

SUBJECT: LAND ACQUISITION AND DONATION – STATEWIDE PUBLIC ACCESS – KEWAUNEE COUNTY

FOR: OCTOBER 2010 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The Department has obtained an option to purchase 25.02 acres of land from MC Real Estate for \$1,100,000 for the Statewide Public Access program in Kewaunee County. The item is being submitted because the purchase price exceeds \$150,000 and due to a partial donation of \$173,000 in land value. Funding for the purchase price of \$1,100,000 is a Coastal and Estuarine Land Conservation Program grant (CELCP) of \$398,000 and the balance of \$702,000 from the Stewardship program. The landowners are donating \$173,000 in value.

This transaction will provide the first and only public land ownership along Lake Michigan in Kewaunee County except for parkland in the Cities of Algoma and Kewaunee. The property is located in Kewaunee County about 24 miles east of Green Bay in the Town of Pierce. The subject includes 1,664 feet of undisturbed frontage along the Lake Michigan shoreline and 1,400 feet of frontage along both banks of Mashek Creek that is easily accessible via Lakeshore Drive. The property is a mix of northern wet mesic forest surrounding Mashek Creek, northern mesic forest on the hillsides surrounding the river valley, Great Lakes beach and surrogate grassland. It has a high ecological value as an expanse of undeveloped Lake Michigan. The forest shoreline provides important habitat for migratory birds. There are important areas of habitat preserved and protected both south and north of the Mashek Creek. Preserving this parcel would provide an important stopover location for the migratory bird corridor. It is also a great resource for shore anglers and other recreational users. Acquisition of this parcel will protect recreational opportunities, preserve undisturbed shoreline for scenic beauty and provide critical habitat for fish and migratory birds.

The Coastal and Estuarine Land Conservation Program (CELCP) was established in 2002 to protect coastal and estuarine lands considered important for their ecological, conservation, recreational, historical or aesthetic values. The program, administered by the National Oceanic and Atmospheric Administration (NOAA), provides state and local governments with matching funds to purchase significant coastal and estuarine lands, or conservation easements on such lands, from willing sellers. Lands or conservation easements acquired with CELCP funds are protected in perpetuity so that they may be enjoyed by future generations.

The Department of Administration's Coastal Management Program (WCMP) administers the CELCP grant program in Wisconsin. The WCMP developed a plan that identified which areas of the Great Lakes coast are priorities for CELCP grants. The WCMP solicited proposals and selected three for NOAA to evaluate. The Mashek Creek project was selected through NOAA's national competition to receive a subset of CELCP funding from the Great Lakes Restoration Initiative. NOAA awarded the funds to the WCMP, which sub-granted the funds to the DNR to complete the land purchase.

Mashek Creek could support natural reproduction of trout and salmon. It receives spring and fall migratory runs of Lake Michigan fish. The public will be able to use this property for all nature-based outdoor recreation activities. The Kewaunee School district has plans for class outings and the Department may add this land to the Great Wisconsin Birding and Nature Trail.

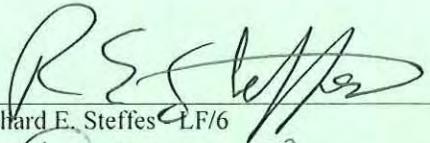
The Statewide Public Access program was established in 1969 to provide public access to the state's surface water resources. Access sites are acquired for boat and canoe landings and related uses such as parking lots, shore fishing, and access to lakes, rivers, and streams. While development of this site will be minimal, the Department will encourage canoe and kayak launching here.

RECOMMENDATION: That the Board approve the purchase of 25.02 acres of land for \$1,100,000 for the Statewide Public Access and accept the donation of \$173,000 in land value.

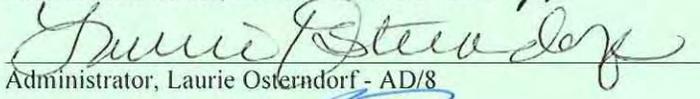
LIST OF ATTACHED MATERIALS:

- | | | | |
|--|---|---|----------|
| 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 |

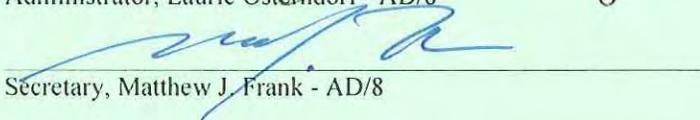
APPROVED:



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



Administrator, Laurie Osterdorf - AD/8



Secretary, Matthew J. Frank - AD/8

10-8-10
Date

10/12/10
Date

10-13-10
Date

- cc: S. Miller - LF/6
R. Steffes - LF/6
L. Ross - AD/8
M. Staggs - FH/3
R. Kazmierczak - NER/Green Bay

CORRESPONDENCE/MEMORANDUM

DATE: October 8, 2010 FILE REF: FM 10092
 TO: Governor Doyle
 FROM: Matthew J. Frank 
 SUBJECT: Proposed Land Acquisition, MC Real Estate Tract, File FM 10092,
 Option Expires November 17, 2010

1. PARCEL DESCRIPTION:

Statewide Public Access Program
 Kewaunee County

Grantor:

MC Real Estate
 c/o Attorney Tom Burke
 625 Main Street
 Luxemburg, WI 54217

Acres: 25.02Price: \$1,100,000Appraised Value: \$1,273,000; \$1,300,000Interest: Fee title purchaseImprovements: None of value

Location: The property is located in Kewaunee County about 24 miles east of Green Bay in the Town of Pierce.

Land Description: The subject land is level to the west and sloping to Lake Michigan.

Water Resources: The subject includes 1,664 feet of frontage along the shore of Lake Michigan and 1,400 feet of frontage along both banks of Mashek Creek.

<u>Covertypes Breakdown:</u>	<u>Type:</u>	<u>Acreage:</u>
	Wooded	13.02
	Old Field/Shrub	12.00
	TOTAL:	25.02

Zoning: AgriculturePresent Use: VacantProposed Use: Resource Protection and Public RecreationTenure: 22 yearsOption Date: July 21, 2010

Stewardship Land Access: This property will be open to the public for all nature-based outdoor recreational activities to include hunting, fishing, trapping, hiking, and cross-country skiing.

2. JUSTIFICATION:

The Department has obtained an option to purchase 25.02-acres of land from MC Real Estate for the Statewide Public Access program. The property is located in Kewaunee County about 24 miles east of

Green Bay in the Town of Pierce. The subject includes 1,664 feet of undisturbed frontage along the Lake Michigan shoreline and 1,400 feet of frontage along both banks of Mashek Creek that is easily accessible via Lakeshore Drive. The property is a mix of northern wet mesic forest surrounding Mashek Creek, northern mesic forest on the hillsides surrounding the river valley, Great Lakes beach and surrogate grassland. It has a high ecological value as an expanse of undeveloped Lake Michigan shoreline, which is a rapidly diminishing feature due to development pressures. The forest shoreline provides critical habitat for migratory birds. There are important areas of habitat preserved and protected both south and north of the Mashek Creek. Preserving this parcel would provide an important stopover location for the migratory bird corridor. It is also a great resource for shore anglers and other recreational users. The Department recommends the acquisition of this parcel to protect recreational opportunities, to preserve undisturbed shoreline for scenic beauty, critical fish habitat and for migratory birds.

The Statewide Public Access program was established in 1969 to provide public access to the state's surface water resources. Access sites are acquired for boat and canoe landings and related uses such as parking lots, shore fishing, and access to lakes, rivers, and streams.

The Lake Michigan shoreline is highly desired by those looking for scenic beauty, quietness, and access to one of our Great Lakes for fishing and other recreational opportunities. As these areas are developed, valuable near shore habitat critical to healthy fish populations and shorebirds is lost when bluffs are graded, shoreline vegetation is removed and solid pier and marina structures are constructed. Undisturbed Lake Michigan shoreline is rapidly declining in abundance, and although this is a small parcel, if preserved, it would become one of many small parcels up and down the shoreline providing a vital series of stopover points for migratory birds. It is important to protect as much of the natural shoreline as possible to ensure a diverse and healthy fish, bird, and animal population. In addition to habitat protection, direct access to Lake Michigan for shore anglers and other recreational users would be a great benefit of this acquisition.

Fish surveys have been collected by the Wisconsin Department of Natural Resources (DNR) in 2004 from Mashek Creek. Creek chub, white sucker, and rainbow trout were the most abundant species caught, with fewer individuals of other species captured. The captured rainbow trout ranged in length from 65 mm to 95 mm with an average length of 77 mm. It is likely that these rainbow trout were naturally produced in this stream, making it one of the Lake Michigan tributary streams that can support natural reproduction of trout or salmon. Although successful reproduction of rainbow trout is dependent on adequate lake levels and good stream flow, it is an indication of a high quality ecosystem. Preservation of the stream and a portion of its watershed would benefit organisms that live in the stream. In addition, anglers would have access to the stream that would allow for additional stream fishing opportunities during spring and fall migratory runs of Lake Michigan fish up Mashek Creek.

The upland habitat portion of the property lies within a major migratory bird migration path along the coast of Lake Michigan. The wooded and shrubby habitats close to the lakeshore receive heavy use as a stopover site for neotropical migrants, raptors, and short-distance migrants moving along the Lake Michigan shoreline during the fall and spring migrations. The wooded habitat in the northeast portion of the property, which includes a stand of older white cedar and interspersed wetland pockets in the oxbow network is in very good condition. The remainder of the forested lands and old fields and prairie are the targets for additional habitat restoration planned for this property. Invasive species such as honeysuckle will be removed. The forest habitat restoration plan includes creating diversity through tree planting and selective timber harvesting. Implementing the land management plan will increase the quality of this property as an excellent site for migratory and resident bird habitat.

The primary purpose is to protect the ecological value of this critical shoreline parcel. Though small, this parcel contains a diversity of habitat types; natural reproduction trout and salmon stream, wetlands, northern wet-mesic and mesic forests, shrubby fields, surrogate grasslands, and Great Lakes beaches and dunes.

The property has high ecological value because it represents an expanse of undeveloped Lake Michigan shoreline, which is a rapidly diminishing feature in Wisconsin due to development pressures. In addition, recent studies have emphasized the importance of forested Lake Michigan shoreline for migratory birds. Because of the extent of developed Lake Michigan shoreline, these remaining forested shoreline habitats

represent vital migratory stopover habitat. The Wisconsin Great Lakes Migratory Stopover Plan is part of a collaborative effort by the Wisconsin Bird Conservation Initiative and its 167 partners as well as regional conservation partners along the Great Lakes including the Great Lakes offices of the Nature Conservancy. The Mashek Creek Conservancy property is likely to be included in the Migratory Stopover Plan as important for neotropical migrant birds. Being on the lakeshore and having mixed woods and some old fields makes this site especially attractive to migrants that are pushed up along the shore in the fall after cold fronts and those birds that are caught out over the lake during spring migration.

Recently, the WDNR identified priority conservation actions and conservation opportunity areas as part of the process of implementing Wisconsin's Wildlife Action Plan. The Great Lakes and their shorelines were identified as conservation areas of *global significance*. In addition, maintaining wetland areas that provide stopover habitat for birds migrating along Lake Michigan's shoreline has been identified by the Wisconsin Lake Michigan Stakeholders Habitat-Species Work Group as a key component for building a sustainable Great Lakes ecosystem.

The Wisconsin Wildlife Action Plan (WWAP) identifies Species of Greatest Conservation Need. Habitat on this Mashek Creek Conservancy property would support species on that list including Veery, Wood Thrush, Brown Thrasher, Least Flycatcher, Solitary Sandpiper, Dunlin (all birds), and the Eastern Red Bat. In addition, it could provide stopover feeding, loafing, and/or breeding habitat for the state endangered Caspian Tern and Common Tern, state threatened Osprey, and state special concern Bald Eagle.

The property is a mix of northern wet-mesic forest surrounding Mashek Creek, northern mesic forest on the hillsides surrounding the river valley, Great Lakes beach, and surrogate grassland.

The Lake Michigan shoreline is a well documented migratory bird corridor. There are important areas of habitat preserved and protected south of the Mashek Creek Conservancy and north of it. The southern protected land areas are Lions Gorge, in Sheboygan County, and Point Creek Natural Area in Manitowoc County. In the north, there is The Ridges, Whitefish Dunes State Park, and Newport Beach State Park, to name only a few, in Door County. Within Kewaunee County there is a significant gap; a lack of protected habitat area for the migratory bird population. Preserving the Mashek Creek Conservancy area would provide an important "middle piece".

The second greatest conservation value that this project exhibits is its combination of:

- Ecological preservation
- Creation of a public, nature-based, outdoor recreational property
- Protection of a local historical treasure
- Maintenance of the exceptional aesthetic value that is the Lake Michigan shoreline viewscape

This property exhibits an abundance of high quality conservation features. Visitors to the Mashek Creek Conservancy property will come to bird watch, relax, picnic, view wildlife, throw a line in the water, put their kayak in and paddle up or down the coastline, conduct plant inventories, take water samples, plant trees, any number of conservation minded activities; and this property provides them all.

Another secondary purpose of acquiring this property is to greatly enhance the recreation and education value by making this beautiful parcel open to the public in perpetuity. The Kewaunee School District, working with the Kewaunee Outdoor Lab, has plans for class outings throughout the school year; as well as summer education activities.

The WDNR hopes to include the Mashek Creek Conservancy in the Great Wisconsin Birding and Nature Trail. This is a highway based viewing guide which highlights unique regional ecosystems; and provides waypoints, refuges, and wild places that offer the best birding and wildlife watching opportunities.

Purchasing this property will allow the WDNR, to make a wonderful trout and salmon stream open to the public for recreational sport fishing. In the future, the WDNR may apply for federal Sport Fish Restoration funding through the U.S. Fish and Wildlife Service for stream habitat restoration work and to improve fishing access for all anglers.

The Mashek Creek Conservancy property has road frontage on Lakeshore Drive making it easy to get to, and it will be open to the public 365 days of the year. The key recreational aspects of the property (Mashek Creek and Lake Michigan) will be accessible to the public the day the property is purchased. This project does not require major funding, development, or disturbance in order to reap 100% of its recreation value. It will be open and accessible the day it is purchased.

The Department recommends the acquisition of this parcel to protect recreational opportunities, to preserve undisturbed shoreline for scenic beauty, critical fish habitat and for migratory birds. In addition to habitat protection, the state will provide access for canoe and kayak launching.

3. FINANCING:

State Stewardship bond funds and Federal CELCP are anticipated:

	Funds allotted to program:	Balance after proposed transaction:
Federal CELCP	\$ 398,000	\$0
Stewardship	\$50,685,000	\$12,313,683

4. ACQUISITION STATUS OF THE STATEWIDE PUBLIC ACCESS:

Established: 1969
Acres Purchased to Date: 1,188.46
Acquisition Goal: 838.65 Acres
Percent Complete: 141.71%
Cost to Date: \$9,200,063.83

5a. APPRAISAL:

Appraiser: David Steiro
Valuation Date: May 14, 2010
Appraised Value: \$1,273,000
Highest and Best Use: Rural residential

Allocation of Values:

- a. lake frontage (includes 25.02 acres) 1,664 feet @ \$740/foot: \$1,232,000 (Rounded)
- b. market data approach used, six comparable sales cited
- c. adjusted value range: \$475.00 to \$885.00 per front foot

Appraisal Review: Peter Wolter – August 10, 2010

5b. APPRAISAL:

Appraiser: Jolene Brod
Valuation Date: June 3, 2010
Appraised Value: \$1,300,000
Highest and Best Use: Rural residential

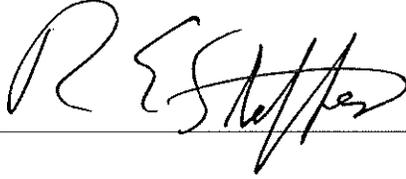
Allocation of Values:

- a. lake frontage (includes 25.02 acres): 1,664 feet @ \$800/foot: \$1,300,000 (Rounded)
- b. market data approach used, seven sales and a listing cited
- c. adjusted value range: \$570 to \$1,176 per front foot

Appraisal Review: Peter Wolter – August 10, 2010

Comment: Brod appraisal estimated value at \$800 per front foot.

RECOMMENDED:



Richard E. Steffes

10-8-10
Date



Bureau of Legal Services

10-8-10
Date



Laurie Osterndorf

10/12/10
Date

RES:dv

Acknowledgment Of Gift

This is to certify that at its October 2010 meeting, the Natural Resources Board gratefully accepted a gift of \$173,000 in land value in Kewaunee County for the Statewide Public Access program from

MC REAL ESTATE

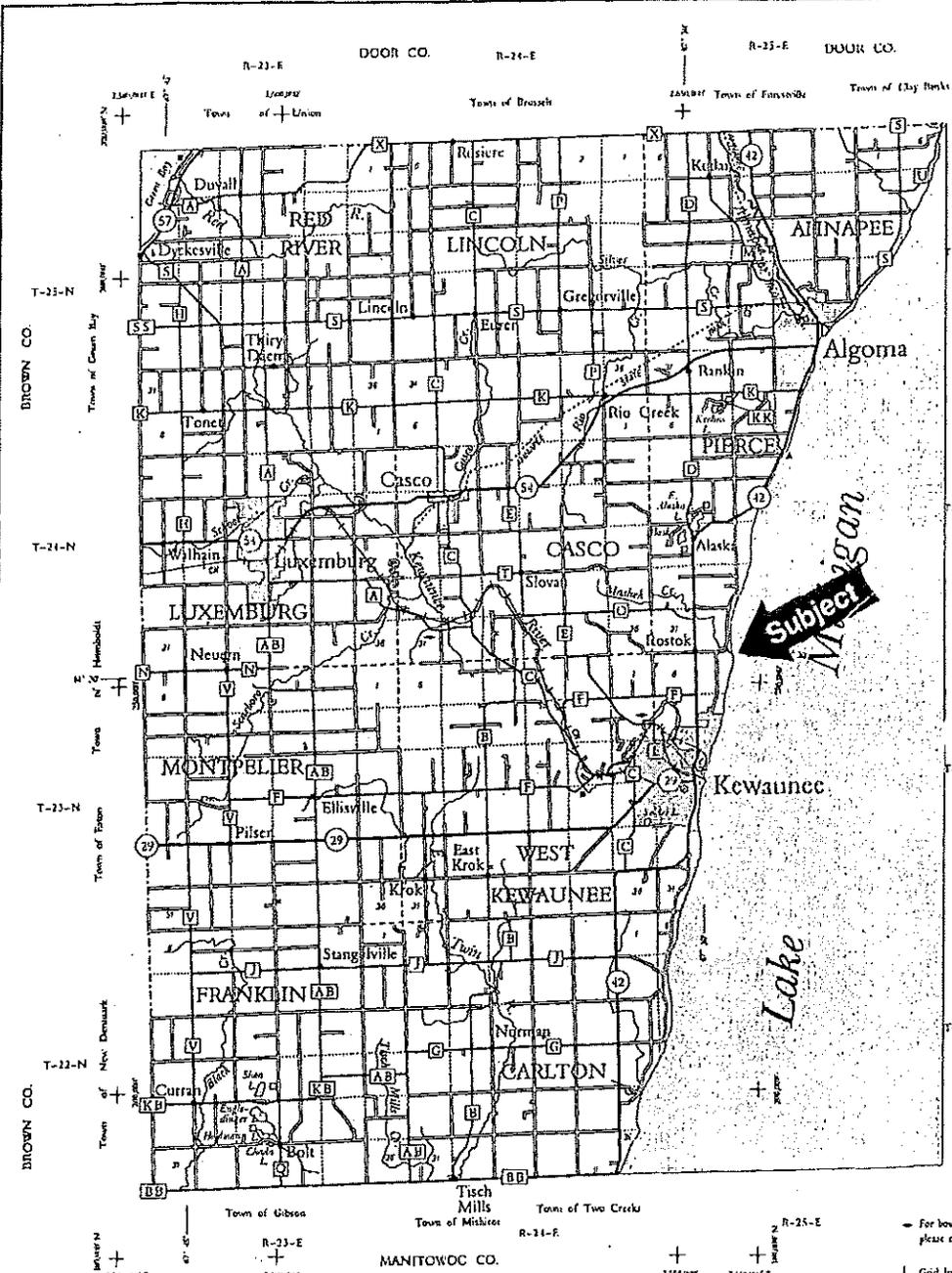
It is significant that people like you are interested in helping protect Wisconsin's natural heritage and contribute materially toward this end.

An expression of our appreciation is a part of the official records of the Natural Resources Board. We present this certificate of sincere appreciation on behalf of present and future generations to thank you for your thoughtfulness and generosity.

Natural Resources Board

Jonathan P. Ela, CHAIR

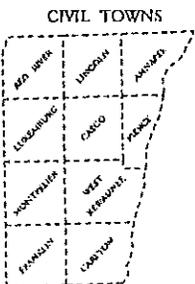
KEWAUNEE 31-3



LEGEND

- Freeway
- Multiline Divided
- U.S. or State Hwy
- County Trunk Hwy
- Trunk Road
- Furrows
- Railroad
- State Trunk
- Interchange
- Highway Separation
- Interstate Highway No. (94)
- U.S. Highway No. (38)
- State Highway No. (59)
- County Highway Letter (T)
- State Boundary
- County Boundary
- City/Town Boundary
- Section Line
- Dem.
- Hospital
- Schools
- Airport
- County Seat
- Unincorporated Village
- Fish Hatchery
- Gum Farm
- Public Hunt or Fish Gnd.
- Public Camp & Picnic Gnd.
- Ranger Station
- State Park
- County Park
- Wildlife Park
- Recreation Area
- Wayside

For boundaries of public hunting and fishing grounds please contact the Department of Natural Resources
 Grid based on the state plane coordinate system (east zone) and the NAD 27



SECTION NUMBERING OF A TOWNSHIP

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

MILES OF HIGHWAY as of 12/31/2014

STATE	14
COUNTY	10
LOCAL ROADS	111
OTHER BONDS	4
TOTAL FOR COUNTY	239

Land Area (2011 Census) - 242 sq. mi.
 Population (2011 Census) - 2,018
 County Seat - Kewaunee

KEWAUNEE CO.
 DEPARTMENT OF TRANSPORTATION
 STATE OFFICE BUILDING
 1000 Wisconsin
 Kewaunee, Wisconsin
 SCALE 0 1 2 3 MILES
 Corrected for
 JAN. 2015
 Not compiled from USGS 1:250,000
 Hydrographic

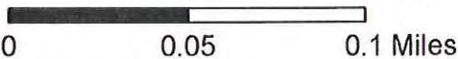
MC Real Estate Parcel

T24N R25E Section 32 Gov't Lot 4, and T23N R25E Section 5 Gov't Lot 1
Town of Pierce, Kewaunee County, WI (25.02 Acres)



Legend

- - - PLSS Section Line
- PLSS Quarter-Quarter
-  DNR Project Boundary
-  County Boundary
-  DNR Eased
-  DNR Owned



Subject Property

FM 10092

Statewide Public Access

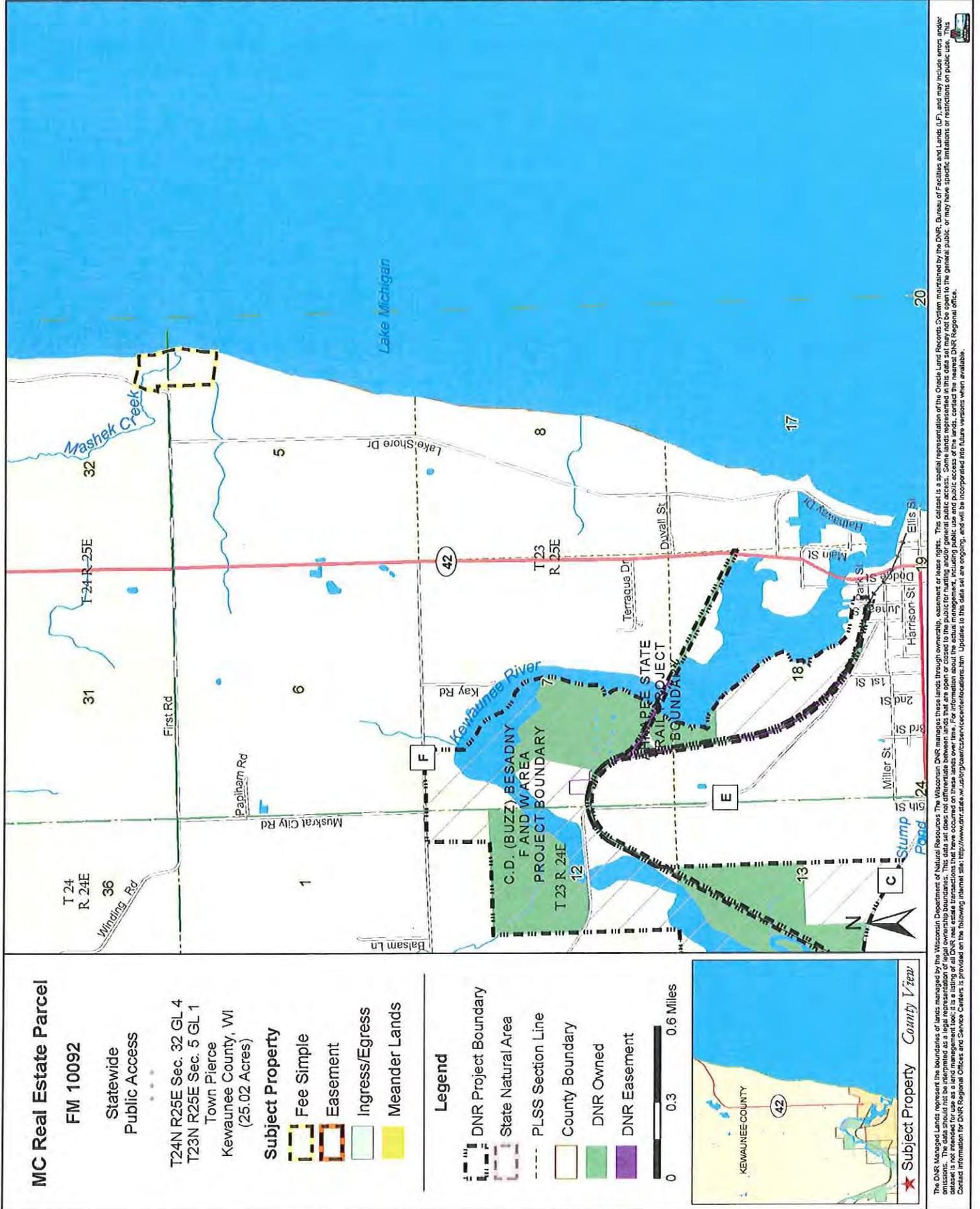
-  Fee Simple
-  Easement
-  Ingress/Egress
-  Meander Lands



State of Wisconsin

August 11, 2010
Real Estate Section
Bureau of Facilities and Lands

User Advisory: Neither the Wisconsin Department of Natural Resources (DNR) nor any of its employees shall be held liable for any improper or incorrect use of the information and/or contained herein and assumes no responsibility for use of the information. Furthermore, no warranty, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, or reliability of any information. The DNR provides maps of information on an "as is" basis. The DNR has made reasonable efforts to provide accurate information, but cannot exclude the possibility of errors or omissions in source information. There is no guarantee the parcel boundaries are defined by a survey. The map user is urged to exercise reasonable use of the map information.



MC Real Estate Parcel

FM 10092

Statewide
Public Access

T24N R25E Sec. 32 GL 4
T23N R25E Sec. 5 GL 1
Town Pierce
Kewaunee County, WI
(25.02 Acres)

Subject Property

- Fee Simple
- Easement
- Ingress/Egress
- Meander Lands

Legend

- DNR Project Boundary
- State Natural Area
- PLSS Section Line
- County Boundary
- DNR Owned
- DNR Easement



The DNR Managed Lands represent the boundaries of lands managed by the Wisconsin Department of Natural Resources. The Wisconsin DNR manages these lands through ownership, easement or lease rights. This dataset is a spatial representation of the Oracle Land Records System maintained by the DNR, Bureau of Facilities and Lands (LF), and may include errors and/or omissions. The DNR does not warrant the accuracy, completeness, or reliability of the data represented in this dataset. This dataset is not intended for use as a land management tool; it is a listing of all DNR real estate transactions that have occurred on these lands over time. For information about the actual management of lands, please contact the DNR Regional Office and Service Centers is provided on the following internet site: <http://www.dnr.state.wi.us/org/casr/servicecenters/locations.htm>. Updates to this data set are ongoing, and will be incorporated into future versions when available.