

NATURAL RESOURCES BOARD AGENDA ITEM

**SUBJECT:** Ratification of DNR decision to issue Stewardship grants that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: Vil. of Plain (Sauk Co) + City of Brookfield (Waukesha Co.)

**FOR:** APRIL 2011 BOARD MEETING

**TO BE PRESENTED BY / TITLE:** Lavane Hessler, Stewardship Local Assistance Grant Manager

**SUMMARY:**

Review under ch. NR 52 is required and has been undertaken for all of the following.

The Department proposes to award a grant from the Acquisition and Development of Local Parks subprogram of the Stewardship Program totaling \$12,348.00 for the acquisition of 5.67 acres in the Village of Plain, Sauk County. This purchase will create a new park and provide public access to Honey Creek on the north side of the Village. The Department has made the proposed determination that the prohibition of hunting is necessary to protect public safety because: the parcels are located within the Village limits where a Village ordinance exists prohibiting the discharge of a weapon and shooting or throwing a missile or projectile; the size of the parcel; being adjacent to State Highway 23; proximity to businesses and other structures; will become part of a trail system; and will be visited by users who have an expectation of no hunting on the property.

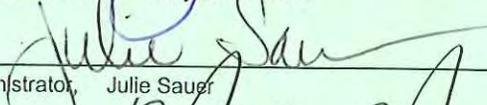
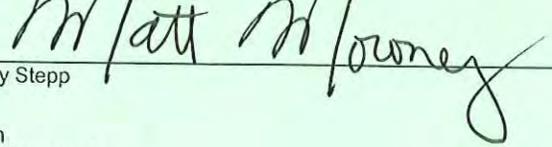
The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship Program totaling \$12,750.00 for the acquisition of 11.46 acres in the City of Brookfield, Waukesha County. This purchase will expand Endicott Park for trail development and protection of the environmental corridor. The Department has made the proposed determination that the prohibition of hunting and trapping is necessary to protect public safety because: the parcels are located within the city limits where a city ordinance exists prohibiting the discharge of a weapon and shooting or throwing of arrows, stone, and other missiles; a city park ordinance prohibiting hunting and trapping within city parks; the shape and size of the parcel; being adjacent to Interstate 94 and homes; will become part of an urban trail system; and will be visited by users who have an expectation of no hunting and trapping on the property.

**RECOMMENDATION:** Ratify the Department decision to award Stewardship grant to the Village of Plain and the City of Brookfield.

**LIST OF ATTACHED MATERIALS:**

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

**APPROVED:**

	<u>March 17, 2011</u>
Bureau Director, Mary Rose Teves	Date
	<u>3/17/11</u>
Administrator, Julie Sauer	Date
	<u>4/1/11</u>
Secretary, Cathy Stepp	Date

cc: NRB Liaison  
DNR Rules Coordinator  
  
DNR Legal

# Project 1

## Village of Plain Honey Creek Business Park

### **SUBJECT:**

Ratification of Department determination to issue Stewardship grant to the Village of Plain for acquisition of 5.67 acres that will prohibit one nature based outdoor activity (NBOA) on non-department land.

### **SUMMARY:**

The Department proposes to award a grant from the Acquisition and Development of Local Parks subprogram of the Stewardship Program totaling \$12,348 for the acquisition of 5.67 acres in the Village of Plain, Sauk County. This purchase will create a new park and provide public access to Honey Creek on the north side of the Village. Review under ch. NR 52 is required and has been undertaken. The Department has determined that the prohibition of hunting on this parcel is necessary to protect public safety because: the parcel is located within the Village limits where a Village ordinance exists to prohibit the discharge of a weapon and shooting or throwing a missile or projectile; the size of the parcel; adjacency to State Highway 23; proximity to businesses and other structures; future incorporation into a trail system; and expectation by users that there will be no hunting on the property.

The purchase of this property is supported by the Village of Plain's Comprehensive Smart Growth Plan and Comprehensive Outdoor Recreation Plan. The park is intended to be used and enjoyed by as many people as possible.

There are currently no constructed improvements on the property. Future development plans include: wetland restoration, hiking and cross-country ski trail, trail connection to the Village Downtown and other recreational areas, and park access road. Recreational opportunities on the parcel will include trapping, fishing, hiking, cross-country skiing, bird and wildlife watching, photography, snow shoeing, and nature observation.

### **RECOMMENDATION:**

Ratify the Department determination to award a grant to the Village of Plain for the acquisition of the 5.67 acres in the Village of Plain, Sauk County.

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DATE: March 21, 2011

FILE REF: NR 51 – ADLPGrant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for Village of Plain (Sauk Co.): Liegel Property Land Purchase

The Department requests that the Board ratify the Department's determination to award a Stewardship grant in the amount of \$12,348 to the Village of Plain for the purchase of 5.67 acres of land in the Village of Plain with one nature-based outdoor activities (NBOA) prohibition.

**Property to be Purchased**

***Project Sponsor:*** Village of Plain  
***Seller:*** Liegel  
***Financial Information:*** See page 5.  
***Timetable:*** The transaction closed on December 26, 2008. This is a reimbursement.

**I. PROJECT DETAILS****A. Property to be Purchased**

***Location and Size:*** The property is 5.67 acres located in the Village of Plain, Sauk County.

This acquisition serves the following goals:

1. Supports the primary goal of the Acquisition and Development of Local Park subprogram of the Knowles-Nelson Stewardship grant program by acquiring land for new park and greenspace.
2. Supports the Village Comprehensive Outdoor Recreation Plan and Smart Growth plan pursuant to s. 66.1001, Wis. Stats. Public uses to be allowed on the parcel include fishing, hiking, cross-country skiing, nature/wildlife study, observation photography, snowshoeing, canoeing and kayaking, picnicking, and the enjoyment of the scenic views. The parcel will expand the Village's trail system including a link to the Downtown.

***Project Description:*** Stewardship grant funding will assist with the acquisition of the Liegel property, south of the Honey Creek Business Park, Village of Plain. The property provides 670 feet of frontage on a tributary to Honey Creek and will be open to fishing. Future plans include a trail system for hiking and cross-country skiing and trails link to the Downtown and other recreation areas. The property will be open to nature/wildlife study, observation, snowshoeing, and photography. In addition, the proposed greenspace will protect and preserve the creek frontage and floodplain.

***Prior Use of Property:*** The parcel was privately owned until the Village purchased the land in December 2008. The property had been agricultural cropland and the necessary activities for that purpose were carried out on the property. Prior to the Village purchasing the property, it was not open to the public for any type of public recreation.

***Proposed Public Use:*** The property will be open to the public year-round. Access to the property is available from State Hwy 23. (See Appendix A for a map of the area.)

Recreational opportunities to be allowed on the property include fishing, hiking, cross-country skiing, nature/wildlife study, observation photography, snowshoeing, canoeing and kayaking, picnicking, and the enjoyment of the scenic views. Trapping will be allowed by permission.

Appendix B shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property. See Appendix G for a summary of the Department's recommendation to prohibit one nature-based outdoor activity on this project.

The Village of Plain has an ordinance that prohibits the discharge of firearms and the throwing or shooting of a missile or projectile. (See Appendices C and D.) The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following in reaching their conclusion that the prohibition for hunting is necessary to protect public safety:

- Village of Plain Ordinance #9.02 prohibiting the discharge of any firearm.
- Village of Plain Ordinance #9.03 prohibiting the throwing or shooting of missiles and projectiles.
- Proximity to State Highway 23
- Proximity to future business structures, the trail system, and other structures.
- Size of the parcel.
- Expectation of those who will use the park.

**Public Comment on Proposed Acquisition:** In accordance with ch. NR 52, Wis. Adm. Code, the Department published a notice regarding the proposed acquisition; comments were collected for a 15-business days. During the comment period, the Department received zero comments.

**Status After Acquisition:** Appendix A shows the Village's proposed site plan for the facility. Future plans include wetland restoration, a hiking and cross-country ski trail system, and a park access road. The trail system will connect to the Downtown and other recreation areas.

## II. PROJECT FINANCES

### A. Partnerships:

- Wisconsin Department of Natural Resources.

### B. Appraisals

The Village of Plain commissioned one appraisal with the value of \$120,000 for a 10-acre parcel that included this 5.67-acre parcel. This means \$12,000 per acre or \$68,040 for the Liegel parcel.

The Department commissioned a second appraisal with the value of \$36,500 for a 10-acre parcel equating to \$26,696 for the 5.67-acre Leigel parcel. The Department certified the value of this parcel at \$20,696.

Appraisal commissioned by Village of Plain	\$68,040 extrapolated value
Appraisal commissioned by Department	\$36,500 extrapolated value
Value certified by Department	\$20,696

**C. Grant Calculation**

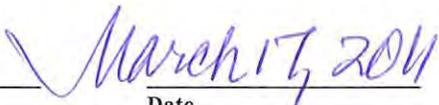
Certified appraised value	\$20,696
Associated real estate costs	<u>\$ 4,000</u>
<b>Total Project Costs</b>	<b>\$24,696</b>

**D. Funding Sources**

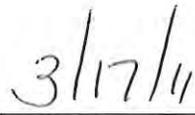
Village of Plain	\$12,348
Stewardship Grant Amount	\$12,348 (50%)

**III. RECOMMENDED:**

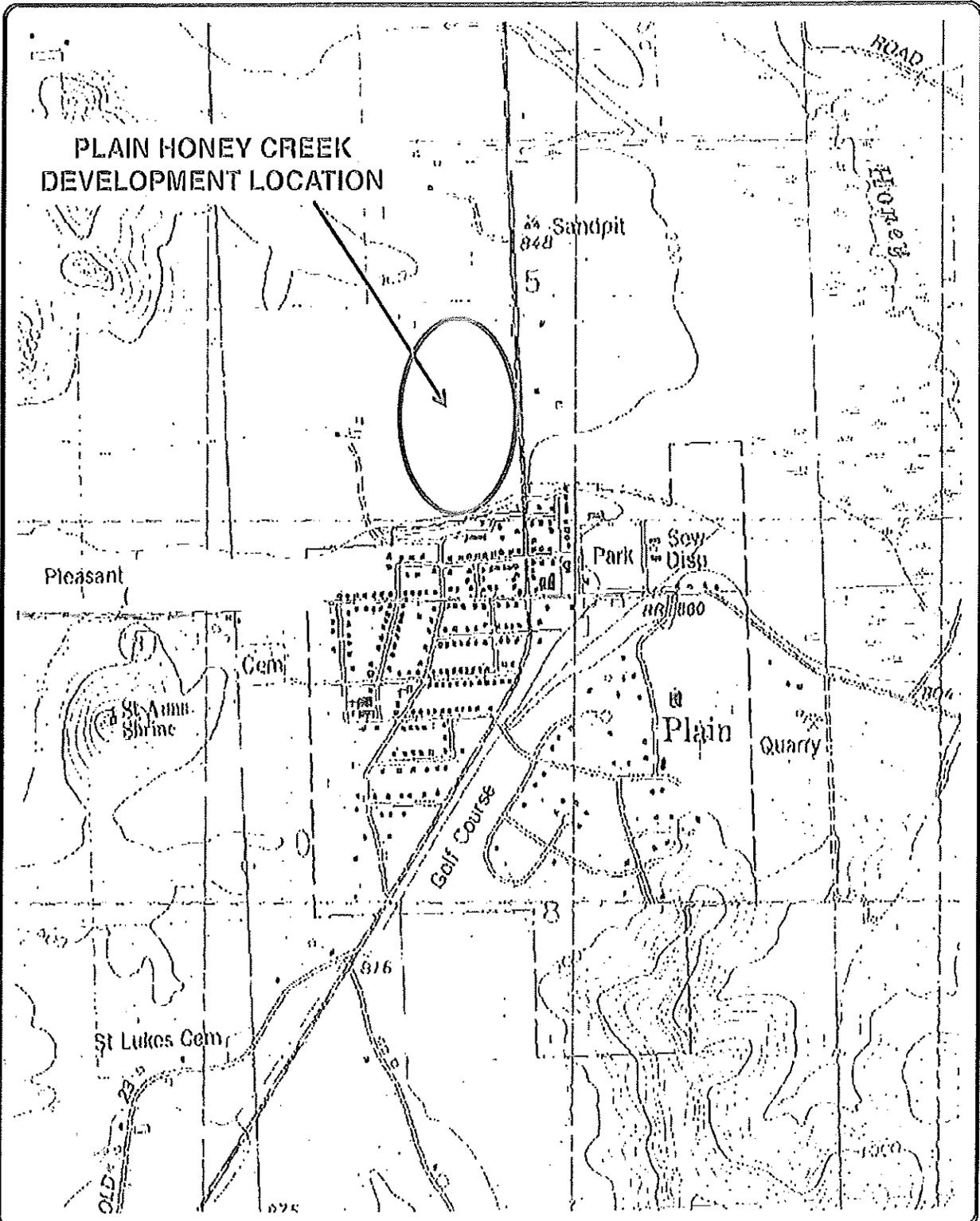
  
\_\_\_\_\_  
Mary Rose Teves, Director, Bureau of Community Financial Assistance

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Julie Sauer, Administrator, Customer and Employee Services Division

  
\_\_\_\_\_  
Date

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USGS TOPO MAP EXHIBIT  
 PLAIN HONEY CREEK DEVELOPMENT  
 LAND ACQUISITION GRANT APPLICATION

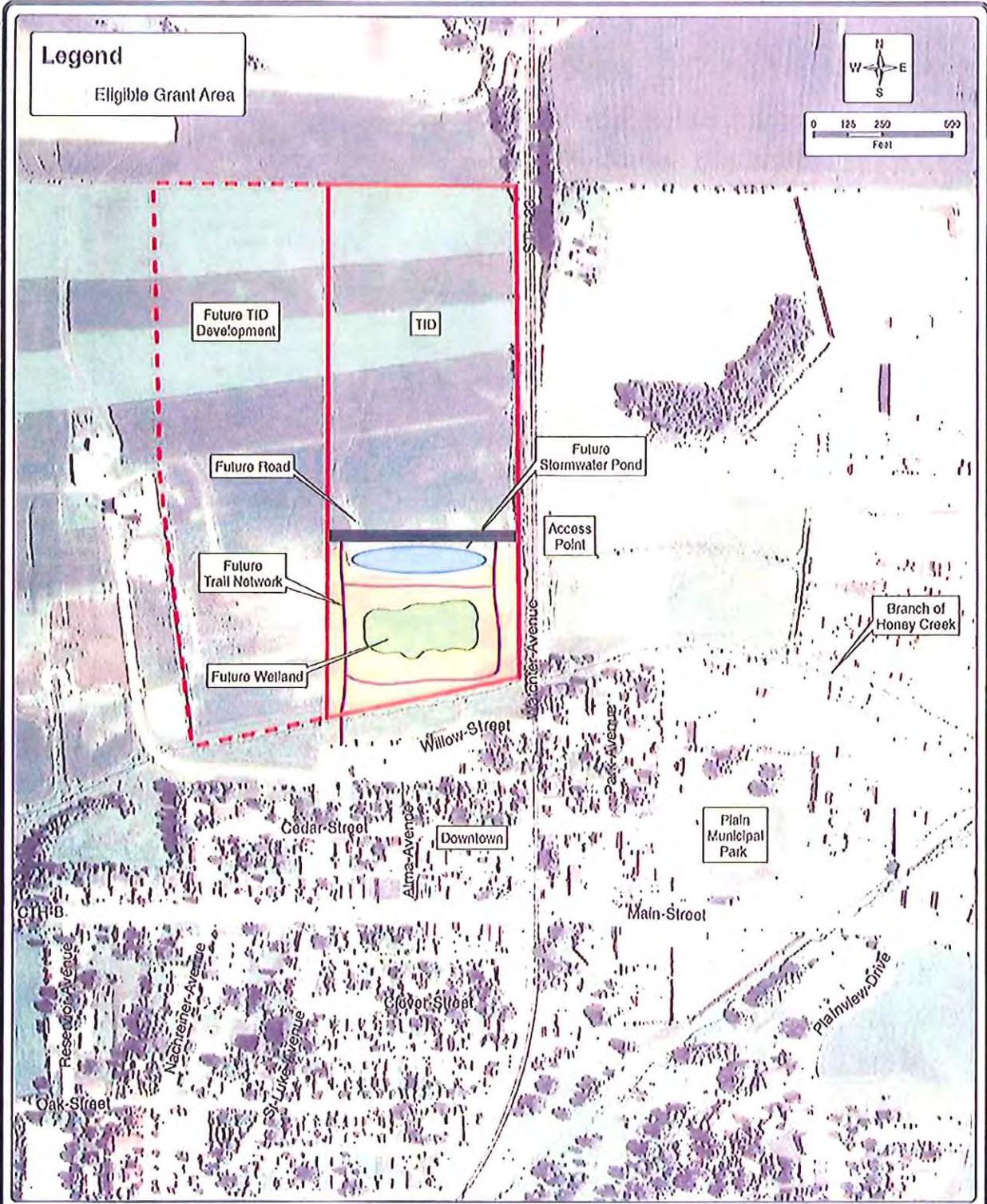
VILLAGE OF PLAIN  
 SAUK COUNTY, WISCONSIN



1141.006

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S:\MAD\1100-1199\1141\006\GIS\Figures\Honey Creek Green Sx11.mxd



**GREEN SPACE INTENDED USE MAP  
PLAIN HONEY CREEK BUSINESS PARK**

**VILLAGE OF PLAIN  
SAUK COUNTY, WISCONSIN**



**FIGURE 2  
1141.006**

1014 AC 1.62  
**HCM**  
 Stock No. 26273

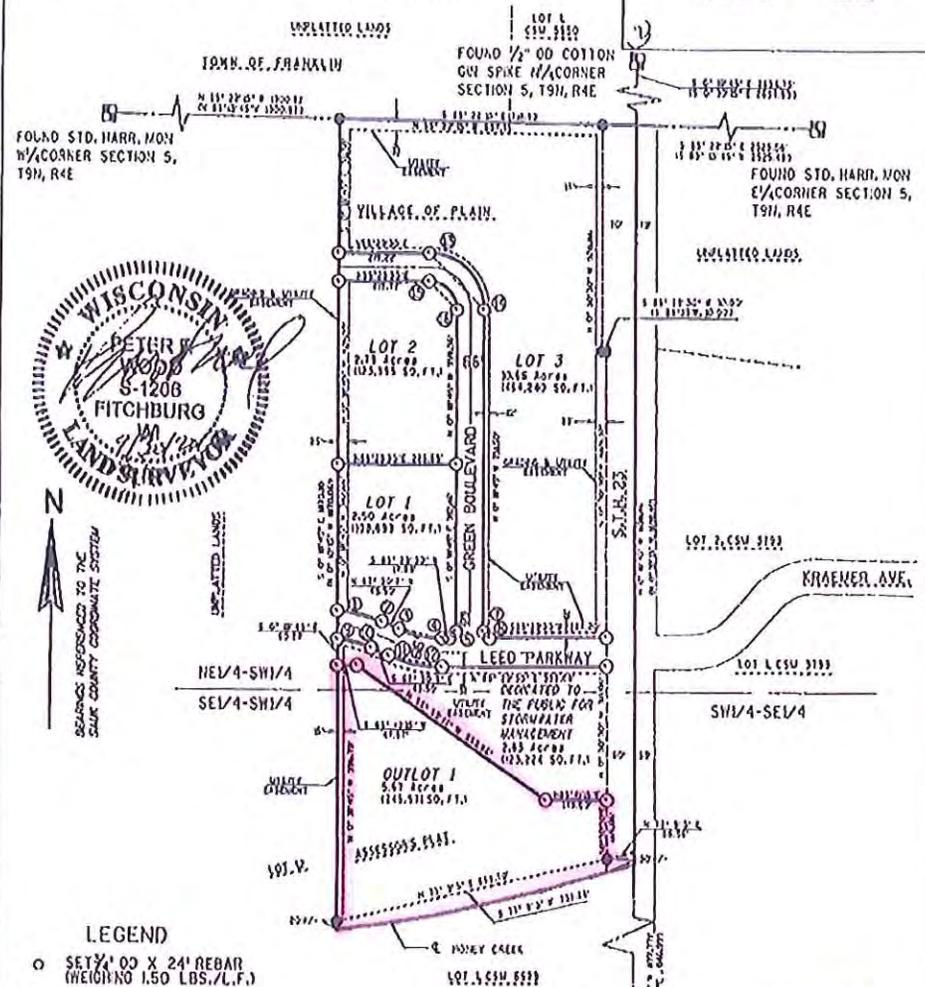
DOCH 1018514  
 Recorded  
 Oct. 15, 2010 AT 00:30AM

*Shant Bailey*

REGISTRAR'S OFFICE  
 SOUK COUNTY WI  
 RECEIVED FOR RECORD  
 Fee Amount: 120.00

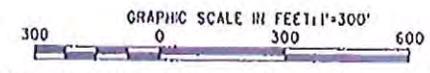
**CERTIFIED SURVEY MAP NO.**

LOT 1, GSM 5002, LOT 12 ASSESSOR'S PLAT  
 LOCATED IN THE NE1/4-SW1/4 AND  
 SE1/4-SW1/4, SECTION 5, T9N, R4E  
 VILLAGE OF PLAIN, SAUK COUNTY, WISCONSIN



RELATIONS REFERENCED TO THE  
 SAUK COUNTY COORDINATE SYSTEM

- LEGEND**
- SET 3/4" OD X 24" REBAR (WEIGHING 1.50 LBS./L.F.)
  - 3/4" OD REBAR FOUND
  - UTILITY EASEMENT (AS SHOWN) (ALSO RECORDED AS)



THIS INSTRUMENT DRAFTED BY PETER F. WOOD  
 STRAND PROJECT NUMBER 141-008



OWNER: VILLAGE OF PLAIN  
 1015 CEDAR STREET  
 P.O. BOX 15  
 PLAIN, WI 53577

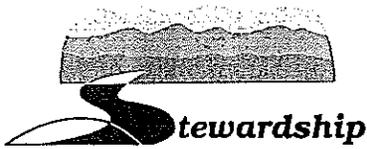
STATE OF WISCONSIN  
 Souk County  
 Received for record this 15<sup>th</sup> day  
 of OCT, A.D., 2010 at 9:30  
 o'clock A.M. and recorded in Vol.  
11 of C.S.M.'s, page(s) 215  
 Document No. 1018514  
 \_\_\_\_\_ Registrar  
 \_\_\_\_\_ Deputy

# APPENDIX B

Knowles-Nelson Stewardship Grant Program

## DNR Staff Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds

Rev. Sep 2009



**NOTE TO DNR STAFF:** This completed form will be attached to the WEPA+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. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

**Applicant/ Sponsor:** Village of Plain **Year of Application:** 2009

**Project Name and Primary Purpose (after acquisition):** Greenspace and public park

**Project Description:** See WEPA Notice

**Plan(s) or Reports Identifying Project Area as Priority:**  
Village of Plain Comprehensive Plan

### Proposed NBOA – Applicant Narrative and Checklist

<b>HUNTING</b>			
<b>DNR Staff Narrative:</b> Property is within the Village limits, gun and bow hunting are prohibited by ordinance. Please see the Department's initial assessment of the NBOA prohibition/restriction conducted by the local recreation safety warden pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.			
Categories	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	No	No	n/a
Small Game	No	No	n/a
Turkey	No	No	n/a
Large Game	No	No	n/a

<b>TRAPPING</b>		
<b>DNR Staff Narrative:</b> Property is within the Village limits, however trapping by permission for wildlife nuisances is allowed.		
Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Yes, with permission	Yes, with permission
Water	Yes, with permission	Yes, with permission

<b>FISHING</b>		
<b>DNR Staff Narrative:</b> Allowed on tributary to Honey Creek.		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Yes	Same as state regulations
Boat	No	No

<b>HIKING</b>		
DNR Staff Narrative: On-trail hiking will be allowed once trails are developed.		
<b>Location</b>	<b>Allowable Activities</b>	<b>List Dates (opening and closing)</b>
On-Trail	No	n/a
Off-Trail	Yes	open

<b>CROSS COUNTRY SKIING</b>		
DNR Staff Narrative: On-trail skiing will be allowed once trails are developed.		
<b>Type of Trail</b>	<b>Allowable Activities</b>	<b>List Dates (opening and closing)</b>
Off-Trail (un-groomed)	Yes	open
On-Trail (un-groomed)	No	n/a
On-Trail (groomed)	No	n/a

## CORRESPONDENCE/MEMORANDUM

DATE: March 9, 2011 FILE REF: Stewardship Application

TO: Mary Rothenmaier, SCR Stewardship Local Govt. Grants

FROM: Jon King, SW Recreational Safety Warden

SUBJECT: Stewardship Grant Application "Public Safety" Review – Honey Creek Land Acquisition – Village of Plain, Sauk County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by the Village of Plain for the proposed acquisition of 5.67 acres of property located in the Village of Plain, Sauk County. Following are my comments and recommendations regarding Nature Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting – The proposed acquisition would be less than 6 acres and is located within the boundaries of the Village of Plain which has a village ordinance prohibiting the discharge of firearms and shooting of a missile and projectile. The parcel is adjacent to State Highway 23, future businesses, and other structures. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the village ordinance, allowance of hunting by gun or bow would create a user conflict and a public safety issue due to the physical characteristics and size of the property, its proximity to a public street, and its proposed improvements. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of the village ordinance on parcels, located wholly within the village limits.

Given the factors of proximity of public roads and future buildings, the fact that it is located within the village limits, the size of the parcel, and the Village Ordinance prohibiting the discharge of firearms and shooting or throwing a missile and projectiles, it is my professional opinion that prohibiting hunting is necessary to protect public safety.

Trapping – The Village of Plain does not prohibit trapping, but only requires that permission be granted from the Village for this activity. Interested trappers may stop in at the Village Office to obtain permission.

Fishing, hiking and cross-country skiing – are not prohibited on this property. The pond is a storm water detention pond so fishing will be limited to the amount of water available to the pond.

cc: Barbara A. Wolf, SCR Regional Warden

## APPENDIX D

9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix "9" defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the Village, provided the penalty for commission for such offenses shall be limited to a forfeiture (see fine schedule). Any future amendments, revisions or modifications of the statutes incorporated herein by reference on or after January 1, 1979 are intended to be made part of this Chapter.

9.29.288	Throwing refuse in Waters/Abandoning Vehicles
9.50.58	Careless Smoking
9.110.075(7)	Producing/Using Inspection Sticker Fraudulently
9.134.06	Motor Vehicles Sales/Bonus to Chauffeur Prohibited
9.144.42(2)	Pollution by Motor Vehicle/Failure to Repair
9.175.25	Illegal Storage of Junked Vehicles
9.194.21	Accepting or Receiving Transportation Rebates
9.218.01(7a)	Used Cars/Prohibited Acts
9.218.01(7b)	Motor Vehicles/Sales to Minor
9.346.935	Drinking in Motor Vehicles on Highway
9.939.22	Words and Phrases Defined
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference With Fire Fighting
9.943.01(1)	Criminal Damage to Property (Less Than \$200)
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.24	Issue of Worthless Check (Procedures as Defined in 9.19)
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.65	Obstructing Justice
9.946.70	Impersonating Peace Officer
9.946.72	Tampering with Public Records and Notices
9.947.01	Disorderly Conduct
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.08	Crime Comics
9.948.01-9.948.16	Crimes Against Animals

9.02 FIREARMS. No person except an authorized police officer shall discharge any firearm within the Village or have any firearm in his possession within the Village unless it is unloaded and knocked down and enclosed in a carrying case or other suitable container, provided the Board may issue permits to an organized gun club to engage in target practice within the Village at times and places designated by the Chief of Police.

9.03 THROWING OR SHOOTING MISSILES AND PROJECTILES. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the Village.

9.04 SALE AND DISCHARGE OF FIREWORKS RESTRICTED. Sec. 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this chapter as though set forth in full.

9.05 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the Village in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

CORRESPONDENCE/MEMORANDUM

DATE: February 24, 2011

TO: Lavane Hessler – CF/2

FROM: Mary Rothenmaier

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

PROJECT NAME: Village of Plain, Honey Creek Business Park – Liegel Property

The Village of Plain 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 January 21, 2011 and the fifteen day public review period ended on February 11, 2011.

The Department received zero comments concerning this proposal.

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

Mary Rothenmaier      3/15/11  
Signature of Contact Person      Date

NBOA Approved with Prohibition Certification:

Mary Rose Teves      March 17, 2011  
Mary Rose Teves, CF Bureau Director      Date



## APPENDIX F



## Wisconsin DNR News Release

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### Village of Plain Seeks Stewardship Grant For Acquisition of Land

News Release Published: January 21, 2011 by the South Central Region

Contact(s): Mary Rothenmaier, Local Gov. Stewardship Grants, 608-275-3322

SAUK CITY, Wis. – The Village of Plain has applied for a 50 percent matching grant from the Stewardship Acquisition and Development of Local Parks subprogram of the Knowles-Nelson Stewardship Program to assist with the purchase of 5.67 acres in the Village of Plain, Sauk County. The Village of Plain will provide match to the grant award.

The property is being acquired for a new park and greenspace and will include fishing, hiking, cross-country skiing, biking, snowshoeing, and nature appreciation.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Mary Rothenmaier, Stewardship Grant Specialist, 3911 Fish Hatchery Road, Fitchburg, WI 53711 or sent by e-mail to [Mary.Rothenmaier@wisconsin.gov](mailto:Mary.Rothenmaier@wisconsin.gov).

If you have questions about this project, Mary Rothenmaier can be reached by phone at 608-275-3322. Written comments will be accepted through Feb. 11, 2011. 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.

People can sign up receive e-mail notices about the availability of future Stewardship Grant project news releases on the newsletter and update subscription page of the DNR website (select Stewardship Grants News to sign up for electronic notices of proposed grant projects).

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DATE: March 21, 2011

APPENDIX G

TO: Natural Resources Board

FROM: Mary Rose Teves, Director  
Bureau of Community Financial Assistance

SUBJECT: **Summary of Department Proposed Determination to Prohibit one Nature-based Outdoor Activity on the Village of Plain, Liegel Property Land Purchase**

I recommend that the NRB exercise its authority under s. 23.0916(2)(b) and s. NR 52.05, Wis. Adm. Code, to ratify the Department's decision to award a Stewardship grant in the amount of \$12,348 to the Village of Plain for acquisition of 5.67 acres located within the Village of Plain even though the prohibition of hunting will be necessary to protect public safety.

#### PROJECT BACKGROUND

The Village of Plain, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$12,348 for the acquisition of 5.67 acres located within the Village of Plain, Sauk County, for the purposes of creating a new park and greenspace to link to the Village downtown.

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 Village of Plain proposes to prohibit one NBOA (hunting). The property is subject to an ordinance prohibiting the discharge of firearms and the shooting or throwing of a missile and projectile. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting to protect public safety.

A copy of the Village's ordinance is attached to this Green Sheet as Appendix D.

#### PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on January 21, 2011. Zero comments were received.

A copy of the public notice may be found in Appendix E attached to this Green Sheet.

#### DETERMINATION

The Village of Plain has an ordinance that prohibits the discharge of a firearm and throwing or shooting a missile and projectile. The DNR regional Recreational Safety Warden determined that the prohibition on hunting on this property is necessary to protect public safety. The warden reviewed the following factors prior to reaching this conclusion:

1. The primary purpose of the project;
2. Local ordinance prohibiting discharging of firearms;
3. Local ordinance prohibiting the throwing or shooting a missile or projectile;
4. User conflicts;

5. The size of the parcels; and
6. Proximity to State Highway 23, future business, and other structures.

We believe that the hunting prohibition on this parcel is necessary because the size of the parcel, proximity to State highway 23, proximity to future business structures, location of parcel within the Village limits, and users who visitors who have an reasonable expectation of no hunting in a local park.

This determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(e), Wis. Adm. Code.

## Project 2

### City of Brookfield Endicott Park Acquisition (Hawks Point)

**SUBJECT:**

Ratification of Department determination to issue a Stewardship grant to the City of Brookfield (Waukesha Co) for acquisition of 11.46 acres that will prohibit two nature-based outdoor activity (NBOA) on non-department land.

**SUMMARY:**

The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship Program totaling \$12,750.00 for the acquisition of 11.46 acres in the City of Brookfield, Waukesha County. This purchase will expand Endicott Park for trail development and protection of the environmental corridor. Review under ch. NR 52 is required and has been undertaken. The Department has made the determination that the prohibition of hunting and trapping is necessary to protect public safety because: the parcels are located within the city limits where a city ordinance exists prohibiting the discharge of a weapon and shooting or throwing of arrows, stone, and other missiles; a city park ordinance exists prohibiting hunting and trapping within city parks; the shape and size of the parcel; proximity to Interstate Highway 94 and homes; future inclusion into an urban trail system; and expectation by users that no hunting and trapping will occur within a Park.

The property is supported by the City of Brookfield's Park and Open Space Plan and Waukesha County's Regional Park and Open Space Plan and Development Park. The park is intended to be used and enjoyed by as many people as possible.

The property acquisition will protect wetlands within an isolated natural area and an environmental corridor. There are currently no constructed improvements on the property. Future development plans include multi-purpose recreational trails. Recreational opportunities include hiking, biking, cross-country skiing, bird and wildlife watching, photography, snow shoeing, and nature observation.

**RECOMMENDATION:**

Ratify the Department's determination to award a grant to the City of Brookfield totaling \$12,750 for the acquisition of the 11.46 acres in the City of Brookfield, Waukesha County.

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**DATE:** March 21, 2011 **FILE REF:** NR 51 – Urban Green Space Grant

**TO:** Natural Resources Board

**FROM:** Cathy Stepp, Secretary

**SUBJECT:** Stewardship Grant for City of Brookfield's Endicott Park Expansion (Hawks Pointe Subdivision) Land Purchase

The Department requests that the Board ratify the Department's determination to award a Stewardship grant in the amount of \$12,750 to the City of Brookfield for the purchase of two parcels totaling 11.46 acres in the City of Brookfield (Waukesha Co) with two nature-based outdoor activities (NBOA) prohibited under ch. NR 52.

**Property to be Purchased**

**Project Sponsor:** City of Brookfield  
**Seller:** Weston II, LLP  
**Financial Information:** See page 23.  
**Timetable:** The city purchased the property on December 16, 2009. This is a reimbursement request.

**I. PROJECT DETAILS**

**A. Property to be Purchased**

**Location and Size:** The property is 11.46 acres located in the Hawks Pointe Subdivision, City of Brookfield, Waukesha County.

This acquisition serves the following goals:

1. Supports the primary goal of the Urban Green Space subprogram of the Knowles-Nelson Stewardship grant program by protecting open space for nature-based outdoor recreation.
2. Protects wetlands and isolated natural area
3. Serves as a secondary environmental corridor as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).
4. Provides for the acquisition of land contiguous to existing park land.
5. Provides for future recreational trail opportunities and will extend the City of Brookfield's Greenway Trail, connecting citizens to trails throughout the city.
6. Supports the recommendations of *A Park and Open Space Plan for the City of Brookfield* (SEWRPC Report No. 108), *A Development Plan for Waukesha County* (SEWRPC, Report No. 209) and *A Regional Park and Open Space Plan for Waukesha County- 2000* (Report No. 27)

**Project Description:** Stewardship grant funding will assist with the acquisition of two parcels totaling 11.46 acres to expand the City of Brookfield's Endicott Park and Greenway Trail System between Calhoun Road and Brookfield Road. The property includes wetlands and isolated natural areas and is part of a SEWRPC-designated secondary environmental corridor.

The project will provide for the continuation of a linear corridor that will be available for passive outdoor recreation including hiking, cross-country skiing, snowshoeing, and nature study.

Memo to Natural Resources Board  
March 21, 2011

**Prior Use of Property:** The property has been under private ownership and was managed for open green space. Prior to the City purchasing the property, the property was not open to the public for any recreational activities.

**Proposed Public Use:** The property will be open to the public year-round. Access to the property is available from Endicott Park and Brookfield Road. (See Appendix H for a map of the area).

Recreational opportunities on the parcel will include hiking, cross-country skiing, bird and wildlife watching, snowshoeing, and photography.

Appendix I shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The City of Brookfield has an ordinance that prohibits the discharge of weapons and throwing or shooting arrows, stones, or other missiles within city limits and an ordinance prohibiting hunting and trapping in city parks. (See Appendixes J and K.) The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following in reaching their conclusion that prohibition of hunting and trapping is necessary to protect public safety:

- The primary purpose of the project;
- Ordinance prohibiting discharging weapons and throwing or shooting arrows, stones, and other missiles;
- Ordinance prohibiting hunting and trapping in city parks;
- User conflicts;
- The size and shape of the parcels;
- The proximity of residences and Interstate Highway I-94; and
- Expectations of those who will use the park.

**Public Comment on Proposed Acquisition:** In accordance with ch. NR 52, Wis. Adm. Code, the Department published a notice regarding the proposed acquisition; comments were collected for a 15-business days. During the comment period, the Department received one comment in opposition to the project.

One citizen from Nekoosa, Wisconsin, stated that he was opposed to any land purchases that did not allow hunting, fishing, or trapping. See Appendix L for a summary of the comment.

See Appendix N for a summary of the Department's recommendation to prohibit two nature-based outdoor activities on this project.

**Status After Acquisition:** The property will be managed by the City of Brookfield as part of their park system. A segment of the city's Greenway Trail System will be constructed between Calhoun Road and Brookfield Road traveling through this property and Endicott Park. The project supports the recommendations of *A Park and Open Space Plan for the City of Brookfield* (SEWRPC Report No. 108), *A Development Plan for Waukesha County* (SEWRPC, Report No. 209) and *A Regional Park and Open Space Plan for Waukesha County- 2000* (Report No. 27)

## II. PROJECT FINANCES

### A. Partnerships:

- City of Brookfield
- Department of Natural Resources

**B. Appraisals**

The City of Brookfield commissioned one appraisal with the values of \$23,000 for the parcels. This value of \$23,000 was certified by the WDNR.

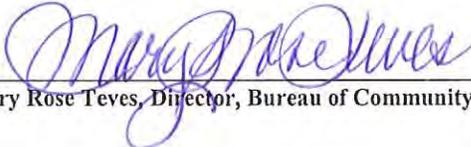
**C. Grant Calculation**

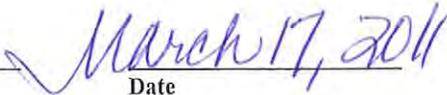
Certified appraised value for Hawks Pointe Subdivision Parcels	\$23,000
Associated real estate costs	<u>\$2,500</u>
<b>Total Project Costs</b>	<b>\$25,500</b>

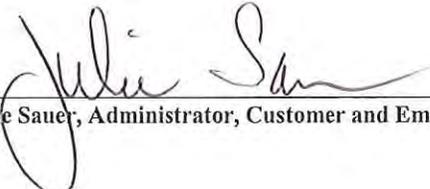
**D. Funding Sources**

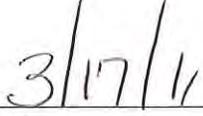
City of Brookfield	\$12,750
Stewardship Grant Amount	\$12,750 (50% grant)

**III. RECOMMENDED:**

  
\_\_\_\_\_  
Mary Rose Teves, Director, Bureau of Community Financial Assistance

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Julie Sauer, Administrator, Customer and Employee Services Division

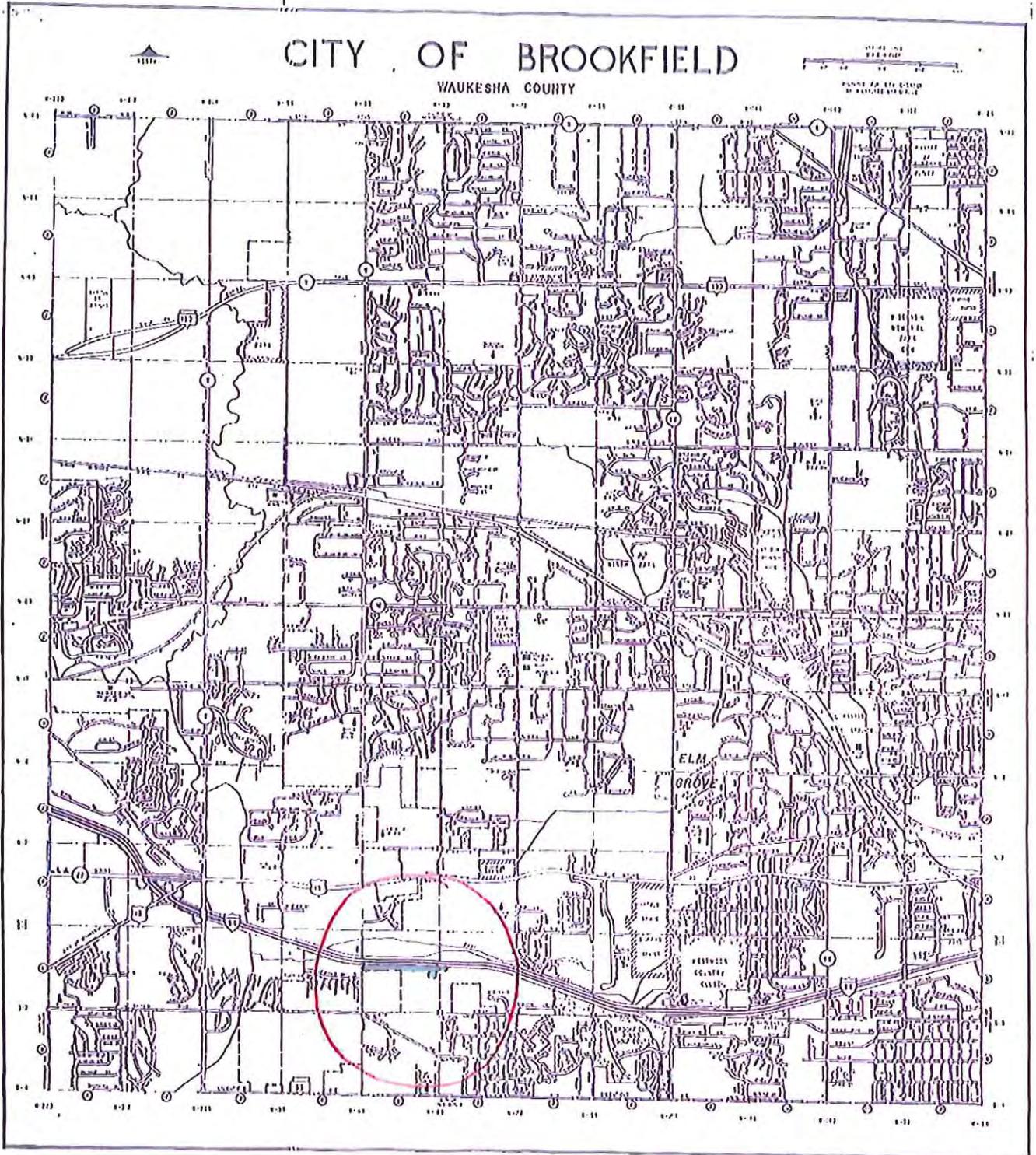
  
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Date

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# CITY OF BROOKFIELD

WAUKESHA COUNTY



# HAWKS POINTE

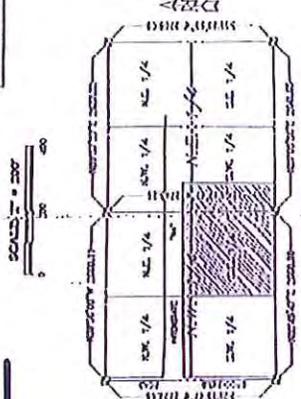
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## "OVERALL DETAIL SHEET"

THIS SHEET DOCUMENT IS THE "FINAL PLAN" OF "HAWKS POINTE" SUBDIVISION.

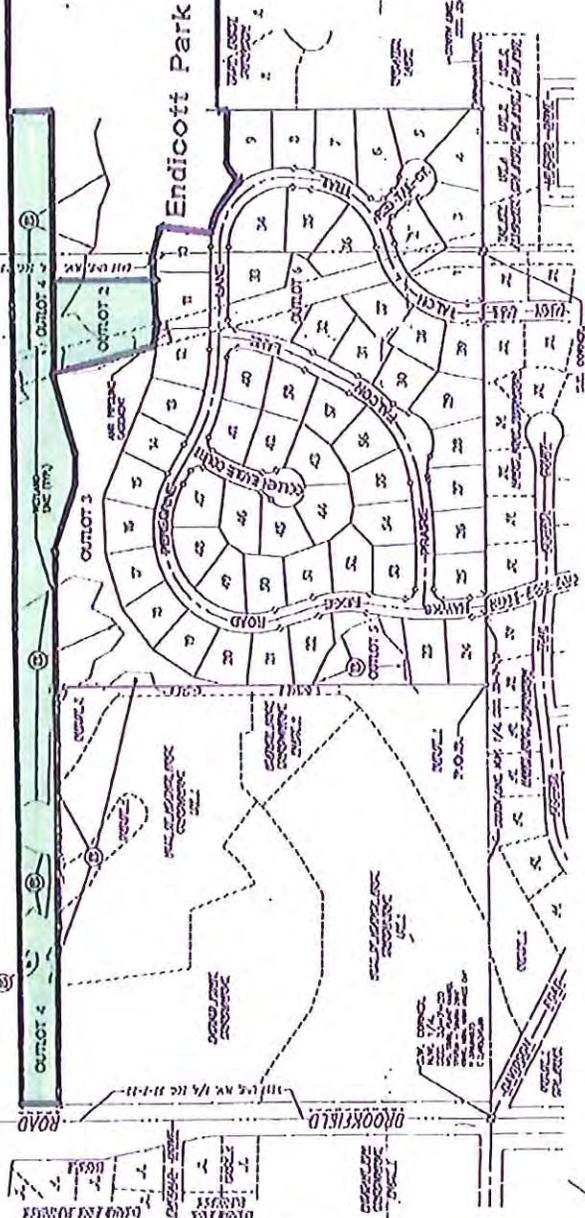
*Wm. A. Davis*  
 Civil Engineer  
 No. 5726, District of Columbia  
 Registered Professional Engineer  
 License No. 10116, State of Maryland  
 License No. 10116, State of Virginia  
 License No. 10116, State of North Carolina  
 License No. 10116, State of South Carolina  
 License No. 10116, State of Georgia  
 License No. 10116, State of Florida  
 License No. 10116, State of Alabama  
 License No. 10116, State of Louisiana  
 License No. 10116, State of Mississippi  
 License No. 10116, State of Arkansas  
 License No. 10116, State of Missouri  
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 License No. 10116, State of Ohio  
 License No. 10116, State of Pennsylvania  
 License No. 10116, State of New York  
 License No. 10116, State of New Jersey  
 License No. 10116, State of Delaware

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 (AS SHOWN)

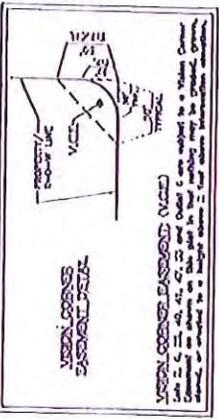
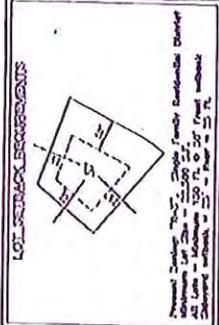


LOCALITY MAP  
 NW 1/4 & NE 1/4  
 SEC. 20, T. 7 N., R. 20 E.  
 SCALE: 1" = 1000'

NOTES:  
 1. The subdivision is shown on the attached plat and map.  
 2. The subdivision is shown on the attached plat and map.  
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 36. The subdivision is shown on the attached plat and map.



OWNER:  
 Wm. A. Davis  
 Civil Engineer  
 No. 5726, District of Columbia  
 Registered Professional Engineer  
 License No. 10116, State of Maryland  
 License No. 10116, State of Virginia  
 License No. 10116, State of North Carolina  
 License No. 10116, State of South Carolina  
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 License No. 10116, State of Illinois  
 License No. 10116, State of Indiana  
 License No. 10116, State of Ohio  
 License No. 10116, State of Pennsylvania  
 License No. 10116, State of New York  
 License No. 10116, State of New Jersey  
 License No. 10116, State of Delaware



THE DISTRICT OF COLUMBIA  
 DEPARTMENT OF PLANNING AND ZONING  
 1000 PENNSYLVANIA AVENUE, N.W.  
 WASHINGTON, D.C. 20004  
 PHONE: 202-745-3000  
 FAX: 202-745-3000

OWNER:  
 Wm. A. Davis  
 Civil Engineer  
 No. 5726, District of Columbia  
 Registered Professional Engineer  
 License No. 10116, State of Maryland  
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 License No. 10116, State of Alabama  
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 License No. 10116, State of Ohio  
 License No. 10116, State of Pennsylvania  
 License No. 10116, State of New York  
 License No. 10116, State of New Jersey  
 License No. 10116, State of Delaware

THE DISTRICT OF COLUMBIA  
 DEPARTMENT OF PLANNING AND ZONING  
 1000 PENNSYLVANIA AVENUE, N.W.  
 WASHINGTON, D.C. 20004  
 PHONE: 202-745-3000  
 FAX: 202-745-3000

LEGAL CORNER DIAGRAM (N.E.D.)  
 This diagram shows the location of the subdivision within a larger grid of sections. The subdivision is located in the NW 1/4 and NE 1/4 of Section 20, T. 7 N., R. 20 E. The diagram shows the subdivision's location relative to the surrounding sections and roads.

HAWKS POINTE  
 SHEET 1 OF 4

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# APPENDIX I

Knowles-Nelson Stewardship Grant Program

## DNR Staff Analysis of Nature Based Outdoor Activities on Projects Purchased with Stewardship Grant Funds



Rev. Sep 2009

**NOTE TO DNR STAFF:** This completed form will be attached to the WEPA+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. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

Applicant/ Sponsor: City of Brookfield

Year of Application: 2010

Project Name and Primary Purpose (after acquisition): Hawks Point Subdivision Open Space Acquisition; protection of the environmental corridor for outdoor recreation west of Endicott Park

Project Description: See WEPA Notice

Plan(s) or Reports Identifying Project Area as Priority:  
City of Brookfield Comprehensive Plan and Park and Open Space Plan

### Proposed NBOA – Applicant Narrative and Checklist

#### HUNTING

DNR Staff Narrative: The sponsor has a local ordinance Chapter 12-24 that prohibits hunting within a park.

Categories	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	No	No	N/A
Small Game	No	No	N/A
Turkey	No	No	N/A
Large Game	No	No	N/A

#### TRAPPING

DNR Staff Narrative: The sponsor has a local park ordinance Chapter 12-24 that prohibits trapping in a park.

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	No	N/A
Water	No water on property	N/A

#### FISHING

DNR Staff Narrative: There is no water on the property.

Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	N/A	N/A
Boat	N/A	N/A

HIKING		
DNR Staff Narrative: Hiking will be allowed on the property and a future trail is proposed.		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	No (future trail proposed)	Throughout the year
Off-Trail	Yes	Throughout the year

CROSS COUNTRY SKIING		
DNR Staff Narrative: Cross country skiing is allowed on the property.		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	During snow cover.
On-Trail (un-groomed)	No	N/A
On-Trail (groomed)	No	N/A

## CORRESPONDENCE MEMORANDUM

DATE: December 10, 2010 FILE REF: Stewardship Application

TO: Daniel Kaemmerer, SER Financial Assistance Specialist

FROM: John Bronikowski, SER Recreation Safety Warden

SUBJECT: Stewardship Grant Application NBOA Review – Endicott Park, City of Brookfield, Waukesha County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by the City of Brookfield for the proposed acquisition of 11.46 acres of land adjacent to Endicott Park in the City of Brookfield. Following are my comments and recommendations regarding the Nature-Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting – The proposed acquisition is 11.46 acres and is located within the boundaries of the City of Brookfield which has a city ordinance prohibiting hunting in the parks. The parcel expands the city's Endicott Park but is adjacent to interstate highway I-94 to the north and a residential subdivision and public streets to the south. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the city ordinance, allowance of hunting would create a user conflict and a public safety issue due to the physical characteristics and shape of the property, its proximity to interstate highway I-94 and its proximity to a residential subdivision, public streets, and large population. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of this city-wide ordinance on parcels, located within the city limits.

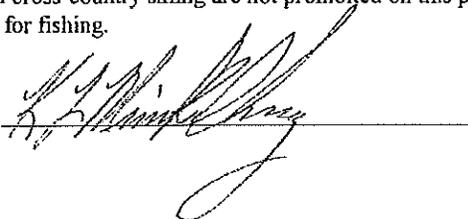
Given the factors of proximity of interstate highway I-94 and the proximity of a residential subdivision, public streets, and large population, that it is located within the city's boundary, the shape of the parcel, and the city ordinance prohibiting hunting in city parks, it is my professional opinion that the prohibition of hunting is necessary to protect public safety.

Trapping – The proposed acquisition is 11.46 acres and is located within the boundaries of the City of Brookfield which has a city ordinance prohibiting trapping in city parks. The parcel expands the city's Endicott Park but is adjacent to interstate highway I-94 to the north and a residential subdivision and public streets to the south. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the city ordinance, allowance of trapping would create a user conflict and a public safety issue due to the physical characteristics and shape of the property, its proximity to interstate highway I-94 and its proximity to a residential subdivision, public streets, and large population. It is also reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of this city-wide ordinance on parcels, located wholly within the city limits.

Given the factors of proximity to interstate highway I-94 and the proximity of a residential subdivision, public streets, and large population, that it is located within the city's boundary, the shape of the parcel, and the city ordinance prohibiting trapping in city parks, it is my professional opinion that the prohibition on this property is necessary to protect public safety.

Fishing, hiking, and cross-country skiing – Hiking and cross-country skiing are not prohibited on this property. However, there is no water on the property to provide for fishing.

Approved Kevin Mickelberg, SER Regional Warden:




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Paper

**Chapter 9.28  
WEAPONS**

**Sections:**

- 9.28.010 Discharge of firearms prohibited.  
9.28.020 Throwing or shooting of arrows, stones and other missiles prohibited.

**9.28.010 Discharge of firearms prohibited.**

A. Except as provided in subsection B of this section, no person shall fire, discharge or use any firearm, air rifle, spring or air gun of any description, or any instrument which impels a missile or pellet by compressed air, spring or other means within the city nor shall any person have any firearm, air rifle, spring or air gun of any description, or any instrument which impels a missile or pellet by compressed air, spring or other means in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container. The discharge or use of any bow and arrow is prohibited in the city, except in designated areas in city parks.

B. Exceptions. Subsection A of this section shall not apply to any of the following:

1. Any duly authorized law officer in the performance of his duties;
2. Any supervised rifle or pistol range or shooting gallery authorized by the council;
3. Any deer or animal control program duly authorized by the common council. (Ord. 1891 §§ 1 and 2, 2002; Ord. 1843 § 1, 2001; Prior code § 9.01)

**9.28.020 Throwing or shooting of arrows, stones and other missiles prohibited.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the city. The recreation department may, however, under proper supervision, conduct programs which would otherwise violate this section. This section shall not apply to the discharge or use of any bow and arrow in designated areas of city parks. (Ord. 1891 § 3, 2002; Prior code § 9.02)

This page of the Brookfield Municipal Code is current through Ordinance 2187-09, passed October 6, 2009.

Code Publishing Company

Disclaimer: The City Clerk's Office has the official version of the Brookfield Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.brookfield.wi.us/>  
Telephone number: (262) 796-6653

## Chapter 12.24 PARKS

### Sections:

<u>12.24.010</u>	Definitions.
<u>12.24.020</u>	Park property.
<u>12.24.030</u>	Sanitation.
<u>12.24.040</u>	Traffic.
<u>12.24.050</u>	Recreational activities.
<u>12.24.060</u>	Behavior.
<u>12.24.070</u>	Merchandising, advertising and signs.
<u>12.24.080</u>	Park operating policy.
<u>12.24.090</u>	Enforcement.
<u>12.24.100</u>	Violation—Penalty.

### 12.24.010 Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

"Commission" means the park and recreation commission of the city.

"Director" means the park and recreation director of the city or a person immediately in charge of any park area and its activities and to whom all park attendants of such area are responsible.

"Park" means a park, reservation, playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

"Vehicle" means any wheeled conveyance, whether motor powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks. (Prior code § 19.01)

### 12.24.020 Park property.

No person in a park shall do the following:

#### A. Buildings and Other Property.

1. **Disfiguration and Removal.** Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

2. **Restrooms and Washrooms.** Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.

3. **Removal of Natural Resources.** Dig or remove any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

4. **Erection of Structures.** Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

#### B. Trees, Shrubbery, Lawns.

1. **Injury and Removal.** Damage, cut, carve, transplant or remove any tree or

plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas or in any way injure or impair the natural beauty or usefulness of any area.

2. Climbing Trees. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.

\* C. Wild Animals, Birds.

1. Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal or the eggs or nest or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous such as rattle snakes or other deadly reptiles may be killed on sight. This provision does not include supervised and managed programs for wild animal control authorized by the commission.

2. Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substance. (Ord. 2036-05 § 1, 2005; prior code § 19.02)

#### 12.24.030 Sanitation.

No person in a park shall do the following.

A. Pollution of Waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

B. Refuse and Trash. Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Prior code § 19.03)

#### 12.24.040 Traffic.

No person in a park shall do the following.

A. State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the State Motor Vehicle Department traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this code and other ordinances.

B. Enforcement of Traffic Regulations. Fail to obey all traffic officers and park employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the commission.

C. Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.

D. Speed of Vehicles Regulated. Ride or drive a vehicle at a rate of speed exceeding fifteen (15) miles per hour, except upon such roads as the director may designate, by posted signs, for speedier travel.

E. Operation Confined to Roads. Drive any vehicle on any area except the paved park roads or parking areas or such other areas as may, on occasion, be specifically designated as temporary parking areas by the commission.

F. Parking.

## CORRESPONDENCE/MEMORANDUM

DATE: March 7, 2011

TO: Lavane Hessler – CF/2

FROM: Jim Ritchie, SER

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

PROJECT NAME: City of Brookfield, Endicott Park Expansion

The Endicott Park Expansion 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 January 14, 2011 and the fifteen day public review period ended on February 7, 2011.

The Department received one comment concerning this proposal which is summarize below:

Summary of comments: One citizen from Nekoosa, Wisconsin stated that he was opposed to any land purchases that did not allow hunting, fishing or trapping and asked if that was a requirement for use of Stewardship funds.

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

James M. Ritchie  
Signature of Contact Person

3/7/11  
Date

NBOA Approved with Prohibition Certification:

Mary Rose Teves  
Mary Rose Teves, CF Bureau Director

March 17, 2011  
Date

## APPENDIX M



## Wisconsin DNR News Release

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### City of Brookfield seeks grant for Stewardship Urban Green Space project

News Release Published: January 14, 2011 by the Southeast Region

Contact(s): Dan Kaemmerer, Community Services Specialist, 414-263-8704

**BROOKFIELD, Wis.** – The City of Brookfield has applied for a 50 percent matching grant from the Knowles-Nelson Stewardship Program for costs incurred in the purchase of 11.46 acres of wetland in the City of Brookfield, Waukesha County. The city will provide match to the grant award.

Preservation of the property will help protect the environmental corridor and provide opportunities for trail development along the corridor to the west of Endicott Park. The property will be left primarily in its natural state and will be open to the public for low impact recreational activities including hiking, cross-county skiing, picnicking, biking, nature study and snowshoeing. A regional recreation trail is proposed for a portion of the site.

The Department of Natural Resources has made a preliminary determination that the proposed acquisition will not involve significant adverse environmental impacts and neither an environmental assessment nor environmental impact statement will be required for this action. Address public comments on the proposed acquisition to Carrie Mickelson, Administrator, Customer and Employee Services Division, care of Dan Kaemmerer, Community Services Specialist, 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, WI, 53212, (414) 263-8704, [daniel.kaemmerer@wisconsin.gov](mailto:daniel.kaemmerer@wisconsin.gov). In accordance with S. NR 52.04 (2)(b), Wis. Adm. Code, objections about the prohibited activities on this property must show proposed prohibitions to be inconsistent with S. 23.0916 (2)(b), Wis. Stats., and S. NR 52.05, Wis. Adm. Code. Comments must be received by February 7, 2011.

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## CORRESPONDENCE/MEMORANDUM

DATE: March 21, 2011

APPENDIX N

TO: Natural Resources Board

FROM: Mary Rose Teves, Director  
Bureau of Community Financial AssistanceSUBJECT: **Summary of Department Determination to Prohibit Two Nature-based Outdoor Activity on the City of Brookfield's Endicott Park Expansion (Hawks Pointe Subdivision)**

I recommend that the NRB exercise its authority under s. 23.0916(2)(b), Wis. Stats., and s. NR 52.05, Wis. Adm. Code, to ratify the Department's decision to award a Stewardship grant in the amount of \$12,750 to the City of Brookfield for the acquisition of two parcels totaling 11.46 acres located within the City of Brookfield even though prohibition of hunting and trapping will be necessary to protect public safety.

## PROJECT BACKGROUND

The City of Brookfield, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$12,750 for the acquisition of 11.46 acres located within the City of Brookfield, Waukesha County, for the purposes of expanding Endicott Park and the city's Greenway Trail.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, fishing, trapping, hiking, and cross-country skiing. The City of Brookfield proposes to prohibit hunting and trapping. The property is subject to an ordinance prohibiting the discharge of weapons, shooting or throwing arrows, stones, and other missiles within city limits and an ordinance prohibiting hunting and trapping within city parks. Furthermore, the property is adjacent to Interstate Highway I-94 to the north and a residential subdivision and public streets to the south. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping to protect public safety.

A copy of the City's ordinance is attached to this Green Sheet as Appendix K.

## PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on January 14, 2011. No comments were received in support; one comment was received in opposition.

The public notice and a summary of the comments submitted may be found in Appendix L attached to this Green Sheet.

## DETERMINATION

The City of Brookfield has an ordinance that prohibits the discharge of weapons and throwing or shooting an arrow, stone, or other missile and an ordinance prohibiting hunting and trapping

within a city park. The DNR regional Recreational Safety Warden determined that the prohibition on hunting and trapping was necessary to protect public safety. The warden reviewed the following factors in reaching this conclusion:

1. The primary purpose of the project;
2. Ordinance prohibiting the discharge of weapons and throwing or shooting an arrow, stone, or other missile;
3. Ordinance prohibiting hunting and trapping in city parks;
4. User conflicts;
5. The size and shape of the parcels; and
6. The proximity of residences and Interstate Highway I-94.

We believe that the hunting and trapping prohibitions on this parcel are necessary because the parcels are located within the city limits, adjacent to homes and Interstate I-94, will become part of an urban trail system, and will be frequented by users who have a reasonable expectation of no hunting or trapping within a Park.

#### FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individual who objected to a Stewardship grant to the City of Brookfield for purchase of 11.46 acres in the City of Brookfield for Endicott Park.

This determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(e), Wis. Adm. Code.