

Shoreline Management Plan

City of Buffalo City, Wisconsin

Purpose:

The purpose of the Shoreline Management Plan (SMP) is to set parameters for management actions that will serve as the framework for promoting current and future use of the Mississippi River shoreline which is leased to the City of Buffalo City (City) by the U.S. Army Corps of Engineers (Corps). Effective shoreline management planning is essential to protect and enhance the scenic, recreational, cultural, and environmental values of the Mississippi River.

Existing Policy Framework

Recognizing that the Mississippi River is a multi-purpose resource, the U.S. Fish and Wildlife Service and the Corps have produced a joint document called the Upper Mississippi River Land Use Allocation Plan (LUAP). The LUAP seeks to balance and enhance fish and wildlife management and recreation management actions, while maintaining the river's navigation system. All federally-owned acres above the normal pool levels are allocated to one of five land use categories. The area encumbered by the City's lease is designated as "Recreation/Low-Density".

Recreation/Low-Density refers to lands that are allocated for non-intensive, low-density recreation use. This type of recreation includes scattered, individual outdoor recreation activities. Low-density recreation areas normally are not identified with developed facilities or with areas of intense group concentration. Typical activities on such lands include hiking, hunting, fishing, undeveloped beach use, primitive camping, and cross-country skiing.

Although private structures are not allowed in low-density recreation areas, the Buffalo City shoreline is identified as a "Limited Development Area". In Limited Development Areas, existing structures may be expanded or new structures considered under Corps permitting requirements and standards.

Riverfront Committee: (Revised 5-2024)

The Mayor of Buffalo City shall appoint a 4-member governing committee to assist him/her with the daily management of the shoreline encumbered by the lease. All decisions made by the Riverfront Committee must be approved by the City of Buffalo City Common Council. The Corps of Engineers shall retain the right to over-ride decisions made by the Riverfront Committee, if its decisions are deemed discriminatory or self-serving; or, are made in direct violation of the lease terms. In addition to the Mayor, the Riverfront Committee shall consist of:

1. Non-Permitted Citizen of Buffalo City*
2. Alderperson*
3. City Clerk
4. City Superintendent

* The citizen member and Alderperson shall each serve a 4-year term, at which time, a new citizen and Alderperson will be appointed.

Revised 5/2024

Shoreline Management Guideline's (SMG)

Shoreline Management Guideline's (SMG's) have been established to assist the Riverfront Committee with proper management of the leased shoreline. The SMG's are recognized as the minimum standards to follow for approved construction projects and shoreline protection.

SMG1 - Structure Permit: (Revised 5-2024)

Prior approval must be granted by the Riverfront Committee before any private facilities are expanded or replaced along the shoreline encumbered by the Corps' lease. Prior approval is also required before any new facilities may be installed. Approval is granted by way of a Structure Permit. Permit applications must include a diagram(s) of the proposed facility. If the applicant has applied for, and received, any State, county, or local building permits, those documents must accompany the application. Work may not begin until the permit space is marked on River Road by the City. All structures will have a final inspection, and if found to not follow the approved permit will be required to be removed immediately.

SMG2 - Docks: (Revised 5-2024)

Size, spacing and design criteria will be applicable to all new structures placed within the property. The gangway for new docks must be at least three (3) feet wide, but not exceed six (6) feet. The dock itself must be at least three (3) feet wide but no more than eight (8) feet wide. Additionally, no dock may extend a distance of more than 50 feet from the shoreline and may not impede on any navigable channel. Total square footage will not exceed 600 square feet. The following setbacks in the water must be followed: 20' permit sections must leave 5' of empty water space on each side between the permit line and dock and 40'+ sections must leave at least 8' of empty water space on each side between the permit line and dock. All current docks at the time of this revision will be grandfathered in, but if found to impede on their neighboring permit holders will be required to make adjustments by the Riverfront Committee. Variances may be authorized by the Riverfront Committee if site specific circumstances warrant deviation from the criteria.

SMG3 - Stairways or Steps:

Stairways or steps may be authorized by the Riverfront Committee. Building materials shall be metal, wood, stone, or some other similar material that can be removed, if required. Width of stairways must not exceed 42 inches. Massive placed concrete or mortared block, brick, or stone structures will not be permitted. Any existing masonry structures must be properly maintained, but will not be allowed to be expanded. In the event an existing masonry structure must be replaced, the new building materials will be limited to the previously identified approved building materials.

All steps or stairways, if painted, will be painted a neutral color so that they will blend into the natural background. White, yellow, orange or other high visibility paints or coloring will not be allowed.

All steps or stairways constructed of a floatable material shall be firmly anchored in place. Trees shall not be used as anchoring devices.

No stairway or other structure(s) will be permitted where the existing slope exceeds 50 percent (1:1 slope) due to increased potential for erosion-related problems created from construction or use.

Revised 5/2024

SMG4 - Prohibited Structures:

The following items are prohibited from being placed on the riverfront property:

1. Decks
2. Fences
3. Platforms
4. Sheds
5. Boathouses
6. Any unpermitted structure

SMG5 - Vegetation:

The Corps encourages the planting of native trees and shrubs on government-owned land for the purpose of bank stabilization and prevention of erosion, provided these plantings do not form a barrier to public access or interfere with the surveying of the government property line.

Trees, alive or dead, may NOT be removed from government property; however, special considerations will be given to requests for removal of trees which could endanger private property. Before any vegetation can be removed, prior approval from the Riverfront Committee and the Corps is required. Limited brush cutting to improve views would be considered for evaluation by the Riverfront Committee on a case by case basis.

SMG6 - Retaining Walls/Rip-Rap:

Construction of retaining walls above the ordinary high water mark (OHWM) for the purpose of erosion control requires permission from the Riverfront Committee, who in turn is required to have written permission from the Corps. Retaining walls and the use of fill material to level out yards, or to increase the size of yards, will not be permitted.

Construction of retaining walls or other excavation of government property which is below the OHWM requires the approval of the Riverfront Committee, the Corps, the U.S. Fish and Wildlife Service, and the Wisconsin Department of Natural Resources. In order to gain approval, shoreline protection should be simple in nature, such as rip-rap, and will not impart the appearance of private ownership.

SMG7 - Electric Service Lines:

Electrical installations must be weatherproof and meet all current applicable regulations including State and local codes and regulations. Electrical service must be done by a certified electrician and a copy of the certification must be provided to the Riverfront Committee. The Riverfront Committee may require immediate removal of any electrical service not meeting current electrical standards.

SMG8 - Inspection and Compliance:

The Riverfront Committee, or its designee, has the right to inspect and request the removal of any unauthorized riverfront structures. All permitted areas must be kept free of refuse and debris. Any items placed on the property under authority of a Riverfront Permit shall be removed upon demand of the Riverfront Committee, or its designee. In the event of failure or refusal to remove within thirty (30) days, the City may remove or cause the same to be removed without liability to the City and the cost of such removal shall be borne by the lease holder.

SMG9 - Residential Property Rights: (Revised 4/2020)

Revised 5/2024

It shall be understood by the parties, that issuance of a Permit does not convey any private property rights in the underlying real estate, or any other exclusive privilege. All leases from this date (July 18, 2016) forward will only be granted to City of Buffalo City property owners. Sub-Permitting of riverfront space is not allowed and will result in immediate permit revocation. Lease permits shall be transferrable to immediate family members who are Buffalo City tax payers, with the sale of residential property, or with approval of the City of Buffalo City Common Council to City property owners. Signed written notice of intent to transfer must be given to the Riverfront Committee for approval. Property sellers that will no longer pay Buffalo City tax will not be allowed to keep a Riverfront lease. The lease must be transferred to the new property owner or given back to the City. Riverfront committee reserves the right to review all transfers over 40' and separate said leased spaces into sections to best achieve the 40' minimum leased space requirements and allow for leases to be available to Buffalo City property owners on the waiting list. Example #1: An 80' Leased Section being transferred to a relative or with the sale of a property may be split into two 40' sections allowing the transfer of one 40' section as requested and the other 40' section being leased to the Buffalo City property owner on top of the waiting list. Example #2: A 60' section transfer request could be approved for the transfer of only 40' with the remaining 20' section to be combined with a neighboring 20' section to create the minimum 40' section. Anyone who currently has a leased riverfront space will not be eligible to get an additional lease via a property transfer as of the date of this change (April 2020).

SMG10 - Commercial Property Rights: (Revised 4/2020)

It shall be understood by the parties, that issuance of a Permit does not convey any private property rights in the underlying real estate, or any other exclusive privilege. Commercial Lease permits MUST be transferred with the sale of the commercial property that the lease is associated with, or with approval of the City of Buffalo City Common Council to Buffalo City property owners. Signed written notice of intent to transfer must be given to the Riverfront Committee for approval. Sub-Permitting of riverfront space is not allowed and will result in immediate permit revocation.

SMG11 - Permit Waiting List: (Revised 4/2020)

The Riverfront Committee maintains a waiting list of potential future riverfront Permittees. The waiting list will be used whenever a riverfront Permit is returned to the City. All new permit agreements issued by the Riverfront Committee will be issued in 40-foot sections. All current 20-foot riverfront permit sections will be offered to neighboring 20-foot section owners or distributed at the City of Buffalo City Common Council's discretion. All permits issued after January 1, 2013, will only be issued to City of Buffalo City property owners. Current lease holders may not be placed on the waiting list for additional riverfront leased space.

SMG12- Permit Termination: (Revised 7/2016)

Permits may be terminated by the permit holder at any time by giving the Riverfront Committee advance written notice. Advance notice shall be a minimum of ten (10) business days. In case of termination, no refund by the City of any sum theretofore paid shall be made. The provisions of any previously issued Permit may be amended or revoked by the Riverfront Committee by giving the permit holder ten (10) days advance notice in writing, with an explanation for amending or revoking said permit

SMG13 - Permit Fees: (Revised 4/2020)

The City Council of Buffalo City is responsible for establishing the fee schedule for riverfront permits. The established fee schedule cannot be altered without a signed Resolution issued by the City Council.

Revised 5/2024

Fees collected by the City shall be retained in an account established for the purpose of maintaining the riverfront property in accordance with the Corps' lease.

Permit Fees are currently \$60 per 20'. All fees are due by May 31st of each year. Invoices or bills are NOT MAILED. It is your responsibility to remember to pay all lease fees by May 31. Late fees of double the current amount will apply from June 1-15. After June 15, the penalty is an additional \$60 per 20' for every 72 hours the permit is not paid. If payment is not made by June 30th, the lease will be revoked.

Original Shoreline Management Plan – Dated 2012

Amendment #1 (7-18-16): Add "to City of Buffalo City property owners" to SMG9 – Property Rights & SMG10-Permit Waiting List as well as changes to the Riverfront Committee description

Amendment #2 (4-13-2020): Specify Dock Size SMG2; Revise Transfer with Sale of Property SMG9; Add Transfer with Commercial Property SMG10; Revise Permit Waiting List SMG11; Change Permit Fee Schedule SMG13

Amendment #3 (5-2024) Riverfront Committee length of service; SMG1 – Revised Structure Permit process; SMG2 Docks – Added setbacks specifications for docks in the water.