Form 1100-001N (Rev. 09/14)

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

Item No. 3.B.4.

SUBJECT: Determination that the prohibition of at least one nature-based outdoor activity (NBOA) is necessary to protect public safety on land to be purchased with Knowles-Nelson Stewardship funds.
Sponsor: City of Racine, Racine County

FOR: February 2016 Board meeting

TO BE PRESENTED BY: Doug Haag, Deputy Bureau Director

SUMMARY:

Per s.23.0916(2), Wis. Stats., the Board must determine that the prohibition of hunting is necessary to protect public safety on 5.575 acres in the City of Racine, Racine County.

The Department has made the determination that the prohibition on hunting is necessary to protect public safety because:

- Proximity to residential and commerical buildings
- Proximity to schools.
- Proximity to roads.
- The size, shape, and location of the parcel.
- The primary purpose of the property (urban park).

The proposed grant of $470,750 will come from the Urban Greenspace subprogram of the Knowles-Nelson Stewardship program.The future passive park on the Root River will include outdoor recreational opportunities. The public will be able to enjoy fishing, hiking, biking, trapping, cross-country skiing, canoe/kayak access, picniking, snowshoeing, nature observation, and bird watching.

RECOMMENDATION: Ratify the determination that the prohibition of hunting is required to protect public safety on 5.575 acres to be acquired by the City of Racine.

LIST OF ATTACHED MATERIALS (check all that are applicable):

☒ Background memo
☐ Type name of attachment if applicable
☐ Type name of attachment if applicable
☐ Type name of attachment if applicable
☐ Type name of attachment if applicable

Approved by	Signature	Date
Craig Thompson Bureau Director		1-29-16
Sanjay Olson, ~~Land~~ FWP Division Administrator		1-30-16
Cathy Stepp, Secretary		2/1/16

cc: Board Liaison – AD/8

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: January 22, 2016

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITION

The Department requests that the Board approve a determination that the prohibition of one nature-based outdoor activity is necessary on 5.575 acres of land in the City of Racine, Racine County. The Department proposes to award a grant in the amount of $470,750 to the City of Racine for the purchase of land on which hunting will be prohibited by ordinance.

I. PROJECT DETAILS

Project Sponsor: City of Racine
Seller: FDP MR LLC (Machinery Row LLC)
Grant sub-program: Urban Green Space

Project Description: The 5.575 acre property known as Machinery Row is situated in the heart of downtown Racine. It includes approximately 2,700 feet of frontage along the Root River. The City has future development plans to convert the parcel to a river promenade and urban greenspace to expand outdoor recreational opportunities. Maps are attached as Appendix A

Project Goals: Machinery Row acquisition project will provide public land for outdoor recreation, and meets the following community and regional goals:

- Provides new public land for nature-based outdoor recreation.
- Provides public access to the Root River
- Implements recommendations from City of Racine Park and Open Space Plan: 2011.
- Implements recommendations from RootWorks: Root River Corridor Redevelopment Plan

The project will also implement the following Statewide Comprehensive Outdoor Recreation Plan (SCORP) Goals:

- Assess, Understand, and Adapt to Growing Recreation Tourism Demands and Preferences
- Improve Integration of Outdoor Recreation Interests and Needs in Land Use and Other Relevant Planning Efforts
- Continue to Provide and Enhance Public Access to Wisconsin Recreational Lands and Waters
- Promote Outdoor Recreation as a Means of Improving Public Health Among Wisconsinites
- Establish Great Urban Parks and Community Green Spaces

Current/Prior Use of Property: The 5.575 acre public acquisition area surrounds private redevelopment parcels that contain two large manufacturing buildings, which until recently, were used for warehousing and manufacturing. The site is currently zoned I-2 General Industrial, which will be changed to a public facilities/institutional classification upon City acquisition.

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Proposed Public Uses: The Machinery Row Acquisition will be available to the public 24 hours per day, 7 days per week, and 365 days per year. Users will be able to hike, cross-country ski, trap, fish, bike, canoe and kayak, observe nature, bird watch, snowshoe and picnic. Due to the site's proximity to schools, businesses, residential units, museums, festivals and events, the City of Racine anticipates the Machinery Row Promenade will be heavily used throughout the year. The City's annual Fourth Fest alone welcomes over 100,000 visitors – approximately 20,000 of which would be within short walking distance or have direct access to the promenade. With the City having an average of over 5,000 persons per square mile (per US Census Bureau), the Machinery Row promenade will provide an excellent outlet for outdoor recreation.

Public recreation opportunities include hiking, cross-country skiing, trapping, fishing, biking, canoe and kayaking, nature observation, bird watching, snowshoeing, and picnicking. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting will be prohibited on the property by ordinance. The Department has determined that the prohibition of this one nature-based outdoor activity is necessary to protect public safety.

Property Management: Machinery Row Promenade will be operated and maintained by the City of Racine, consistent with their management policy.

Timetable: Pending grant approval, the City of Racine plans to close on this property no later than the end of March 2016.

II. NBOA DETERMINATION

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The City of Racine proposes to prohibit hunting in the Machinery Row property. The Southeast Regional Public Safety Team determined that the prohibition on this activity is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project (urban greenspace);
- City ordinances prohibiting discharging or carrying dangerous weapons;
- The size, shape, and location of the parcel;
- Proximity to residential homes, schools, businesses, and roads ;

The Department posted public notice about this determination on GovDelivery on December 4, 2015. No comments were received supporting or opposing the grant due to the prohibition of hunting. The public notice and summary of the comments submitted may be found in Appendix C and D attached to this Green Sheet.

III. PROJECT FINANCES

A. Partnerships:

- City of Racine: Responsible for 50% of the financial portion, the land management, operation, and maintenance of the property.
- Department of Natural Resources: Provides financial assistance.
- Financial District Properties Machinery Row, LLC: Providing financial assistance for the acquisition through donation of 50% of the appraised value to the City of Racine.

B. Appraisals

As required by s. 23.0917(7)(e)1., Wis. Stats., two appraisals were used to determine the fair market value of the land.

Appraisal 1	$937,000
Appraisal 2	$1,085,000
Value certified by Department	$1,085,000

C. Grant Calculation

As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost.

Certified appraised value	$1,085,000
Associated eligible real estate costs	$4,500
Total Maximum Project Costs	$1,089,500

D. Funding Sources

City of Racine	$618,750
Stewardship Grant Award	$470,750 (50% of requested amount)

IV. RECOMMENDED:

Doug Haag, Deputy Director
Bureau of Facilities and Lands

1-29-16
Date

Sanjay Olson, Administrator
Fish, Wildlife and Parks Division

1-30-16
Date

Racine - Machinery Row

• • •

Stewardship Grant

UGS - 316198

Racine County

Subject

Public Land - Funded by Stewardship Grants

Regional View

Location of Property

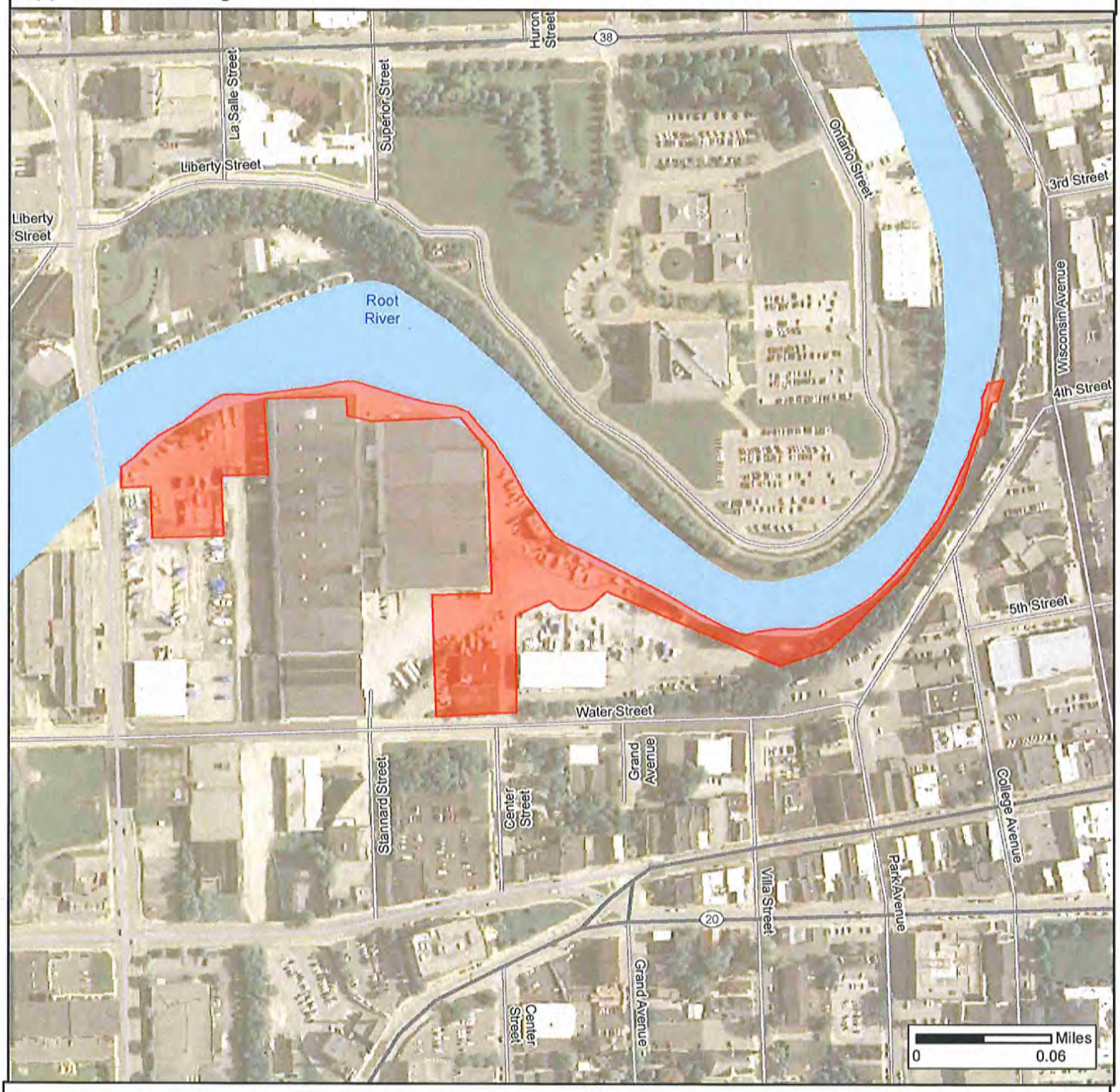
WISCONSIN DEPARTMENT OF NATURAL RESOURCES
Bureau of Facilities of Lands
Map Created: Jan 15, 2016 drs

The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map.

Racine - Machinery Row

Proposed Grant: Urban Green Space
Sponsor: City of Racine
Approximate Acreage: 5.75

Region: NER
County: Racine



Stewardship Grant

Subject

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Jan 15, 2016 drs

Real Estate Section
Bureau of Facilities and Lands

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Knowles-Nelson Stewardship Grant Program

Public Safety Team Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds

Rev. August 2012

NOTE TO DNR STAFF: *This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.*

PUBLIC SAFETY REVIEW TEAM

Jason Roberts	11-10-2015	Kevin Mickelberg	11-13-15
Regional Recreational Safety Warden	Date	Regional Warden Supervisor	Date

PROJECT DESCRIPTION

Applicant/ Sponsor: City of Racine, WI	Year of Application: 2015
Project Name: Machinery Row Acquisition	Primary Purpose: ☐ Habitat Areas ☐ Local Parks ☐ Natural Areas ☐ Urban Rivers ☐ State Trails ■ Urban Greenspace ☐ Streambank Protection

Project Description:
The City of Racine seeks to acquire 5.575 acres of land along the Root River in downtown Racine. The public acquisition area surrounds private redevelopment parcels containing two large, historic manufacturing buildings, which until recently were used for warehousing and manufacturing. The site is virtually all concrete or asphalt covered, vegetation is sparse, with several small grassy areas and tree stands located near the river's edge associated with former marina uses. The sites zoning would be changed from 1-2 General Industrial to a public facilities/institutional classification upon city acquisition. The primary purpose of the acquisition is to create public greenspace in an urban center that is open to outdoor recreation.

FINDINGS OF FACT

The City of Racine has applied for Stewardship funding for the purpose of acquiring 5.575 acres of property along the southern shore of the Root River east of Marquette street, north of Water Street along Sam's River Road. The purpose of the acquisition is to connect both residents and visitors to the historic, cultural and economic value of the Root River and expand recreational opportunities along the river.

A City of Racine ordinance currently prohibits the possession of dangerous weapons in public places within the city limit boundaries. There are currently no hunting opportunities on any of the adjacent city owned parkway properties along the Root River. Additionally, the continuous proximity of residential and commercial buildings near the proposed acquisition would continuously put hunters in violation of state firearm discharge laws. The hunting and wildlife opportunities are nearly non-existent on this particular parcel and a hunting prohibition would have a negligible impact on the public's hunting expectations in the City of Racine.

The proposed parcel's western boundary is approximately 500-600 feet east of the 21st Century Charter school (K-8). This proximity to the school places the proposed property boundaries within a designated "school zone". Currant state law restricts the possession and discharge of firearms on public lands within these designated school zones.

The SER NBOA Public Safety Team has determined that the prohibition of hunting on this 5.575 acre parcel is necessary to insure compliance with current state firearm discharge laws, state school zone laws and the need to protect the public's safety.

It is noted this parcel will expand hiking, fishing, canoeing and trapping access to the residents and tourists of the City of Racine area.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

The proposed parcel can be described as a long and narrow embankment along the southern shore of the Root River east of Marquette Street. The area is completely industrialized with residences bordering to the south and east of the proposed acquisition. The site is flat and virtually all concrete or asphalt covered. Vegetation on the parcel is sparse, with only several small grassy areas and tree stands located near the river's edge.

The western portion of the parcel is also located within 500 feet of the 21st Century Elementary Charter School (K-8). This would place a portion of the proposed parcel in a designated "school zone" which prohibits the use and possession of firearms.

It is the opinion of the SER NBOA Public Safety Team the shape of the property and the proximity to residential homes, businesses and schools creates an unusable hunting parcel that will compromise the public's safety.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	X	X	
Small Game	X	X	
Turkey	X	X	
Large Game	X	X	

Public Safety Team Narrative:
The extraordinarily high density of residential homes and business' along the proposed property would make legal hunting very challenging. State Law prohibits the discharge of a firearm within 100 yards of a residential home. In addition the property lies partially within a designated school zone. This state law restriction would alone block out a significant portion of the property to the legal possession and discharge of a firearm.

It is the opinion of SER NBOA Public Safety Team the prohibition on all hunting is necessary to insure compliance with current state firearm discharge laws, to limit user conflict within the City and to insure the safety of the public.

It will be noted that this new development will expand hiking, fishing, canoeing, trapping, kayaking, biking and other outdoor recreational activities.

Public Safety Factors Considered: Check all that apply.

- ■ The sponsor is within its own municipality boundary
- ■ Parcel is within 100 yards of building devoted to human occupancy
- ■ Parcel is within 50 feet of the center line of highways & roads
- ■ Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- ☐ Ordinance exists – City of Racine
  - ■ Discharge or carrying a weapon ☐ Hunting within a park ■ Throwing or shooting missiles, arrows, spears, etc.
- ☐ Parcel is subjected to a non-sponsor ordinance
- ☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- ■ Parcel is adjacent to a public waterway.
- ■ Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: **This is a parcel that is within 500 feet of school grounds, 100 yards of residential homes and commercial properties and is located in the heart of Downtown Racine. User conflicts would be excessive if hunting were permitted.**
- ☐ Other _____

Prohibition or Restriction Necessary to Protect Public Safety: ■ Yes ☐ No

TRAPPING		
Location	**Prohibition/Restriction**	**List Dates/Seasons (opening and closing)**
Upland	None	
Water	None	

Public Safety Team Narrative:

☐ **No Water On Site**

Public Safety Factors Considered: Check all that apply.

☐ The sponsor is within its own municipality boundary.

☐ Parcel is within 100 yards of building devoted to human occupancy and per s. NR 10.13(1)(b)(12)(c), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.

☐ Ordinance exists that prohibits trapping or some type of trapping.

☐ Parcel is subjected to a non-sponsor ordinance

☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

☐ Parcel is adjacent to a public waterway.

☐ Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

☐ Other _____

Prohibition or Restriction Necessary to Protect Public Safety: ☐ Yes ■ No

FISHING		
Method	**Prohibition/Restriction**	**List Dates/Seasons (opening and closing)**
Shore	None	
Boat	None	

Public Safety Team Narrative:

☐ **No Water on Site**

☐ **Public Safety Factors Considered:** Check all that apply.

☐ Ordinance exists – ☐_____.

☐ Parcel is subjected to a non-sponsor ordinance

☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

☐ Parcel is adjacent to a public waterway.

☐ Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

☐ Other _____

Prohibition or Restriction Necessary to Protect Public Safety: ☐ Yes ■ No

HIKING		
Location	**Prohibition/Restriction**	**List Dates (opening and closing)**
On-Trail	None	
Off-Trail	None	

Public Safety Team Narrative:

Public Safety Factors Considered: Check all that apply.

☐ Parcel is subjected to a non-sponsor ordinance

☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

☐ Parcel is adjacent to a public waterway.

☐ Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

☐ Other _____

Prohibition or Restriction Necessary to Protect Public Safety: ☐ Yes ■ No

CROSS COUNTRY SKIING		
Type of Trail	**Prohibition/Restriction**	**List Dates (opening and closing)**
Off-Trail (un-groomed)	None	
On-Trail (un-groomed)	None	
On-Trail (groomed)	None	

Public Safety Team Narrative:

Public Safety Factors Considered: Check all that apply.

☐ Parcel is subjected to a non-sponsor ordinance

☐ Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

☐ Parcel is adjacent to a public waterway.

☐ Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

☐ Other _____

Prohibition or Restriction Necessary to Protect Public Safety: ☐ Yes ■ No

Office of the City Attorney

Scott R. Letteney
City Attorney

Nicole F. Larsen
Deputy City Attorney

City of Racine, Wisconsin

Nhu H. Tran
Assistant City Attorney

Stacey Salvo
Paralegal

Colette A. Broadway
Paralegal

November 3, 2015

Ms. Chrissy Kozik
State of Wisconsin
Department of Natural Resources
2300 N. Dr. Martin Luther King Drive
Milwaukee, Wisconsin 53212-3128

Re: Letter dated October 21, 2015 concerning review of City of Racine's ordinances affecting hunting

Dear Ms. Kozik,

I write in response to your recent letter addressed to City Attorney Robert Weber. Attorney Weber retired from the City effective October 2, 2015, and Scott Letteney is the current City Attorney. However, as I often advise the Department of City Development in my current position as Deputy City Attorney, I will respond to your request.

You have requested a summary of the City of Racine's ordinances affecting hunting for the purposes of reviewing the City's grant of a Knowles-Nelson Stewardship grant. The ordinances that affect hunting are Sections 66-59, 70-103,114-861, and 66-61. The only section that has any substantial effect on hunting as contemplated by Wis. Stat. § 29.038 is Municipal Code Section 66-61. For that reason, Section 66-61 will be discussed last.

Section 66-59 provides:

Sec. 66-59. - Discharge of weapon.

Unless otherwise provided by law or by section 66-58, no person shall fire or discharge any air gun, pellet gun, spring gun, firearm, sling, or slingshot within the city limits, except where necessary in the manufacture or testing of weapons by a person operating under a class 1, type 6 or type 7 federal firearms license.

This section may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. § 939.45.

This section shall not apply to persons who are acting in accordance with the provisions of a plan approved by the chief of police under conditions which the chief has determined require the discharge of specified weapons for a particular purpose in the interest of public safety.

City Hall
730 Washington Avenue, Room 201
Racine, Wisconsin 53403
262-636-9115
262-636-9570 FAX

(Code 1973, § 25.02.040; Ord. No. 28-93, pt. 2, 11-16-93; Ord. No. 06-13, pt. 8, 4-3-13)

The only way that this section affects hunting is to restrict the use of guns, slings, and slingshots. These weapons are not contemplated in Wis. Stat. § 29.038. Furthermore, the primary purpose for restricting guns, slings, and slingshots within City limits is public safety and therefore, within the City's powers. See, Wis. Stat. § 29.038(3)(a).

Section 70-103 provides:

Sec. 70-103. - Colonial Park; bird sanctuary.

(a) The entire area embraced within the corporate limits of the city known as Colonial Park is hereby designated as a bird sanctuary.

(b) No person shall trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or rob bird nests or wild fowl nests; provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality as to constitute a nuisance or menace to health or property in the opinion of the health officer of the city, then such health officer shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the city, after having given at least three days' actual notice of the time and place of such meeting to the representatives of such clubs. If, as a result of such meeting, no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the health officer of the city.

(Code 1973, § 7.05.220)

This section substantially limits hunting because it only allows hunting and/or destruction of birds under the direction and supervision of the health officer of the City. This, however, is in compliance with Wis. Stat. § 29.038(2)(b) because Colonial Park is City-owned land.

Section 114-861 provides:

Sec. 114-861. - Permitted uses.

The following open space uses are allowed in the floodway overlay district and the floodway areas of the general floodplain district, if they are not prohibited by any other section; they meet the standards in sections 114-862 and 114-863; and all permits or certificates have been issued according to 114-901.

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of subsection 114-862(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with sections 114-862 and 114-863.

(5) Extraction of sand, gravel or other materials that comply with subsection 114-862(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stats. chs. 30 and 31.

(7) Public utilities, streets and bridges that comply with subsection 114-862(3).

(Ord. No. 38-06, pt. 1, 12-5-06; Ord. No. 3-12, pt. 1, 4-25-12)

Under this ordinance, nonstructural uses, including hunting, are allowed in the specified areas as long as they conform to the requirements set out in sections 114-862 and 114-863. Section 114-862 does not have any effect on hunting because it only restricts developments. Section 114-863 only potentially limits hunting in two ways: (1) prohibits habitable structures, (2) prohibits camping. This simply means that if hunters choose to hunt in that area, they are unable to stay overnight.

Finally, section 66-61 provides:

Sec. 66-61. - Bow and arrow and crossbow.

The general prohibition against use and discharge of a bow and arrow or crossbow within city limits is exempted according to the rules and regulations set out below:

(1) Hunting of deer by bow and arrow shall be done in accordance with the rules and regulations of the Wisconsin Department of Natural Resources, and city ordinances.

(2) Except as provided in subsection (5), it shall be unlawful for a person to discharge a bow and arrow or crossbow within a distance of 300 feet from a building located on another person's land. This restriction shall not apply if the person who owns the land on which the building is located allows and gives written permission to the person to use or discharge an arrow or bolt with a bow and arrow or crossbow within the specified distance of the building. Hunting may only occur within a designated area with the permission of the land owner. Hunters must have permission of any landowner before tracking or retrieving deer from their property. The term building shall be defined as in Wis. Stats. § 29.038.

(3) Any person who discharges a bow and arrow or crossbow shall discharge the arrow or bolt from an elevated stand toward the ground. An elevated stand must be at least six feet above the ground.

(4) Any person wishing to hunt deer by bow and arrow within the city must register with the Racine Police Department. He or she must provide his or her name, address, phone number, location for hunting, and written permission from the property owner and the tenants or a signed statement indicating that the hunter owns the property.

(5) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow on or across any portion of land owned or leased by the city. This section shall not apply to practice or match shoots of regular clubs or other persons upon prior notification of and written permission from the police department.

(6) It shall be unlawful for a person to use or discharge a bow and arrow or crossbow where the arrow or bolt may endanger the life, limb, or property of another or will traverse any part of any street, alley, public grounds, or parks.

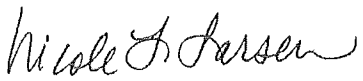
(Ord. No. 09-14, pt. 3, 9-3-14)

Despite the addition of what is now Wis. Stat. § 29.038(3)(b)2., this section complies with Act 71. The City is allowed to prohibit bow and arrow and crossbow hunting on land owned or leased by the city. Wis. Stat. § 29.038(2)(b). The City is also allowed to "prohibit[] a person from hunting with a bow and arrow or crossbow within a specified distance [up to] 100 yards from a building located on another person's land" unless "the person who owns the land on which the building is located allows the hunter to hunt within the specified distance of the building." Wis. Stat. § 29.038(3)(b)3. That means that Sec. 66-61(2) is completely within the power of the City. The City is further able to restrict hunting where the restriction furthers public health or safety. Subsections (4) and (6) of Section 66-61 do exactly that. Prohibiting the discharge of a "bow and arrow or crossbow where the arrow or bolt may endanger the life, limb, or property of another or will traverse any part of any street, alley, public grounds, or parks" certainly furthers public safety. Likewise, requiring that hunters register to tell the City where they will be hunting and prove that they have obtained permission from any landowner to hunt on the landowner's land ensures that no resident is caught in a hunting area without notice. Finally, subsection (3) of the ordinance is allowed under Wis. Stat. § 29.038(3)(b)3.b. The City may require the hunter to discharge the bow toward the ground. The requirement that the stand from which the hunter discharges the bow be six feet off the ground ensures that the bow does in fact go toward the ground rather than accidentally flying toward open land where a resident might be injured. Multiple other municipalities, including Wausau, have adopted similar provisions to ensure public safety.

Because section 66-61 is the only ordinance that limits hunting in any substantial way and that particular ordinance fully complies with Wis. Stat. § 29.038, known as Act 71, the City's ordinances are well within the limits of the Wisconsin Statutes. This fact allows the Department to bestow the Stewardship grant upon the City in full confidence that the City is in compliance with the Wisconsin Statutes.

If you have any questions at all or need any additional information, please do not hesitate to contact me.

Very truly yours,



Nicole F. Larsen
Deputy City Attorney

cc: Matt Sadowski, Interim Director, Department of City Development

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: 1/6/2016

TO: Steve Miller – LF/6

FROM: Pam Foster Felt – LF/6

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: City of Racine, Machinery Row Acquisition

The Machinery Row land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on December 4, 2015 and the fifteen day public review period ended on December 28, 2015.

The Department received no comments concerning this proposal.

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

James Ritchie — 1/6/16

Signature of Regional Staff — Date

Printed on Recycled Paper

Wisconsin Department of Natural Resources

City of Racine seeks grant for acquisition of land

News Release Published: December 4, 2015 by the Central Office

Contact(s): Chrissy Kozik, Community Services Specialist, (414) 263-8676

Grant requested for Stewardship project in City of Racine

RACINE, Wis. - The City of Racine has applied for a 50 percent matching grant from the Urban Greenspace of the Knowles-Nelson Stewardship Program to assist with the purchase of 5.575 acres of land in the City of Racine in Racine County. The City of Racine will provide match to the grant award.

The project will acquire approximately 5.575 acres to develop a public outdoor recreation space in a former industrial zone known as Machinery Row located along the southern bank of the Root River in downtown Racine. Recreational activities include fishing, hiking, trapping, cross-county skiing, biking, non-motorized boat access, playground/playfield recreational area, picnicking, snowshoeing, and nature appreciation.

The Department of Natural Resources is proposing to make the determination that the prohibition of hunting is necessary to protect public safety because of the size and shape of the parcel, and because of the parcel's close proximity to residential and commercial structures, to 21st Century Charter school, and to public roads and waterways. The City also has an ordinance prohibiting discharge of a weapon and throwing or shooting projectiles within City limits.

The department's initial assessment of the allowed Nature Based Outdoor Activities [PDF] is available by searching the DNR website, dnr.wi.gov, for Stewardship Public Notice or you may request a hard copy by contacting the project contact listed below. Public written comments on the proposed acquisition can be mailed to Chrissy Kozik, Community Services Specialist, Wisconsin Department of Natural Resources - Southeast Region, 2300 N. Martin Luther King Jr. Drive, Milwaukee, WI 53212 or sent by email to Chrissy Kozik at Christine.Kozik@Wisconsin.gov.

If you have questions about this project, Chrissy Kozik can be reached by phone at 414-263-8676. Written comments will be accepted through December 28, 2015. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

To receive e-mail notices of Stewardship Grant project news releases, please subscribe by putting a check mark by DNR Stewardship News under the News & Announcements heading

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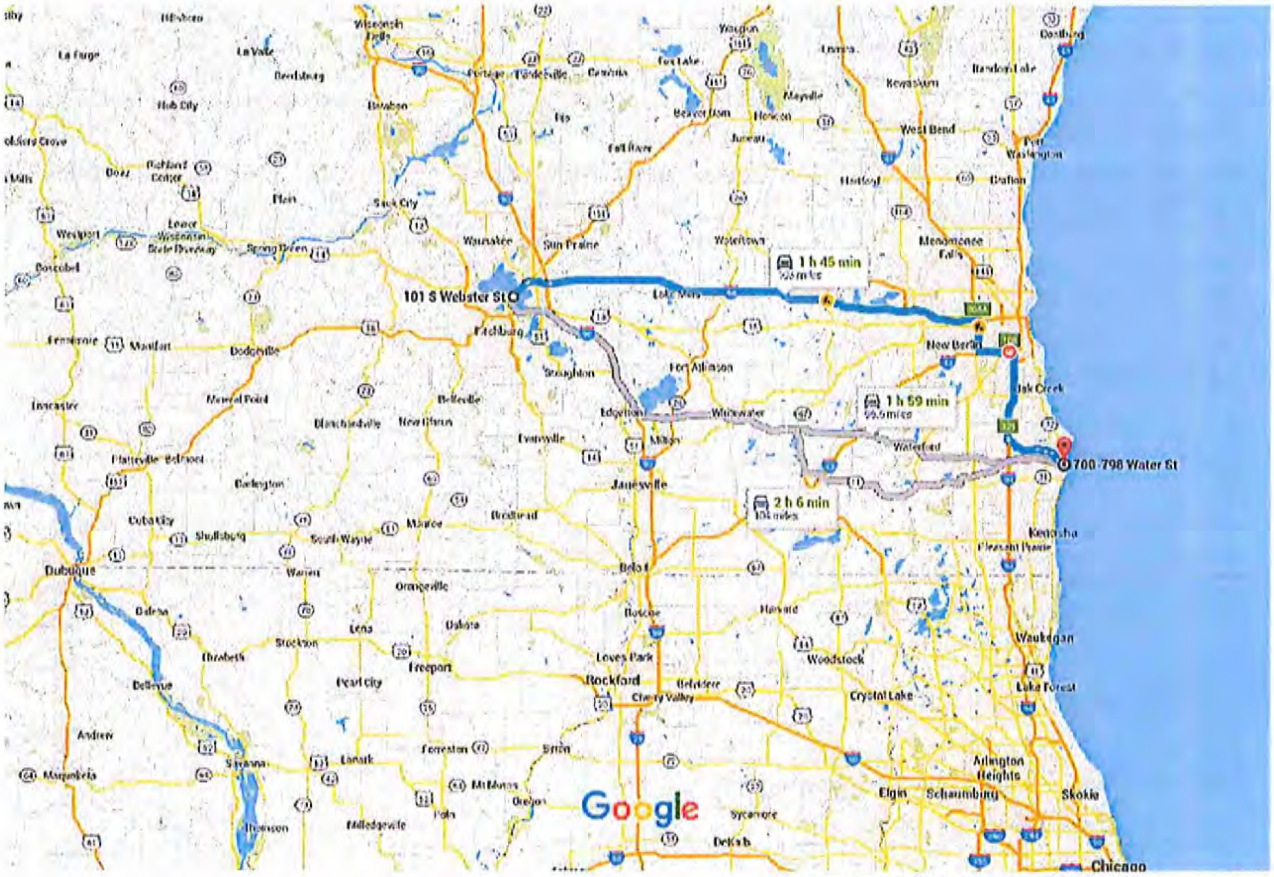
The Official Internet site for the Wisconsin Department of Natural Resources

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621

Google Maps 101 S Webster St, Madison, WI 53703 to 700-798 Water St, Racine, WI 53403 Drive 103 miles, 1 h 45 min



Map data ©2015 Google 10 mi

101 S Webster St

Madison, WI 53703

Get on WI-30 E

8 min (3.3 mi)

1. Head northwest on S Webster St toward E Main St

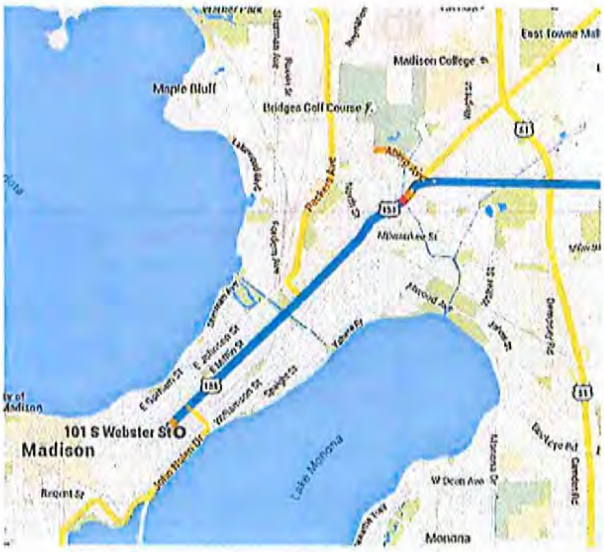
0.1 mi

2. Turn right onto E Washington Ave

2.9 mi

3. Use the right lane to take the Wisconsin 30 E ramp to Interstate 94/Interstate 90

0.2 mi



Take I-94 E to County Rd K in Raymond. Take exit 329 from I-41/I-94 E/US-41 S

1 h 19 min (89.7 mi)

4. Continue onto WI-30 E

3.2 mi

5. Merge onto I-94 E

63.8 mi

6. Take exit 305A to merge onto I-894 E/US-45 S toward Chicago

Continue to follow I-894 E

Parts of this road may be closed at certain times or days

9.1 mi

7. Use the left 3 lanes to take exit 10B for Interstate 94 E/US 41 E toward Chicago

1.3 mi

8. Merge onto I-41/I-94 E/US-41 S

11.9 mi

9. Take exit 329 toward Wisconsin K County/Racine County

0.3 mi

Continue on County Rd K. Take Northwestern Ave to Water St in Racine

18 min (9.9 mi)

10. Turn left onto County Rd K

5.1 mi

11. At the traffic circle, take the 1st exit onto WI-38 S/WI-38 Trunk S/Northwestern Ave

1.1 mi

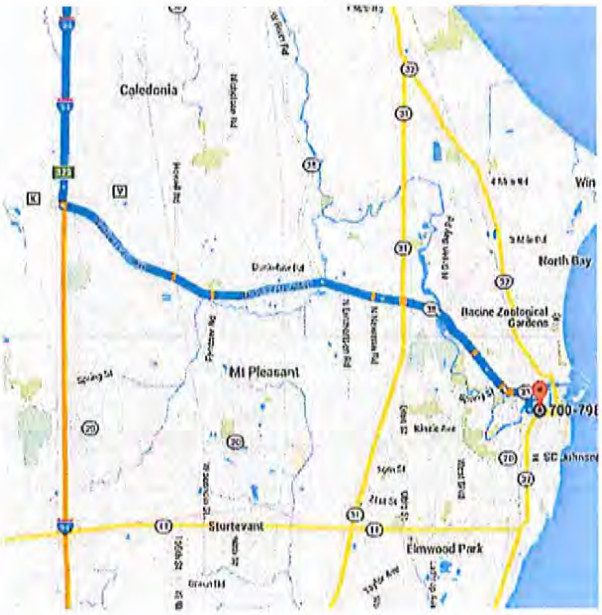
12. Continue straight onto Northwestern Ave

1.0 mi

13. Slight right onto Northwestern Ave/Rapids Ct Ave

Continue to follow Northwestern Ave

1.3 mi



14. Continue onto State St

0.5 mi

15. Continue straight to stay on State St

0.4 mi

16. Turn right at Dr Martin Luther King Dr

164 ft

17. Continue onto Marquette St

0.3 mi

18. Turn left onto Water St

0.2 mi

700-798 Water St

Racine, WI 53403

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.