

Upham Fence Timeline

Early April 2016—Fence is constructed by Upham Woods at traditional canoe launch on Cty N aka Stand Rock Road between Upham Woods gate and Sandstone Pub. Sixteen “No Parking” signs are installed by the county along UWoods property

April 2016— Facebook page Help Save Blackhawk Island Canoe and Kayak Launch Wisconsin Dells is initiated.

April 2016—Private property neighbors Anne Klein and Jeff Morris write letters to UWoods staff denying campers permission to cross their land until the fence comes down, thus denying access to UWoods’ landlocked property on the north side of the river channel.

May 24, 2016—UWoods public meeting with UW Extension and Cooperative Extension Staff. Most of the 50 people in attendance object to the fence.

Early June—Meeting with Stewards of the Dells of the Wisconsin River president, Debbie Kinder; Stewards vice-president, Laura Reger; and Upham Woods executive director, Justin Hougham.

June 30, 2016—Meeting with Hougham, Kinder, and WI Dells Mayor Brian Landers. Mayor Landers invites Hougham to apply to the City of WI Dells for annexation in order to have better access to the WI Dells Police Department protection as well as more city services. UW Extension Chancellor Cathy Sandeen is copied on this offer. She later communicates to Landers that she will not interfere with Hougham’s decisions about UWoods.

November 3, 2016—Klein posts on FB: “I just received a call from Justin at Camp Upham Woods, telling me that winter is coming and they are going to start accessing their land through my property. . .I said, ‘I have a question...Are you telling me that you are going to cross my land even though you do not have permission?’ He said that they have ‘historic access.’ ”

February 2017—Donna Timm brings Ray Feldman, Juneau County Supervisor, into the discussion.

March 30, 2017—Juneau County Corporation Council lawyer informs Hougham that No Parking signs will be removed at the request of the Stewards. The letter cites, “the public trust doctrine encoded in the Wisconsin Constitution dictates that the riparian rights of the owner must be tempered by the public’s right to free access to the waterway.”

April 6, 2017--Steve Wildeck of UW Extension explains in an email to Kinder that he will be speaking on behalf of UWoods instead of Hougham.

April 11, 2017—All 16 No Parking signs are removed.

Spring of 2017—Community Leaders in Paddle Sport Education is introduced in City of WI Dells Parks and Rec summer program booklet offering access to the river through the camp. Because participants would be required to complete an orientation class and do 8 hours of volunteer service at the camp, and because the hours are limited to when the camp is open, with special permission required for weekend access —no one enrolls.

May 2017—Upham counselors leading campers are ticketed for trespassing on Jeff Morris’ Sandstone Pub and Grill property. Trails in the snow and cut fence wire during the previous winter indicate that trespassing had been occurring regularly before the arrest.

October 2017—Stewards begin work on proposal to install a floating dock off the Juneau County right-of-way property south of the culvert.

October or November 2017—A right-of-way marker appears on the bank between Cty N and the river south of the culvert. No one in Juneau County has installed the marker.

November 14, 2017—Kinder and Feldman meet with Steve Wildeck at Upham Woods. Further meetings are proposed with more community members. Wildeck states that the fence will stay.

Spring of 2018—Community Leaders in Paddle Sports is again offered in 2018 Parks and Rec program, and again no one enrolls.

April 2018—Juneau County surveyor moves the right-of-way (ROW) marker to the correct place and verifies that the fence is on the correct boundary between Juneau County N ROW and UWoods property.

April 11, 2018—Feldman, Kinder, and Les Pennington meet with Juneau Highway Committee to ask for permission to build a floating dock originating on County N ROW. Committee will not comply unless UWoods would agree to its construction. Floating dock plan is abandoned.

May 2018—Stewards propose boundary marker along shoreline on Cty N ROW consisting of 4 x 4's which paddlers could step off to launch their canoes, kayaks, paddle boards. Committee would comply only if UWoods would agree to its construction. The plan is abandoned.

May 7—Kinder begins corresponding with Wildeck to request a second meeting, which doesn't happen. On July 27 Wildeck announces in an email that Dean Karl Martin will take his place in speaking on behalf of UWoods.

August 2018—Fence is extended to the north and a large brush pile is created on the south end of the fence.

September 12, 2018—Martin responds to an email from Kinder requesting a meeting: "While I appreciate the offer to meet, I don't know that it is necessary or helpful. We have no intention of removing the fence or allowing access along Highway N."

October 25, 2018—The annual meeting of the Stewards decides to petition the University of Wisconsin Board of Regents to remove the fence and and restore safe public access to the Wisconsin River.

October 31, 2018—A letter is sent to UW Chancellor Rebecca Blank requesting a meeting.

The Northwest Ordinance of July 13, 1787 (federal) provides that: "The navigable waters leading into the Mississippi and St Lawrence, and the carrying places between the same, shall be common highways and forever free, as well to the inhabitants of the said territory as to citizens of the United States and those of any other states that may be admitted to the confederacy, without any tax, impost or duty therefor." [This is still the law of the land, even though it precedes the U.S. Constitution. It is also in the **Constitution of the State of Wisconsin**, Article IX]

Public Trust Doctrine of 1994 (Wisconsin): "Wisconsin law recognizes that owners of lands bordering lakes and rivers— "riparian" owners—hold rights in the water next to their property. These riparian rights include the use of the shoreline, reasonable use of the water, and a right to access the water. However, the Wisconsin State Supreme Court has ruled that when conflicts occur between the rights of riparian owners and public rights, the public's rights are primary and the riparian owner's secondary." [Source: Wisconsin DNR]