

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:** Ratify the Department's 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 Marinette, Marinette County

**FOR:** February 2016 Board meeting

**TO BE PRESENTED BY:** Doug Haag, Deputy Bureau Director

**SUMMARY:**

Per s.23.0916(2) Wis. Stats., and consistent with Wis. Adm. Code NR-52.05, the Board must ratify the Department's determination that the prohibition of hunting and trapping is necessary to protect public safety on 2.87 acres in the City of Marinette, Marinette County.

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

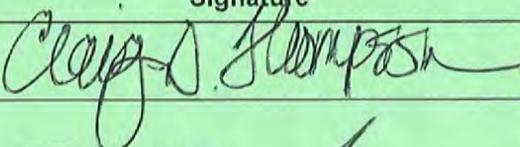
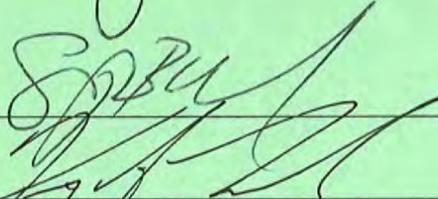
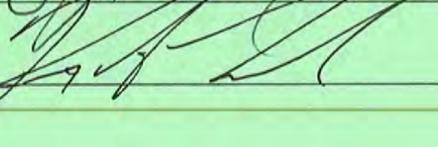
- The size, shape, and location of the parcel near downtown Marinette is in close proximity to area businesses, residences, roads and public waterways.
- The primary purpose of the property is to be developed into an urban park serving the needs of recreational boaters.
- City ordinances prohibiting the discharge of firearms, and trapping.

The proposed grant of \$303,189.00 will come from the Urban Greenspace subprogram of the Knowles-Nelson Stewardship program. The future public boat launch facility in Menekaunee Harbor on Lake Michigan at the mouth of the Menominee River will include development of launching facilities to include ramps, boarding docks, and staging area; a canoe/kayak launch area separate from the motorized boats; access for shore fishing; and parking area. In the future this park area will connect with additional recreation facilities on the harbor, trails, and links to shoreline habitat areas. The public will be able to enjoy fishing, boating, canoeing, kayaking, hiking, biking, cross-country skiing, picnicing, and wildlife viewing.

**RECOMMENDATION:** Ratify the Department's determination that the prohibition of hunting and trapping is necessary to protect public safety on 2.87 acres to be acquired by the City of Marinette.

**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

Approved by	Signature	Date
Craig Thompson, Bureau Director		01.27.16
Samjay Olson, Administrator		1-24-16
Cathy Stepp, Secretary		2/1/16

DATE:

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

**SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITIONS**

In accordance with s. 23.0916(s), Wis. Stats., the Department requests that the Board ratify the Department's determination that the prohibition of two nature-based outdoor activities is necessary on 2.87 acres of land in the City of Marinette, Marinette County. The Department proposes to award a grant in the amount of \$303,189.00 to the City of Marinette for the purchase of land on which hunting and trapping will be prohibited by city ordinance.

### **I. PROJECT DETAILS**

**Project Sponsor:** City of Marinette  
**Seller:** Jozaitis  
**Grant sub-program:** Urban Green Space

**Project Description:** The 2.87 acre parcel is oddly shaped. Its western boundary line lies along Ogden Street. Much of the southern boundary is adjacent to city owned property on Menekaunee Harbor. The eastern edge of the parcel is on the harbor and provides the waterfront access. The development plan for the property includes installation of concrete boat ramps with boarding docks and a boat staging area; a separate canoe & kayak launch area; shore fishing facilities; parking to support all functions, and a trail that ties into the larger harbor recreation area. The property includes frontage on Lake Michigan/Bay of Green Bay, at the mouth of the Menonimee River. Maps are attached as Appendix A

**Project Goals:** The Menekaunee Harbor land 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.
- Protects unique natural resources.
- Implements recommendations from the City of Marinette Strategic Harbor Management Plan, Menekaunee Harbor Master Plan, and City of Marinette Comprehensive Outdoor Recreation Plan.
- Contributes to the rehabilitation of blighted, deteriorating urban waterfront area creating an anchor location for downtown economic development.

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
- Address Funding Challenges Associated with Managing Wisconsin Outdoor Recreation Resources
- 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 site was an industrial property with gravel and concrete parking throughout and a beer and soda distributing warehouse/office building. No public outdoor recreation access was allowed.

**Proposed Public Uses:** The Menekaunee Harbor boat launch facility and park will be available to the public from sunrise to 10 PM, 7 days per week, and 365 days per year. Users will be able to launch motorized boats from standard concrete ramps, launch non-motorized boats (canoes, kayaks) from a separate launch area, and fish from shoreline areas. When the City completes development of adjacent park and trail areas, the public will be able to access those facilities from the Menekaunee Harbor area. The City of Marinette anticipates approximately 100,000 visitors will enjoy this property annually.

Public recreation opportunities include fishing, boating (motorized and non-motorized), hiking, picnicking, and wildlife viewing. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting and trapping will be prohibited on the property by city ordinance. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety.

**Property Management:** The Menekaunee Harbor boating facility will be operated and maintained by the City of Marinette Public Works Department consistent with their management policy.

**Timetable:** The City of Marinette has purchased the Jozaitis property after being issued a Waiver of Retroactivity by the Department.

## 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 Marinette proposes to prohibit hunting and trapping on the Menekaunee Harbor boating facility. The Northeast 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 to provide fully developed parking and boating facilities for motorized and non-motorized boaters, and shore fishing access;
- The size, shape, and location of the parcel;
- Proximity to residential homes, businesses, roads and public waterways.

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 and trapping. 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 Marinette

- Department of Natural Resources

**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	\$575,000
Appraisal 2	\$510,000
Value certified by Department	\$575,000

The purchase price was \$740,000.

**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	\$575,000
Associated eligible real estate costs	<u>\$31,378</u>
<b>Total Maximum Project Costs</b>	<b>\$606,378</b>

**D. Funding Sources**

City of Marinette	\$303,189
Stewardship Grant Award	\$303,189 (50%)

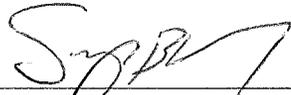
**IV. RECOMMENDED:**



Doug Haag, Deputy Director  
Bureau of Facilities and Lands

1-22-16

Date



Sanjay Olson, Administrator  
Fish, Wildlife & Parks Division

1-24-16

Date

# Menekaunee Harbor Park

...  
Stewardship  
Grant  
...

**UGS - 316199**  
Marinette County

 **Subject**

-  DNR Fee Title Lands  
Open to Public Access
-  State Natural Area
-  Public Land - Funded  
by Stewardship Grants



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

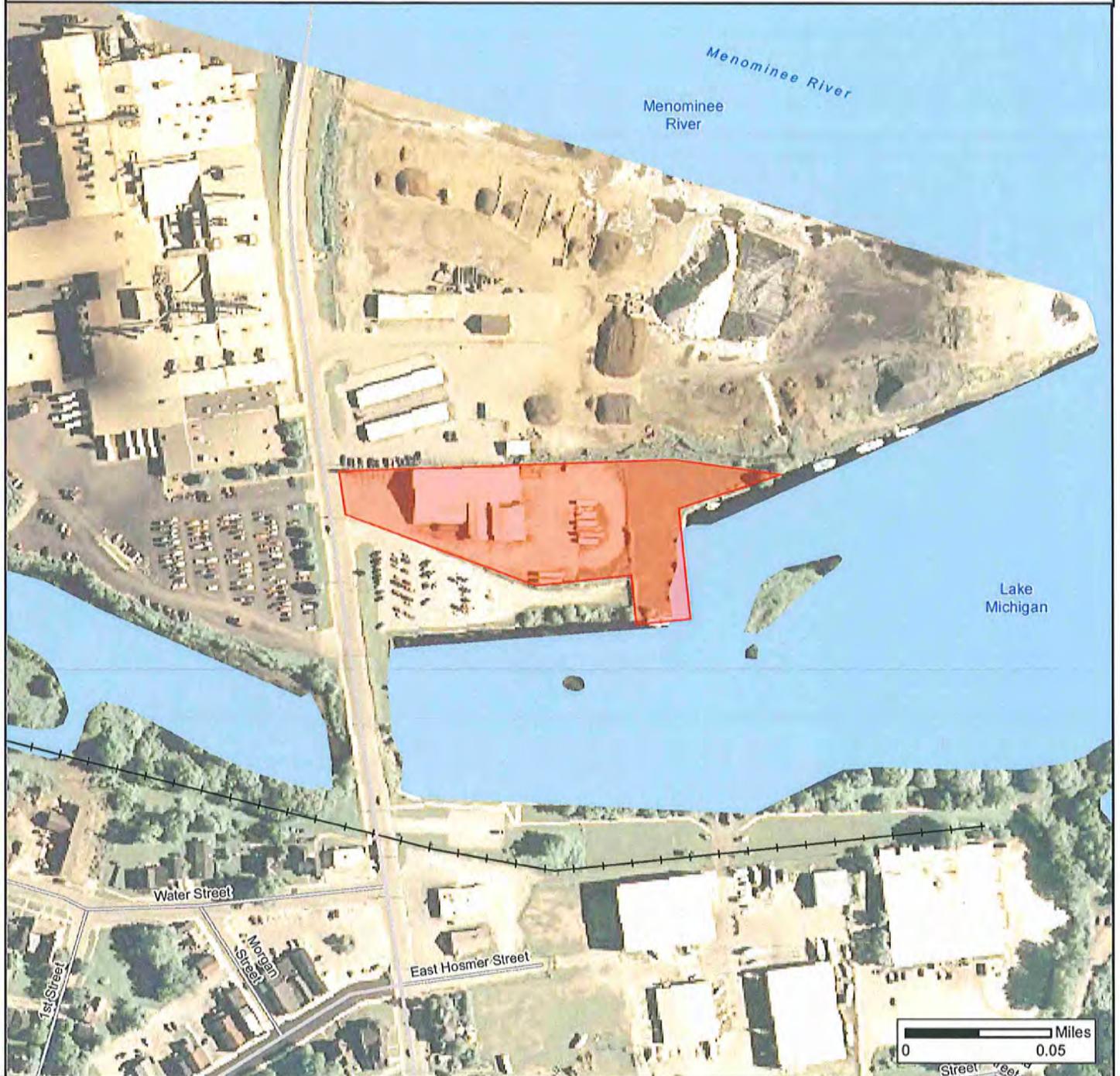


The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm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

# Menekaunee Harbor Park

Proposed Grant: Urban Green Space  
Sponsor: City of Marinette  
Approximate Acreage: 2.87

Region: NER  
County: Marinette



## Stewardship Grant

 Subject

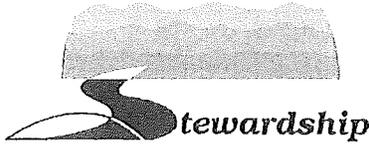


Jan 15, 2016 drs

Real Estate Section  
Bureau of Facilities and Lands

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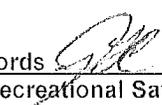
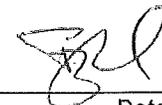
**Public Safety Team Analysis of  
Nature Based Outdoor Activities on  
Projects Purchased with  
Stewardship Grant Funds**



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**

<p><u>Jeremy Cords</u>  <u>12-3-15</u> Regional Recreational Safety Warden Date</p>	<p><u>Ben Trembl</u>  <u>12/8/15</u> Regional Warden Supervisor Date</p>
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**PROJECT DESCRIPTION**

Applicant/ Sponsor: City of Marinette	Year of Application: 2015
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<p><b>Project Name:</b> Menekaunee Harbor Public Boating Facility Land Acquisition</p>	<p><b>Primary Purpose:</b> <input type="checkbox"/> Habitat Areas <input checked="" type="checkbox"/> Local Parks  <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers  <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace  <input type="checkbox"/> Streambank Protection</p>
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**Project Description:**  
The City of Marinette is acquiring 2.87 acres of previously zoned industrial property along the Menominee River, in Menekaunee Harbor, on the Bay of Green Bay. This property will be developed into a public boating facility serving the needs of canoe and kayak users, as well as the recreational motorized boating community. There will be shoreline access for fishing and support facilities including parking, transient docking, open greenspace, and signage.

Activities will include: Hiking, Fishing, Cross-country skiing  
 Activities will not include: Hunting or Trapping

**FINDINGS OF FACT:**

The property is located on the East side of Ogden St and about 676 ft north of Water St within the downtown area of the City of Marinette in Marinette County. This area is densely populated and highly developed both commercially and residentially.

Based on the properties geographical location of downtown Marinette and being in very close proximity to area businesses and residences, the public safety team agrees prohibitions are reasonable for hunting and trapping. A city wide ordinance restricting discharge of firearms is necessary and a reasonable expectation of the public's health and safety. Additionally, the Safety Team agrees that the location and proposed uses support a trapping prohibition notwithstanding the roughly 500 ft of shoreline that consists predominately of 3 ft high steel embankment separating the shore land from the water.

**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.

This 2.9 acre parcel is oddly shaped with its northern boundary being the longest and mostly contiguous measurement of 813 ft before coming to a point on its east end, jogging south and west at an angle to a right angled corner and then northwesterly roughly 640 ft tapering down to about 90 ft at Ogden St. Vegetation on the parcel is on its east most boundary along the steel embankment consisting of minimal small brush like trees and other scrub like vegetation.

## Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	Yes	Yes and in accordance with Act 71	
Small Game	Yes	Yes and in accordance with Act 71	
Turkey	Yes	Yes and in accordance with Act 71	
Large Game	Yes	Yes and in accordance with Act 71	
<p><b>Public Safety Team Narrative:</b>            Based on the proposed properties geographical location of downtown Marinette and in very close proximity to area businesses and residences, the public safety team agrees that the city wide ordinance restricting discharge of firearms is necessary and a reasonable expectation of the public's health and safety.</p>			
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p> <input checked="" type="checkbox"/> The sponsor is within its own municipality boundary  <input checked="" type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy  <input checked="" type="checkbox"/> Parcel is within 50 feet of the center line of highways &amp; roads  <input type="checkbox"/> Parcel is within 1700 feet of school grounds, hospital, or sanatorium  <input checked="" type="checkbox"/> Ordinance exists –  <input checked="" type="checkbox"/> Discharge or carrying a weapon    <input type="checkbox"/> Hunting within a park    <input checked="" type="checkbox"/> Throwing or shooting missiles, arrows, spears, etc.  <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance  <input checked="" type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.  <input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.  <input checked="" type="checkbox"/> 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:   <i>A city wide ordinance restricting discharge of firearms is necessary and a reasonable expectation of the public's health and safety.</i>   <input type="checkbox"/> Other _____         </p>			
<p><b>Prohibition or Restriction Necessary to Protect Public Safety:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p>			

**TRAPPING**

Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	Yes	
Water	Yes	

**Public Safety Team Narrative:**

Based on the proposed properties geographical location of downtown Marinette and in very close proximity to area businesses and residences, the public safety team agrees that the city wide ordinance restricting trapping is necessary and a reasonable expectation of the public's health and safety.

**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:

*The Safety Team also agrees that based on the location, down town Marinette, and the City of Marinette's proposed use and existing ordinance is reasonable and supports a trapping prohibition. Furthermore the roughly 500 ft of shoreline on the parcel consists predominately of a 3 ft high steel embankment separating the shore land from the water.*

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	
<b>Public Safety Team Narrative:</b> Expected use includes the launching and retrieval of canoes and kayaks		
<input type="checkbox"/> No Water on Site <input type="checkbox"/> Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input checked="" type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> 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:  <input type="checkbox"/> Other _____		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	None	
Off-Trail	None	
<b>Public Safety Team Narrative:</b>  		
<b>Public Safety Factors Considered:</b> Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input checked="" type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> 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:  <input type="checkbox"/> Other _____		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)	N/A	
<b>Public Safety Team Narrative:</b> It appears that the City plans to allow off-trail (un-groomed) cross country skiing as the area does not currently have any available trails.		
<b>Public Safety Factors Considered:</b> Check all that apply. <ul style="list-style-type: none"> <li><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</li> <li><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</li> <li><input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.</li> <li><input type="checkbox"/> 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:</li> <li><input type="checkbox"/> Other _____</li> </ul>		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

101 South Webster Street, Madison, WI to 828 Ogden St, Marinette, WI - Google Maps



101 South Webster Street, Madison, WI to 828 Ogden St, Marinette, WI

Drive 188 miles, 3 h 6 min



Imagery ©2015 TerraMetrics, Map data ©2015 Google 20 mi

### 101 S Webster St

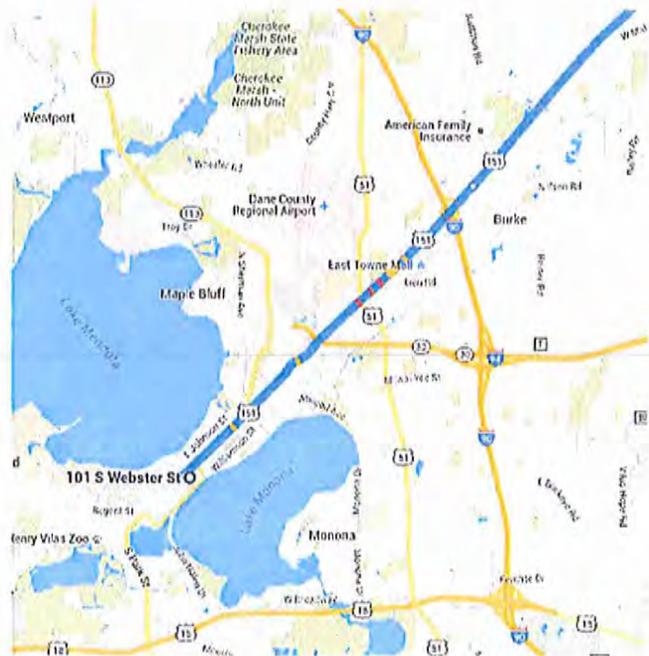
Madison, WI 53703

#### Continue to US-151 N

- 15 min (6.8 mi)
- ↑ 1. Head northwest on S Webster St toward E Main St
  - ↗ 2. Turn right onto E Washington Ave

0.1 mi

6.7 mi



#### Follow US-151 N to WI-26 N/WI-26 Trunk N in Waupun. Take exit 148 from US-151 N

- 44 min (50.7 mi)
- ↑ 3. Continue onto US-151 N
  - ↘ 4. Take exit 148 for Wisconsin 26 N toward Rosendale/Oshkosh

49.5 mi

1.2 mi



101 South Webster Street, Madison, WI to 828 Ogden St, Marinette, WI - Google Maps



Get on I-41/US-41 N in Nekimi

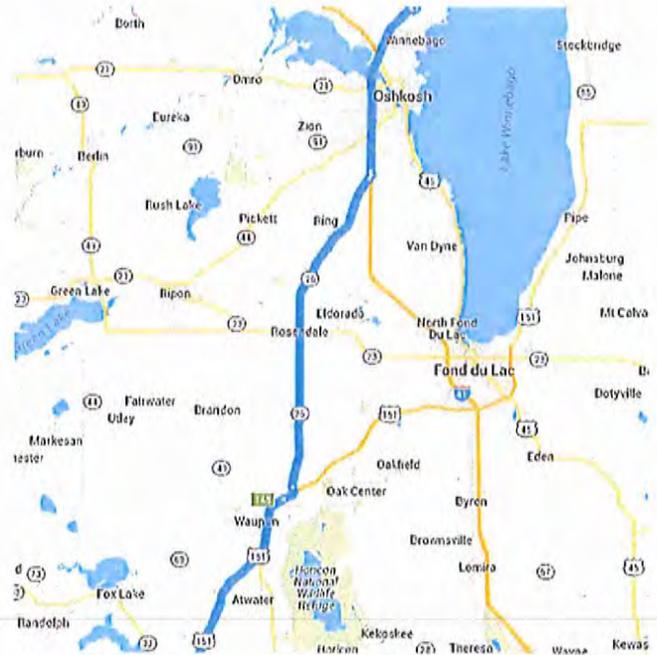
24 min (21.6 mi)

- ↑ 5. Continue onto WI-26 N/WI-26 Trunk N
- ↑ 6. Continue onto County Hwy N
- ↗ 7. Turn left to merge onto I-41/US-41 N

21.1 mi

0.2 mi

0.2 mi



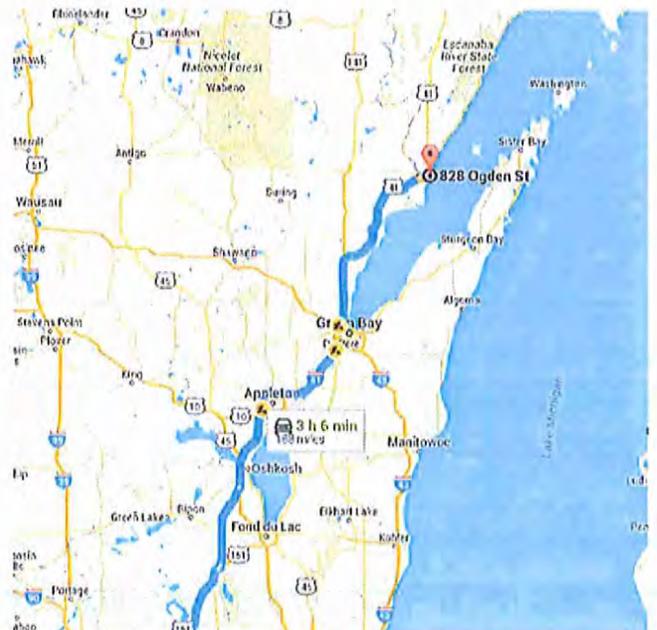
Follow US-41 N to Cleveland Ave in Marinette

1 h 34 min (106 mi)

- ↗ 8. Merge onto I-41/US-41 N
- ↑ 9. Continue onto US-41 N

57.4 mi

48.7 mi



Continue on Cleveland Ave. Drive to Ogden St

7 min (3.0 mi)

- 10. Turn right onto Cleveland Ave
  - ↑ 11. Continue onto Russell St
  - ↶ 12. Turn left onto Ogden St
- 📍 Destination will be on the right



### 828 Ogden St

Marinette, WI 54143

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.