

71-04-13

Wisconsin Conservation Congress Resolution

Apr 8, 2013

Adequate Free Access to Waterways

Background

- 1) Free use of the states waterways "without tax, duty, or impost" is a right guaranteed by Article IX of the Wisconsin Constitution.
- 2) Individuals cannot exercise said right without access facilities.
- 3) As with any constitutional right, the state and its municipalities share the responsibility to provide an adequate amount of free access to the right to free use of the waters of the state.
- 4) The state's administrative code NR 1.91 specifies adequate access standards to waterways based on the type and size of the waterway.

Problem

- 1) State Statute 30.77(3)(e) allows municipalities to charge launch fees and parking fees at sites they own and operate.
- 2) The transfer of ownership of access sites from the state to its municipalities combined with the implementation of fees as allowed by said State Statute has resulted in unconstitutional instances where either inadequate free access or no free access at all exist to most of the states waterways.
- 3) The water resources account funded by a portion of the gas tax originally created to fund access site maintenance has been redirected to other purposes through recent acts of the legislature.

BE IT RESOLVED that the Conservation Congress at its annual meeting held in Winnebago County on April 8, 2012 recommends that the Conservation Congress work with the Department of Natural Resources and the legislature to modify the state statute to allow launch fees only after adequate free access has been established to the states waterways and to reinstate the portion of the water resources account required to provide such adequate free access.

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