

SUBJECT: LAND EXCHANGE – MENOMINEE RIVER NATURAL RESOURCES AREA AND PIKE WILD RIVER - MARINETTE COUNTY

FOR: OCTOBER 2009 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The Department has obtained an agreement to exchange 35 acres of state land valued at \$72,800 in the Pike Wild River for 40 acres of land from Marinette County valued at \$72,800 in the Menominee River Natural Resources Area. The item is being submitted because the state lands being trade are valued in excess of \$50,000.

The 40-acre Marinette County parcel proposed for acquisition lies entirely within the project boundary of the Menominee River Natural Resource Area. Currently, the Department owns the land to the north, east and south of the subject tract. Acquisition would allow a straight line property boundary with Marinette County forest for one mile and would reduce the distance of boundary the Department needs to maintain by ½-mile. Public access and use would remain essentially unchanged with ownership under the Department and acquisition would consolidate boundaries and simplify government staff maintenance time.

The 35-acre department parcel being proposed for trade to Marinette County provides better blocking to their county forest lands with basically no change in management or public use on the parcel. The parcel was purchased in 1983 using the state’s ORAP funding. At that time, 40 acres and a log cabin were purchased. Later the cabin and five acres were sold through a public bidding procedure. Through some oversight in the cabin transaction, the Department did not retain legal access to the remaining 35 acres and now the parcel is only accessible by foot through adjacent county forest lands. This remaining 35 acres lies adjacent to the Marinette County forest on all sides except the 5-acre exception. Less than one acre of the 35-acre parcel lies within the 400-foot restrictive impact area of the Pike River and Marinette County has entered into a cooperative management agreement with the Department to manage their lands in accordance with the Pike Wild River Master Plan within 400 feet of the river. In addition, the Pike Wild River project prioritizes river frontage as the primary area to protect and this parcel has no direct river frontage. In addition, vegetative management directives on the Pike Wild River indicate that areas closer than 150 feet from the river bank will receive no vegetative management and the 150 to 400-foot area will be managed for long-lived species. Based on GIS analysis, less than an acre is within 150 and less than five acres are within 400 feet of the river. Lastly, Marinette County has entered into a MOU to manage forests adjacent the Pike River following the same guidelines used on department-owned land and the Pike Wild River property manager is given an opportunity to review and comment on all timber sales within 400 feet of the Pike River as an extra precaution. With these circumstances, the state parcel is no longer needed for conservation purposes due to parallel protection as an addition to the county forest.

The Menominee River Natural Resources Area was established in 2000 when 1,962 acres was donated to the Department from the Richard King Mellon Foundation along with 2,530 acres to the Michigan Department of Natural Resources on the opposite side of the river, which is now part of the Escanaba State Forest. The Menominee River Natural Resources Area is designed to retain the Menominee River in its pristine, natural state while allowing for recreational use on the adjacent land and the river. Recreational uses includes camping, canoeing, hiking, fishing, hunting, trapping, bird watching, and berry picking.

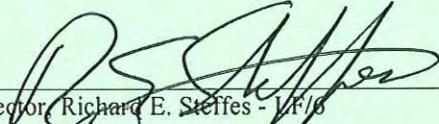
The Pike Wild River project was established by the Wisconsin Legislature and the Governor in 1968 to return the Pike River to its pre-settlement condition and to maintain a river of a wild nature. The Pike River is one of just three rivers designated “wild” by the state, and provides untamed river recreation opportunities. The project acquisition goal is 6,500 acres along approximately 65 miles of river. The project was created to preserve and protect the Pike River in a free-flowing, natural state and to provide compatible recreational experiences for present and future generations. Management for aesthetics takes priority over all other management goals. However, beyond 150 feet from the shoreline, other resource management activities are allowed. The river is popular for canoeing, kayaking, and fishing.

RECOMMENDATION: That the Board find that the 35-acre state tract is no longer needed for conservation purposes in the Pike Wild River and approve the exchange of the state land for 40 acres of county-owned land needed for Menominee River Natural Resources Area.

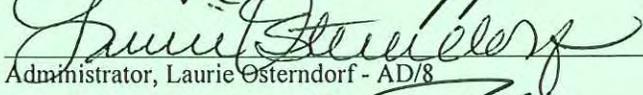
LIST OF ATTACHED MATERIALS:

- | | | | |
|--|---|---|----------|
| No <input checked="" type="checkbox"/> | Fiscal Estimate Required | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment of Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input type="checkbox"/> | Background Memo | Yes <input checked="" type="checkbox"/> | Attached |

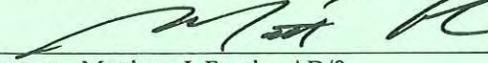
APPROVED:



Real Estate Director, Richard E. Steffes - LF/6



Administrator, Laurie Osterndorf - AD/8



Secretary, Matthew J. Frank - AD/8

9-11-09
Date

9/17/09
Date

10-2-09
Date

- cc: S. Miller - LF/6
R. Steffes - LF/6
L. Ross - AD/8
R. Kazmierczak - NER/Green Bay

CORRESPONDENCE/MEMORANDUM

DATE: September 11, 2009
 TO: Governor Doyle
 FROM: Matthew J. Frank *MJF*
 SUBJECT: Proposed Land Exchange, Marinette County and Department Tracts, File # WR 70023 & 70024, Option Expires November 6, 2009

I. PARCEL DESCRIPTION:

Menominee River Natural Area
 Marinette County

Menominee River Natural Area
 Marinette County

Grantors:

Marinette County
 c/o Katherine Brandt
 1926 Hall Avenue
 Marinette, WI 54143

State Department of Natural Resources
 101 S. Webster Street
 Madison, WI 53707

<u>Acres:</u>	40.0	35.0
<u>Price:</u>	\$0	\$0
<u>Appraised Value:</u>	\$72,800.00	\$72,800.00
<u>Improvements:</u>	None	None
<u>Interest:</u>	Fee Title Purchase	Fee Title Sale

Location: Both parcels are located Marinette County. The 40-acre county-owned parcel is located 43 miles directly north of the City of Marinette and the 35-acre department-owned tract is 45 miles northwest of the City of Marinette.

Land Description: The 40-acre county parcel consists of nearly level to a steep slope on the eastern one-third. The 35-acre department parcel for exchange consists of gently rolling topography.

<u>Covertypes Breakdown (40-acre county parcel):</u>	Type:	Acreage:
	Upland Woods	40.0

<u>Covertypes Breakdown (35-acre department parcel):</u>	Type:	Acreage:
	Upland Woods	29.0
	Grassland	6.0
	TOTAL:	35.0

<u>Zoning:</u>	General purpose	General purpose
<u>Present Use:</u>	County forest Lands	Department Lands
<u>Proposed Use:</u>	Resource protection & public recreation	County Forest & public recreation
<u>Tenure:</u>	79 years	26 years
<u>Property Taxes:</u>	Tax exempt	Tax exempt
<u>Option Date:</u>	July 10, 2009	

2. JUSTIFICATION:

The Department has obtained an option to exchange 35.0 acres of state land valued at \$72,800 in the Pike Wild River for 40.0 acres of land from Marinette County valued at \$72,800 in the Menominee River Natural Resources Area. The 40-acre Marinette County parcel proposed for acquisition lies entirely within the project boundary of the Menominee River Natural Resource Area. Currently, the Department owns the land to the north, east and south of the subject tract. Acquisition would allow a straight line property boundary with Marinette County forest for one mile and would reduce the distance of boundary the Department needs to maintain by ½-mile. The 35-acre department parcel being proposed for trade to Marinette County provides better blocking to their county forest lands with basically no change in management or public use on the parcel.

The Menominee River Natural Resources Area was established in 2000 when 1,962 acres was donated to the Department from the Richard King Mellon Foundation along with 2,530 acres to the Michigan Department of Natural Resources on the opposite side of the river, which is now part of the Escanaba State Forest. The Menominee River Natural Resources Area is designed to retain the Menominee River in its pristine, natural state while allowing for recreational use on the adjacent land and the river. Recreational uses includes camping, canoeing, hiking, fishing, hunting, trapping, bird watching, and berry picking.

Historically the subject 40-acre tract has been managed as county forest and is accessible via Mullaney Creek Road, then a short distance on unimproved forest trail, which leads into department property. The vegetative management directives of the Menominee River Natural Resources Area mimic the Marinette County Forest management practices, specifically no active management with the swamp conifer riparian stand and clear-cut harvested of the aspen at rotation age. Department acquisition means public access and use would remain essentially unchanged as well as consolidating boundaries and simplifying government staff maintenance time.

The subject 35-acre sale parcel was purchased from Richard M. Kutalek on March 18, 1983 using the state's ORAP funding and is within the boundary of the Pike Wild River. At the time of the purchase, 40 acres and a log cabin were acquired. Later the cabin and five acres were sold through a public bidding procedure. Through some oversight in the cabin transaction, the Department did not retain legal access to the remaining 35 acres and now the parcel is only accessible by foot through adjacent county forest lands. This remaining 35 acres lies adjacent to the Marinette County forest on all sides except the 5-acre exception. Less than one acre of the 35-acre parcel lies within the 400-foot restrictive impact area of the Pike River and Marinette County has entered into a cooperative management agreement with the Department to manage their lands in accordance with the Pike Wild River Master Plan within 400 feet of the river. In addition, the Pike Wild River project prioritizes river frontage as the primary area to protect and this parcel has no direct river frontage. In addition, vegetative management directives on the Pike Wild River indicate that areas closer than 150 feet from the river bank will received no vegetative management and the 150 to 400-foot area will be managed for long-lived species. Based on GIS analysis, less than an acre is within 150 and less than five acres are within 400 feet of the river. Lastly, Marinette County has entered into a MOU to manage forests adjacent the Pike River following the same guidelines used on department-owned land and the Pike Wild River property manager is given an opportunity to review and comment on all timber sales within 400 feet of the Pike River as an extra precaution.

The Pike Wild River project was established by the Wisconsin Legislature and the Governor in 1968 to return the Pike River to its pre-settlement condition and to maintain a river of a wild nature. The Pike River is one of just three rivers designated "wild" by the state, and provides untamed river recreation opportunities. The project acquisition goal is 6,500 acres along approximately 65 miles of river. The project was created to preserve and protect the Pike River in a free-flowing, natural state and provide compatible recreational experiences for present and future generations. Management for aesthetics takes priority over all other management goals. However, beyond 150 feet from the shoreline, other resource management activities are allowed. The river is popular for canoeing, kayaking, and fishing.

The Department recommends that the 35.0-acre department parcel be traded to Marinette County as the tract will equally be protected and managed for conservation purposes along Pike Wild River and approve

the acquisition of 40.0 acres of county-owned land needed for the Menominee River Natural Area in exchange to consolidate state ownership and more effectively manage the resources on the tract.

3. FINANCING:

No funding is necessary for this trade.

4a. ACQUISITION STATUS OF THE MENOMINEE RIVER NATURAL RESOURCES AREA:

Established: 2000
Acres Purchased to Date: 1,967.20
Acquisition Goal: 2,120.00
Percent Complete: 92.79%
Cost to Date: \$68,400.00

4b. ACQUISITION STATUS OF THE PIKE WILD RIVER:

Established: 1969
Acres Purchased to Date: 4,671
Acquisition Goal: 6,500
Percent Complete: 71.8%
Cost to Date: \$6,845,678.51

5a. APPRAISAL (40-acre Marinette County parcel):

Appraiser: Dan Heath
Valuation Date: November 29, 2005
Appraised Value: \$72,800.00
Highest and Best Use: Recreation

Allocation of Values:

- a. land: 40.0 acres @ \$1,820.00 per acre: \$72,800.00
- b. market data approach used, three comparable sales cited
- c. adjusted value range: \$1,805.00 to \$1,890.00 per acre

Appraisal Review: Phil Lepinski – January 17, 2006

5b. APPRAISAL (35-acre Department parcel):

Appraiser: Dan Heath
Valuation Date: December 5, 2005
Appraised Value: \$72,800.00
Highest and Best Use: Recreation

Allocation of Values:

- a. land: 35.0 acres @ \$2,080.00 per acre: \$72,800.00
- b. market data approach used, three comparable sales cited
- c. adjusted value range: \$2,044.00 to \$2,1230.00 per acre

Appraisal Review: Phil Lepinski – January 18, 2006

5b. APPRAISAL DNR TRACT:

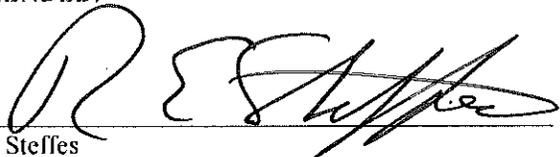
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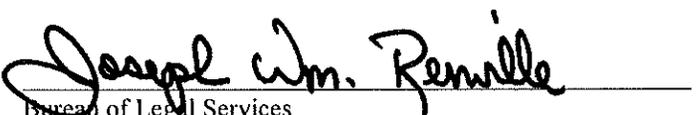
RECOMMENDED:



 Richard E. Steffes

9-11-09

 Date



 Bureau of Legal Services

9/14/09

 Date



 Laurie Osterdorf

9/17/09

 Date

RES:ch

Marinette County Fee

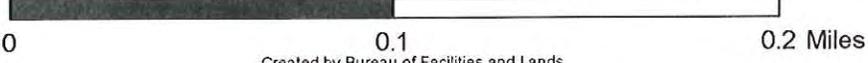
T36N R22E Sec. 8, Town of Pembine, Marinette County, WI

Co to DNR

-  Fee
-  DNR Project Boundary
-  Section Line
-  DNR Owned



WR 70023
Orthophoto
 Menominee River
 Natural Resources Area



Created by Bureau of Facilities and Lands
 Real Estate Section
 September 8, 2009



Marinette County
Fee Sale to DNR
 T36N R22E Sec. 8
 Town of Pembine
 Marinette County, WI

Menominee River
 Natural Resources Area



	WDNR Owned
	WDNR Easement
	Fee
	PLSS Section



The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR manages the state's natural resources and is responsible for the Wisconsin DNR's natural resource management. The Wisconsin DNR's natural resource management is based on the Wisconsin DNR's natural resource management plan. The Wisconsin DNR's natural resource management plan is based on the Wisconsin DNR's natural resource management plan. The Wisconsin DNR's natural resource management plan is based on the Wisconsin DNR's natural resource management plan.

This data set does not differentiate between lands that are open or closed to the public for hunting and/or general public access. Some lands represented in this data set may not be open to the general public, or may be open to the general public under certain conditions. It is a listing of all DNR real estate transactions that have occurred on these lands over time.

For information about the actual management, including public use and public access, please contact the Wisconsin DNR's Regional Office and Service Centers at the following internet site:

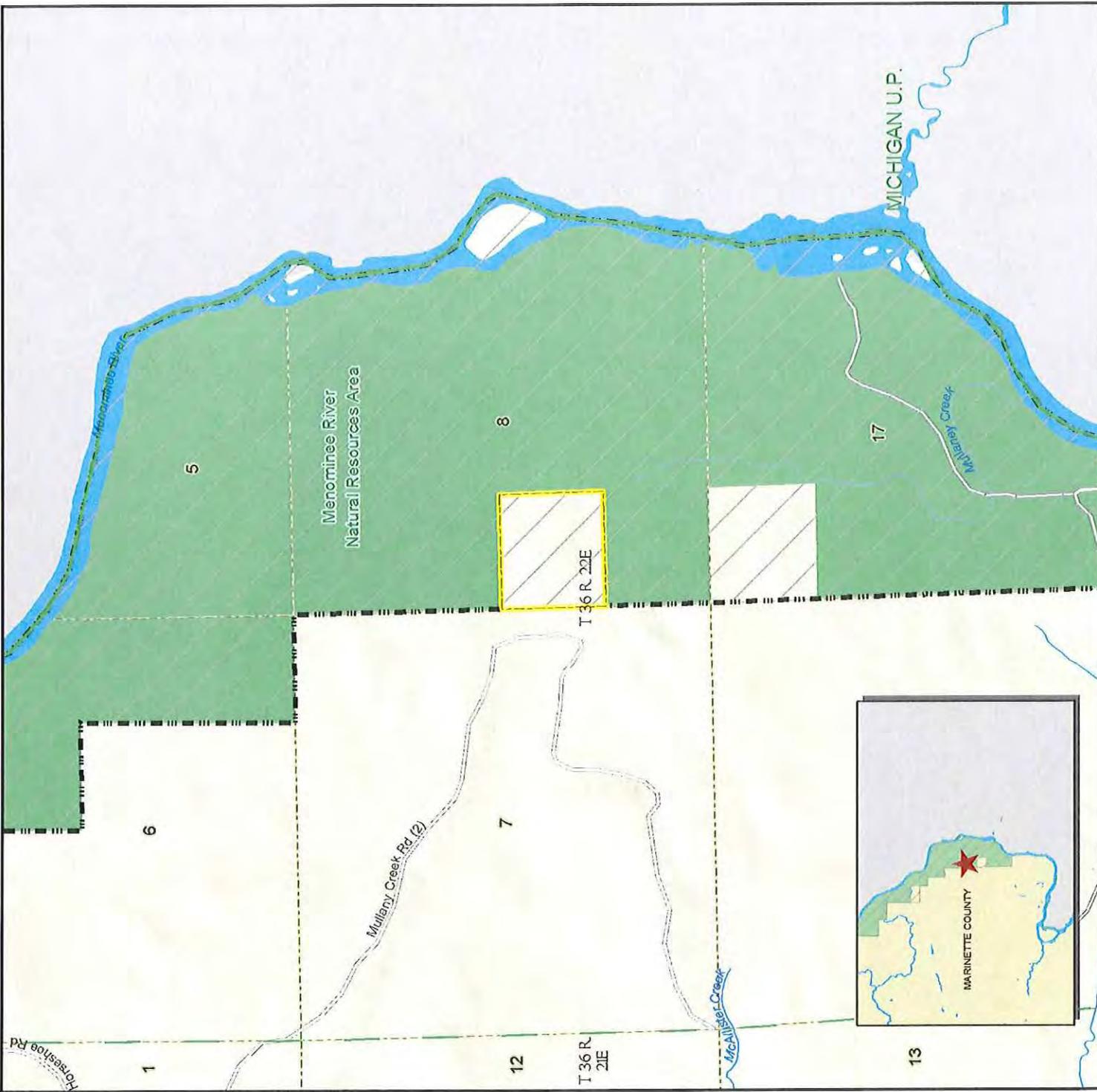
<http://www.dnr.state.wi.us/org/cercs/sovereignty/locations.htm>
 Updates to this data set are ongoing, and will be incorporated into future versions when available.

STATE OF WISCONSIN
 DEPT. OF NATURAL RESOURCES



Bureau of Facilities and Lands

September 8, 2009

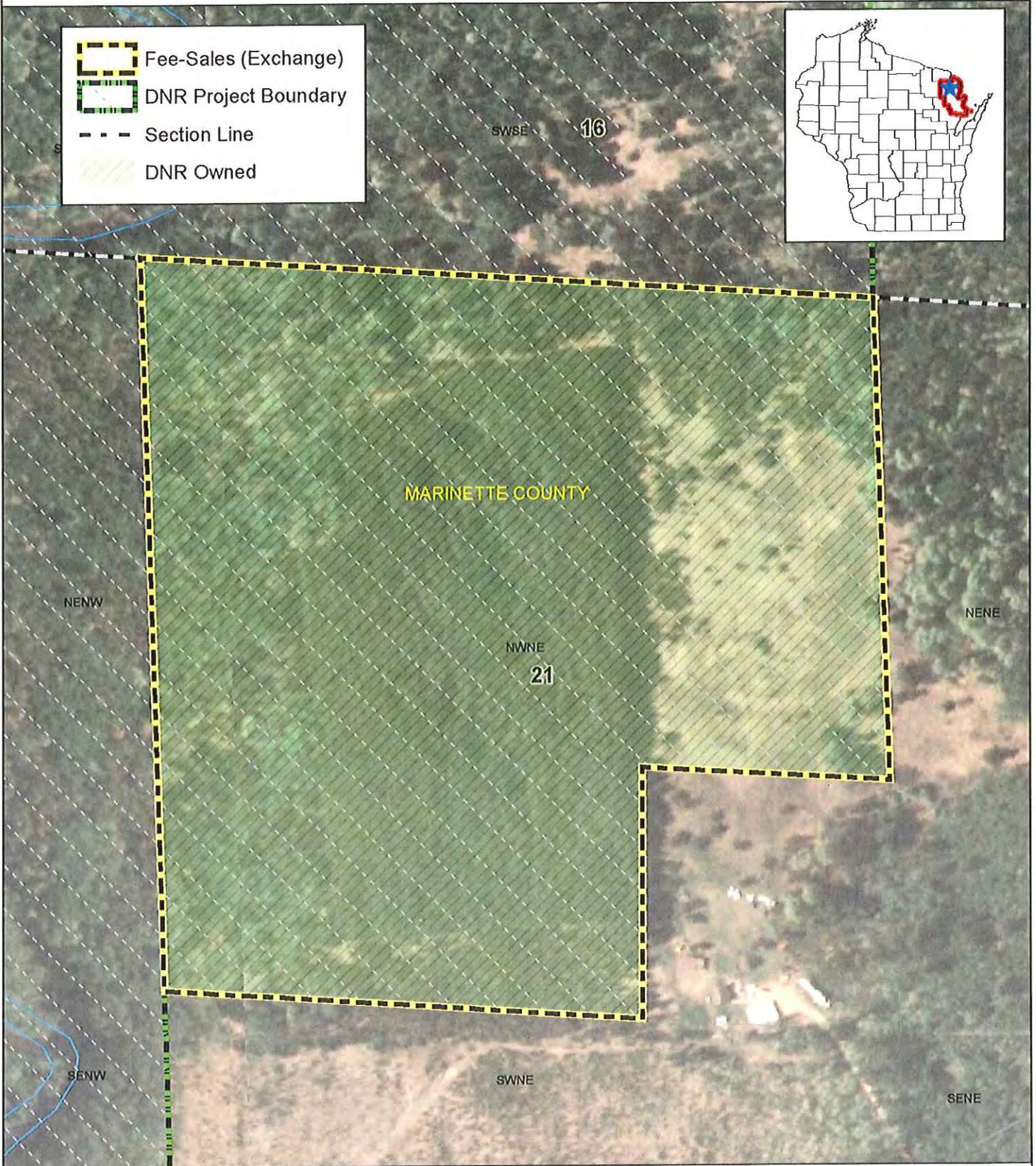


Marinette County Fee-Sales (Exchange)

T36N R19E Sec. 21, Town of Dunbar, Marinette County, WI

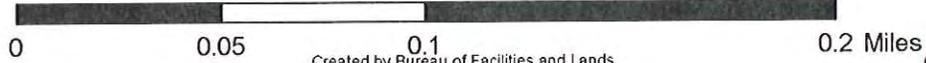
*DNR Sale
135 acres to
Marinette
Co.*

-  Fee-Sales (Exchange)
-  DNR Project Boundary
-  Section Line
-  DNR Owned



WR 70024
Orthophoto

Pike Wild River



Created by Bureau of Facilities and Lands
Real Estate Section
September 8, 2009



**Marinette County
Fee**

T36N R22E Sec. 8
Town of Pembine
Marinette County, WI

Pike Wild River



	WDNR Owned
	WDNR Easement
	35 Acres to be conveyed by DNR to County
	PLSS Section

0 0.08 0.16 Miles

The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR does not warrant the accuracy of these lands through ownership, easement or lease rights. This data set is a spatial representation of the Oracle Land Records System maintained by the DNR, Bureau of Facilities and Lands (FL), and may include errors and/or omissions. This data set should not be interpreted as a legal representation of legal ownership boundaries.

This data set does not differentiate between lands that are open or closed to the public for hunting and/or general public access. Some lands may be open to the public for hunting and/or general public access, but may have specific limitations or restrictions on public use. This data set is not intended for use as a land management tool; it is a listing of all DNR managed lands. For information about the actual management, including public use and public access of the lands, contact the nearest DNR Regional Office. Contact information for DNR Regional Offices and Service Centers is provided on the following internet site:

<http://www.dnr.state.wi.us/org/csr/servicecenters/locations.htm>
Updates to this data set are ongoing, and will be incorporated into future versions when available.

STATE OF WISCONSIN
DEPT. OF NATURAL RESOURCES



Bureau of Facilities and Lands
September 8, 2009

