

SUBJECT: Ratification of Department decision to issue three Stewardship grants that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: The Nature Conservancy, Door County.

FOR: AUGUST, 2011 BOARD MEETING

TO BE PRESENTED BY / TITLE:
Pam Foster Felt, Stewardship NonProfit Conservation Org. Grant Manager

SUMMARY:

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

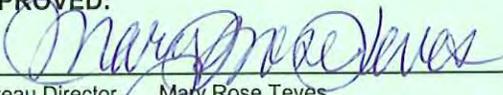
The Department proposes to award three grants from the Natural Areas subprogram of the Stewardship Program totaling \$207,322.50 to The Nature Conservancy for the acquisition of three parcels -- two in the town of Liberty Grove and one in the town of Baileys Harbor, Door County. These purchases will expand the Mink River Estuary and North Bay State Natural Areas. The Department has made the determination that the prohibition of water trapping on all 3 parcels is necessary to protect the Federally Endangered Hines emerald dragonfly because of the potential for trapping to destroy dragonfly larval habitat found in the small rivulets of the wetlands.

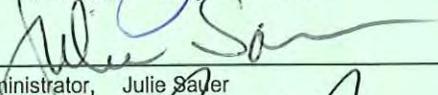
RECOMMENDATION: Ratify DNR decision to award a Stewardship grant to The Nature Conservancy for the Fandrei, London, and Steinle properties in the towns of Liberty Grove and Baileys Harbor, Door County

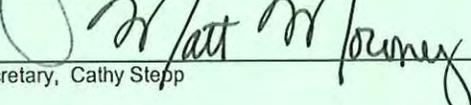
LIST OF ATTACHED MATERIALS:

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

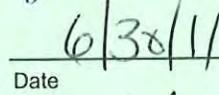
APPROVED:

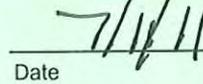

 Bureau Director, Mary Rose Teves


 Administrator, Julie Sauer


 Secretary, Cathy Stepp


 Date


 Date


 Date

cc: NRB Liaison
DNR Rules Coordinator

Project 1

The Nature Conservancy London Acquisition – North Bay State Natural Area

SUBJECT:

Ratification of Department determination to issue a Stewardship grant to The Nature Conservancy for acquisition of 15.03 acres (Town of Liberty Grove, Door County) that will prohibit one nature-based outdoor activity (NBOA) on non-department land.

SUMMARY:

The Department proposes to award a grant from the Natural Areas subprogram of the Stewardship Program totaling \$61,427.50 for the acquisition of 15.03 acres in the Town of Liberty Grove, Door County. This purchase is within the North Bay State Natural Area and will be managed as a natural area while providing recreational opportunities to the public. Review under ch. NR 52 is required and has been undertaken. The Department has made the determination that the prohibition of water trapping is necessary to protect unique plant and animal communities because of the potential of water trapping to impact the natural values of the parcel as defined in s. 23.27, Wis. Stats. The Department based this determination on the following factors:

- The parcel contains non-forested wetland that provide potential habitat for the larvae of a federally endangered species – the Hine’s emerald dragonfly.
- To avoid potential “take” of Hine’s emerald dragonfly, as defined in s. 29.604(6m), Wis. Stats., by disturbing larvae habitat.
- To avoid potential “take” of Hine’s emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
- The proximity to critical habitat areas for the Hine’s emerald dragonfly.
- The protection of the watershed habitat needed to sustain the Hine’s emerald dragonfly.
- The projects potential to preserves the natural diversity.

The property Land Management Plan is consistent with the North Bay State Natural Area master plan and the USFWS Critical Habitat Unit requirements.

The property acquisition will protect the sensitive environment, mitigate threats to habitat loss, and provide public recreational opportunities. There are currently no constructed improvements on the property and no future improvements are proposed. Recreational opportunities include hunting, hiking, upland trapping, fishing, cross-country skiing, bird and wildlife watching, photography, and nature observation.

RECOMMENDATION:

Ratify the Department’s determination to award a grant to The Nature Conservancy totaling \$61,427.50 for the acquisition of the 15.03 acres in the Town of Liberty Grove, Door County.

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CORRESPONDENCE/MEMORANDUM

DATE: June 22, 2011

FILE REF: NR 51 – Natural Area Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for The Nature Conservancy London Land Purchase

The Department requests that the Board ratify the Department's determination to award a Stewardship grant in the amount of \$61,427.50 to The Nature Conservancy for the purchase of 15.03 acres of land for one parcel in the Town of Liberty Grove, Door County with prohibition of one nature-based outdoor activity.

Property to be Purchased

Project Sponsor: The Nature Conservancy
Seller: George London
Financial Information: See page 3.
Timetable: The transaction closed on December 28, 2010.

I. PROJECT DETAILS

A. Property to be Purchased

Location and Size: Stewardship grant assistance has been requested for 15.03 acres in the town of Liberty Grove of Door County.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Natural Area Stewardship Grant Program by adding 3 acres of upland, approximately 12 acres of wetland, and about 273 feet of shoreline on North Bay. The purchase protects watershed habitat for the federally endangered Hine's emerald dragonfly while preserving the significant elements of natural diversity in the North Bay State Natural Area.
2. Maintains the high quality wetland communities associated with the Lake Michigan shoreline. These include emergent aquatic communities, a northern sedge meadow, and a large calcareous fen community inland from the sedge meadow.
3. Develop and implement monitoring of water quality for the Three Springs Creek.
4. Protects populations of rare species and will monitor and remove invasive exotic species.
5. Initiates and support research to be used for management and education purposes.
6. Provides low-impact public recreational opportunities such as hunting, upland trapping, fishing, snowshoeing, wildlife viewing, hiking, photography, and cross-county skiing.

Project Description: Stewardship grant funding will assist with the acquisition of 15.03 acres within the North Bay State Natural Area. The tract is primarily wetland. The Three Springs Creek drains through the center of the project emptying into lake Michigan through a large emergent marsh in the north end of the bay. This marsh is dominated by soft and hard stemmed bulrush, cattail and bluejoint grass.

The benefits of purchasing the 15.03 acres include:

- Protection of the habitat of the federally endangered Hine's emerald dragonfly, four other rare dragonflies, dorcas copper butterflies, and the osprey.
- Important plant species include the federally threatened dwarf lake iris, showy lady's slipper orchid, white bog orchid, and slender bog arrow grass.
- Waters of the North Bay were found to be an important spawning site for lake whitefish and also provides spawning habitat for northern pike, yellow perch, smallmouth bass, rainbow and brown trout, and Chinook salmon.

Prior Use of Property: The property is currently under private ownership with access by permission only. There are currently no constructed improvements on the property.

Proposed Public Use: The property will be open to the public year round. Access to the property is from Winding Lane Road on the south side and from adjacent TNC owned property. (See Appendix A for a map of the area.)

Recreational opportunities on this parcel include hunting, upland trapping, fishing, hiking, cross country skiing, snowshoeing, nature study, wildlife observation, and photography. Appendix B shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The Unique Plant and Animal Prohibition Team reviewed and determined that the water trapping prohibition was necessary to protect the Federally Endangered Hine's Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential for "take" of Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

See Appendix C for a summary of the Department's proposed recommendation to prohibit water trapping on this project.

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 15-business days. During the comment period, the Department received two comments: one comment in support and one comment not in support. See Appendix E for a summary of the comments.

Comment in Support of NBOA Prohibition: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which project will allow.

Comment Not in Support of NBOA Prohibition: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on this property.

Status After Acquisition: The Nature Conservancy plans to protect and preserve the property in accordance with the department-approved land management plan for the North Bay State Natural Area.

II. PROJECT FINANCES

A. Partnerships:

- Department of Natural Resources
- US Fish & Wildlife Service

B. Appraisals

The Nature Conservancy commissioned one appraisal with the value of \$120,000 for the parcel. This value of \$120,000 was certified by the WDNR. The purchase price is \$120,000.

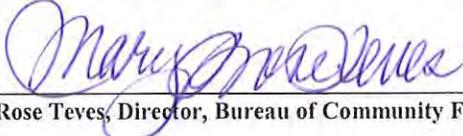
C. Grant Calculation

Certified appraised value for London Parcel	\$120,000
Associated real estate costs	\$ 2,855
Total Project Costs	\$122,855

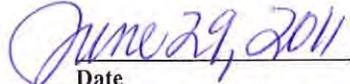
D. Funding Sources

The Nature Conservancy	\$ 1,427.50
USFWS Coastal Wetland Federal Grant	\$60,000.00
Stewardship Grant Award	\$61,427.50

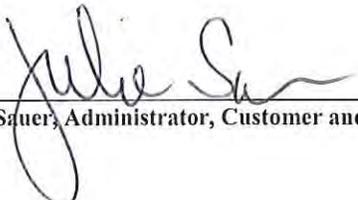
II. RECOMMENDED:



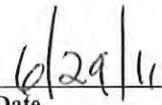
Mary Rose Teves, Director, Bureau of Community Financial Assistance



Date

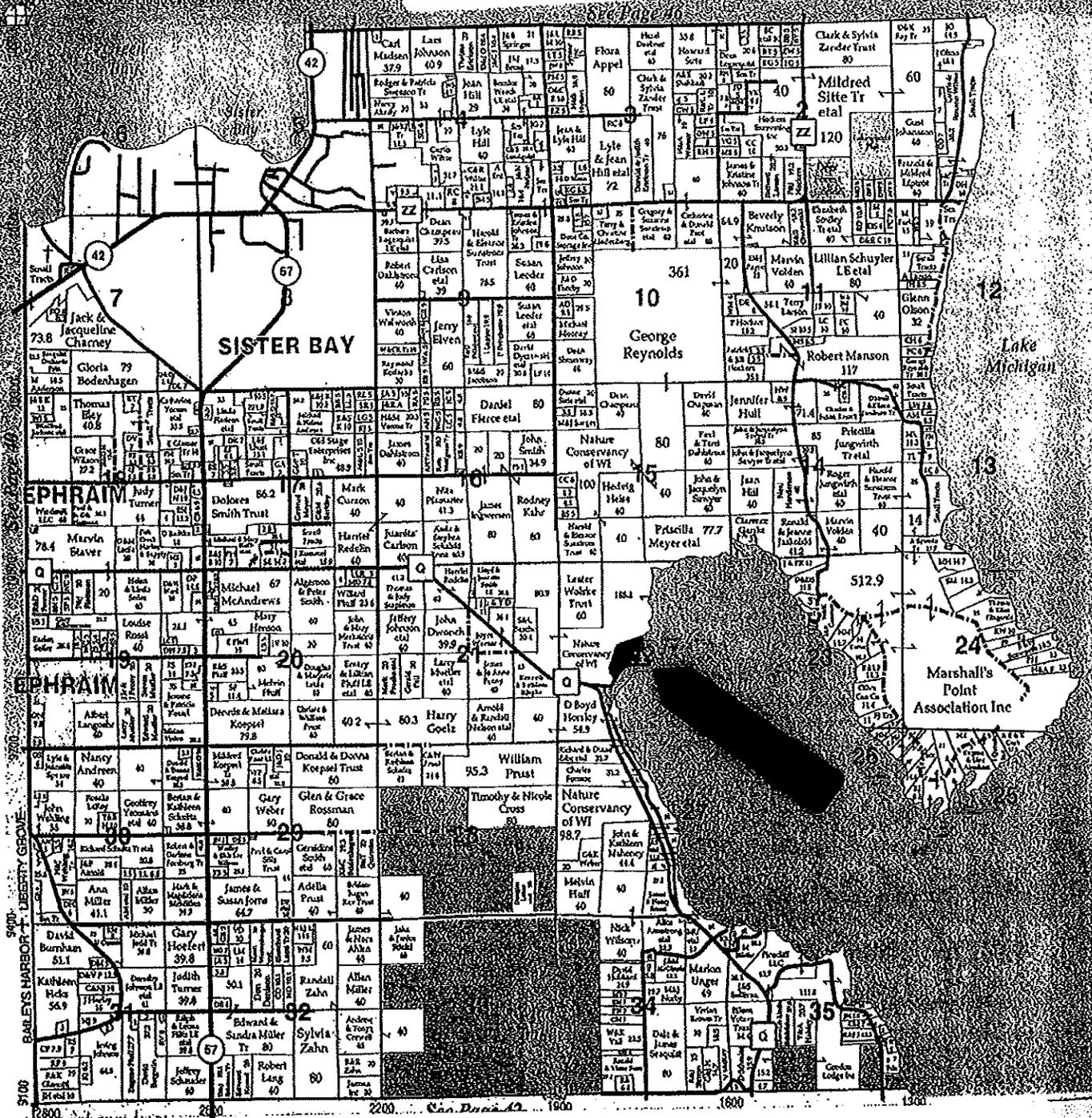


Julie Sauer, Administrator, Customer and Employee Services Division

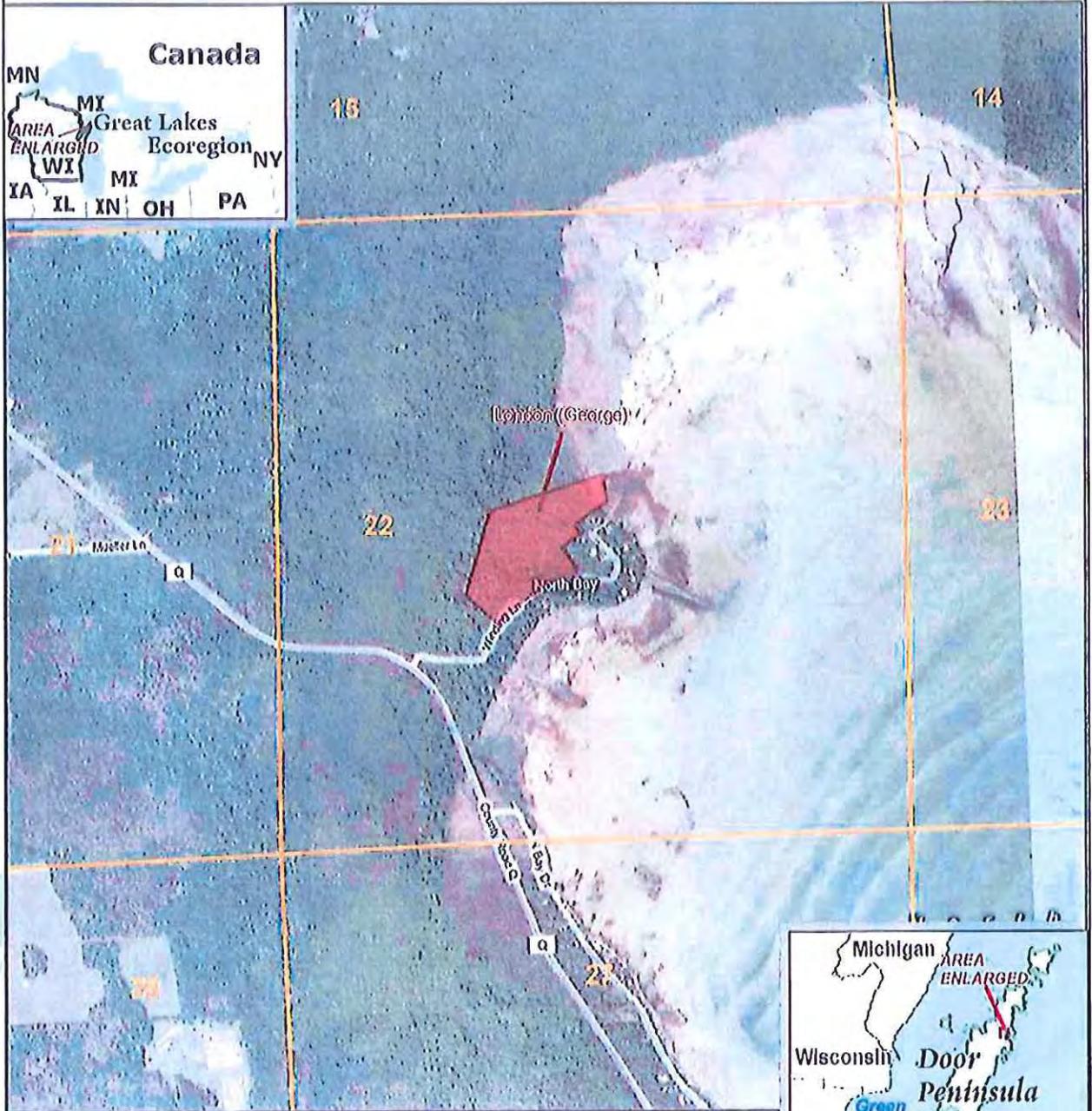


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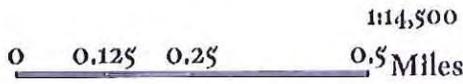
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Door Peninsula (London (George)) Access
Door County, WI - T31N-R28E



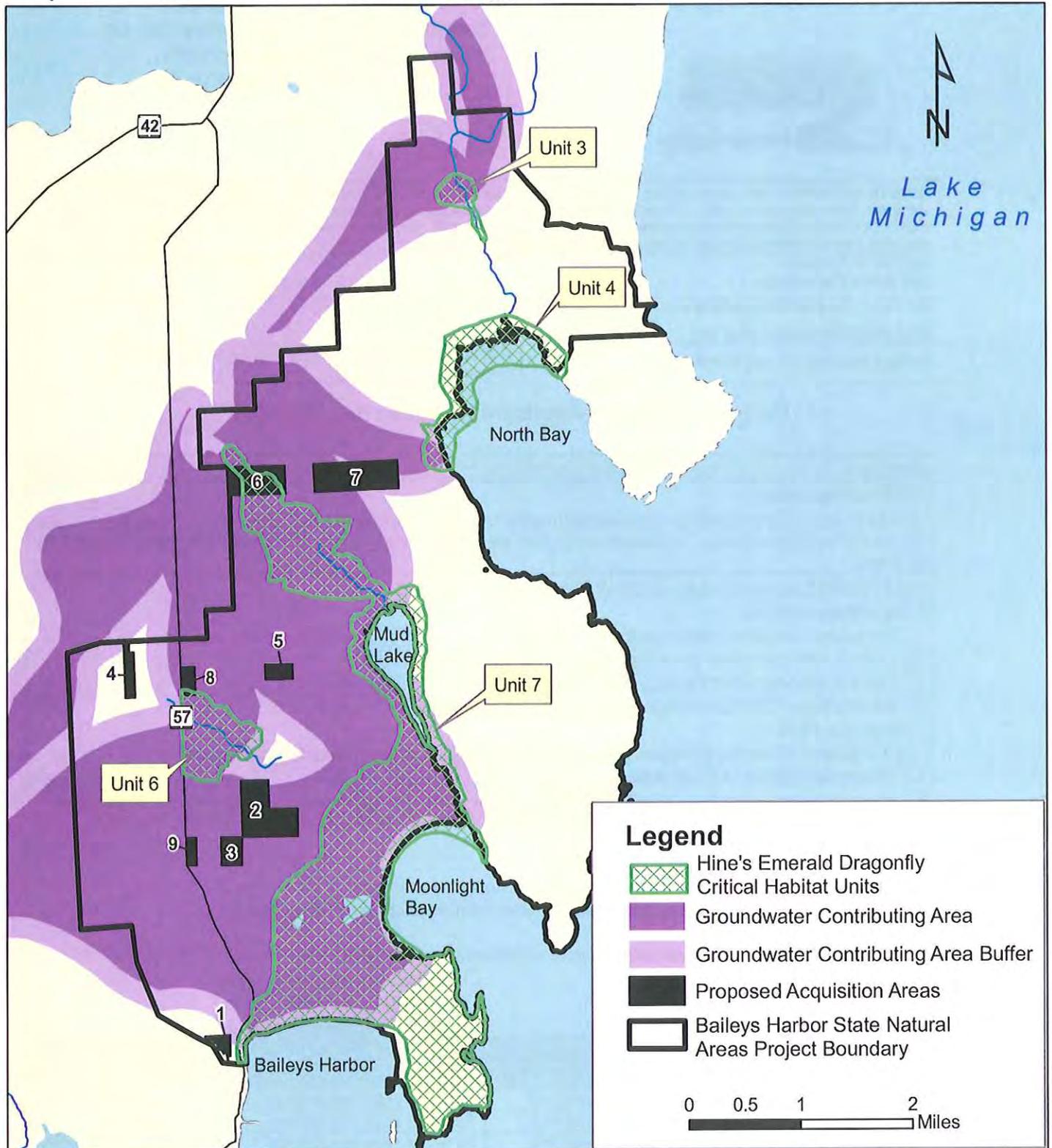
- Tract - 15.03 acres
- Section lines



September 20, 2010
 Map created by R. Pillegor, Wisconsin Field Office, WI
 Data Sources: Roads, Water, Administrative Boundaries, State Lands, Current, from State of Wisconsin. Tract Boundary, Conservation Lands, Ecoregions (2005), Current, from TNC
 Map Projection: Wisconsin Transverse Mercator, 1091 correction NAD83 (HARN)
 File: I:\Geodata\ProjectAreas\Door\Projects\LondonGeorge_access.mxd

Baileys Harbor State Natural Areas Coastal Wetlands Land Acquisition

Map 3: Critical Areas for Maintaining Hine's Emerald Dragonfly Populations



Critical Habitat Unit data from 2007 US Dept. of Interior, Fish and Wildlife Service 50 CFR Part 17 Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Hine's Emerald Dragonfly; Final Rule http://www.fws.gov/midwest/Endangered/insects/hed/hinesfCH_FR.pdf

Groundwater data from 2008-04. Delineation of areas contributing groundwater to springs and wetlands supporting the Hine's Emerald Dragonfly, Door County, Wisconsin. Kenneth R. Bradbury and Michael K. Cobb. 17 p. + 17 color p. <http://www.uwex.edu/wgnhs/wofrs.htm>

TRAPPING

DNR Staff Narrative: Upland Trapping will be allowed in accordance with state regulations and State Nature Area requirements. Water Trapping is prohibited to protect habitat for the Federally Endangered Hines emerald dragonfly on the wetlands. The sponsor will administer a registration system for monitoring purposes only. Registration forms will be available to the general public and advertised on required signage.

No Water On Site

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is adjacent to highways & roads
- Parcel is adjacent to school grounds, hospital, or sanatorium
- Ordinance exists –
 - Trapping within park _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species State listed endangered species
- Federal listed threatened species State listed threatened species
- Federal listed species of special concern State listed species of special concern

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Same as state regulations	Same as state regulations
Water	No	N/A

FISHING

DNR Staff Narrative:
The sponsor is not proposing any prohibitions for fishing.

- No Water on Site
- Public Safety Factors Considered: Check all that apply.
- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Ordinance exists – _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

- Unique Plant and Animal Communities Factors Considered: Check all that apply.**
- Federal listed endangered species
 - State listed endangered species
 - Federal listed threatened species
 - State listed threatened species
 - Federal listed species of special concern
 - State listed species of special concern

Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Same as state regulations	Same as state regulations
Boat	Same as state regulations	Same as state regulations

HIKING

DNR Staff Narrative:

The sponsor is not proposing any prohibitions for hiking

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Ordinance exists -- _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species
- State listed endangered species
- Federal listed threatened species
- State listed threatened species
- Federal listed species of special concern
- State listed species of special concern

Location	Allowable Activities	List Dates (opening and closing)
On-Trail	N/A	N/A
Off-Trail	Yes	Throughout the year

CROSS COUNTRY SKIING

DNR Staff Narrative:

The sponsor is not proposing any prohibitions for cross country skiing

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Ordinance exists -- _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species
- State listed endangered species
- Federal listed threatened species
- State listed threatened species
- Federal listed species of special concern
- State listed species of special concern

Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	During snow cover
On-Trail (un-groomed)	N/A	N/A
On-Trail (groomed)	N/A	N/A

APPENDIX C

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: June 20th, 2011

TO: Faith Murray

FROM: Jean Romback-Bartels
Jeff Pritzl

SUBJECT: Fandrei and London water trapping prohibition approval

The prohibition team met and approves the prohibition of water trapping based on the merits below.

WATER TRAPPING: Trapping in the water and wetlands on these properties is not allowed under sensitive plant and animal rationale. The non-forested wetland on these properties has or has the potential elements necessary for the extremely rare Hine's emerald dragonfly (federally endangered) larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland). More thorough habitat survey as well as adult and larval surveys will be done in 2011. Trapping will not be allowed to avoid any potential "take" of dragonfly larvae in the wetlands by disturbing larval habitat or repetitively physically stepping on larvae potentially found in small rivulets. If thorough research shows that Hine's emerald dragonfly larvae do not exist in this wetland, the Conservancy may offer water trapping opportunities in the future.

The Fandrei tract is within ½ mile of the critical habitat Unit 2 (see attached). This acquisition will help protect the watershed habitat needed to sustain the Hine's emerald dragonfly.

The London tract is within Unit 4 of the critical habitat identified by the USFWS (see attached).

Approved: _____

Jean Romback-Bartels

Date: _____

6-20-11



CORRESPONDENCE/MEMORANDUM

APPENDIX D

DATE: June 8th, 2011

TO: Lavane Hessler – CF/2

FROM: Faith Murray

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

PROJECT NAME: Door County TNC Fandrei, Kopitzke2, Rogers, London, Steinle Land Purchases

The Door County Fandrei, Kopitzke2, Rogers, London, Steinle land acquisition Stewardship grant proposals were required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on May 13th, 2011 and the fifteen day public review period ended on June 7th, 2011

Kopitzke2 and Rogers properties have no prohibitions.

The Department received two comments concerning these proposals which are summarized below:

Summary of comments:

Support with NBOA mentioned: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which it does.

Opposed with NBOA mentioned: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on these properties. The reasons for the objection are:

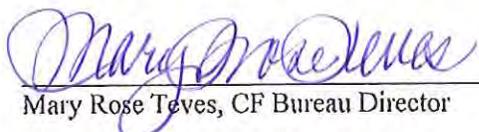
- The added burden to hunters and trappers that is not assigned to any other user.
- If the purpose of monitoring is management of fish and game, the DNR should maintain jurisdiction not the sponsor.
- There is concern over who will have access to the hunters and trappers personal information. The sponsor should be held to the same privacy standards as the department.

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


Signature of Contact Person

6/16/11
Date

NBOA Approved with Prohibition Certification:


Mary Rose Teves, CF Bureau Director

June 29, 2011
Date





Wisconsin DNR News Release

The Nature Conservancy seeks Stewardship grants for Door County land acquisition

News Release Published: May 13, 2011 by the Northeast Region

Contact(s): Faith Murray, Community Services Specialist, 920-662-5487

GREEN BAY – The Nature Conservancy has applied for matching grants from the Knowles-Nelson Stewardship Program to assist with the purchase of five separate properties that would be added to two existing State Natural Areas in Door County.

The properties include a 25-acre parcel, a 20.79-acre parcel and a 14.23-acre parcel all located in the Town of Liberty Grove that would be additions to the Mink River Estuary State Natural Area, and a 15.03-acre parcel in the Town of Liberty Grove and a 39.2-acre parcel in the Town of Baileys Harbor that would be additions to North Bay State Natural Area.

The properties will be left in their natural state and will be open to the public for low impact recreational activities including, hunting, fishing, upland trapping, hiking, cross-county skiing, snowshoeing, nature study, wildlife observation, and photography. Two of the parcels have no water on the property. Three others have water, and water trapping would be prohibited on these properties to protect habitat for the Hines emerald dragonfly, a Federally listed endangered species.

The checklist and the department's initial assessment of the proposal to prohibit Nature Based Outdoor Activities (NBOA) is available on the Stewardship Public Notice page of the Department of Natural Resources website or a copy is available on request from the project contact listed below.

The Nature Conservancy will provide 50 percent match for three of the properties, and 40 percent match for two of the properties.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Faith Murray, Community Services Specialist, 2984 Shawano Ave, Green Bay, WI 54313-6727, or sent by email to Faith.Murray@wisconsin.gov. Questions about this project should be directed to Faith Murray at 920-662-5487. Written comments will be accepted through June 7, 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.

Under s. NR 150.03(3), Wis. Adm. Code, an environmental analysis is not needed because this proposal is considered a Type III action. A Type III action is one that normally does not have the potential to cause significant environmental effects, normally does not significantly affect energy usage, and normally does not involve unresolved conflicts in the use of available resources.

People may sign up for Stewardship grant project news releases through the newsletters and updates page of the DNR website.

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DATE: June 22, 2011

APPENDIX E

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Determination to Prohibit one Nature-based Outdoor Activity on the London Parcel**

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 of \$61,427.50 to The Nature Conservancy for the acquisition of 15.03 acres on one parcel located within the Town of Liberty Grove, Door County, even though the prohibition of water trapping will be necessary to protect the Federally Endangered Hine's emerald dragonfly.

PROJECT BACKGROUND

The Nature Conservancy, a Nonprofit Conservation Organization eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$61,427.50 for the acquisition of 15.03 acres located within the Town of Liberty Grove, Door County, for the purposes of preservation and protection in the North Bay State Natural Area.

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 Nature Conservancy proposes to prohibit water trapping on the London property. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit water trapping to protect the larval habitat of the Hine's emerald dragonfly.

A copy of the prohibition team review is attached to this Green Sheet as Appendix C.

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 first posted on GovDelivery on May 13th. Two comments were received: one comment in support and one comment not in support.

Comment in Support: One comment was in favor of the project if hunting is allowed for all game species during all statewide seasons.

Comment Not in Support: One commenter was not in support of the project due to TNC's requirement that hunters and trappers register; this was viewed to be a burden to hunters and trappers but not to any other user. The commenter felt the DNR should maintain jurisdiction over the monitoring of fish and game management. Further, the commenter was concerned about access to and protection of personal information collected by TNC.

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

DETERMINATION

The property in question lies within the North Bay State Natural Area and contains communities of the federally endangered Hine's emerald dragonfly. The Unique Plant and Animal Prohibition Team reviewed this application and determined that the water trapping prohibition was necessary to protect the federally endangered Hine's Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential "take" of Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant to The Nature Conservancy for purchase of 15.03 acres in the Town of Liberty Grove for the London parcel.

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

Project 2

The Nature Conservancy Fandrei Acquisition – Mink River Estuary State Natural Area

SUBJECT:

Ratification of Department determination to issue a Stewardship grant to The Nature Conservancy for acquisition of 20.79 acres (Town of Liberty Grove, Door County) that will prohibit one nature-based outdoor activity (NBOA) on non-department land.

SUMMARY:

The Department proposes to award a grant from the Natural Areas subprogram of the Stewardship Program totaling \$105,417.50 for the acquisition of 20.79 acres in the Town of Liberty Grove, Door County. This purchase is within the Mink River Estuary State Natural Area and will be managed as a natural area while providing recreational opportunities to the public. Review under ch. NR 52 is required and has been undertaken. The Department has made the determination that the prohibition of water trapping is necessary to protect unique plant and animal communities because of the potential of water trapping to impact the natural values of the parcel as defined in s. 23.27, Wis. Stats. The Department based this determination on the following factors:

- The parcel contains non-forested wetland that provide potential habitat for the larvae of a federally endangered species – the Hine’s emerald dragonfly.
- To avoid potential “take” of Hine’s emerald dragonfly, as defined in s. 29.604(6m), Wis. Stats., by disturbing larvae habitat.
- To avoid potential “take” of Hine’s emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
- The proximity to critical habitat areas for the Hine’s emerald dragonfly.
- The protection of the watershed habitat needed to sustain the Hine’s emerald dragonfly.
- The projects potential to preserves the natural diversity.

The property Land Management Plan is consistent with the Mink River Estuary State Natural Area master plan and the USFWS Critical Habitat Unit requirements.

The property acquisition will protect the sensitive environment, mitigate threats to habitat loss, and provide public recreational opportunities. There are currently no constructed improvements on the property and no future improvements are proposed. Recreational opportunities include hunting, hiking, upland trapping, fishing, cross-country skiing, bird and wildlife watching, photography, snowshoeing, and nature observation.

RECOMMENDATION:

Ratify the Department’s determination to award a grant to The Nature Conservancy totaling \$105,417.50 for the acquisition of the 20.79 acres in the Town of Liberty Grove, Door County.

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CORRESPONDENCE/MEMORANDUM

DATE: June 22, 2011 **FILE REF:** NR 51 – Natural Area Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for The Nature Conservancy Fandrei Land Purchase

The Department requests that the Board ratify the Department's determination to award a Stewardship grant in the amount of \$105,417.50 to The Nature Conservancy for the purchase of 20.79 acres of land for one parcel in the Town of Liberty Grove, Door County with prohibition of one nature-based outdoor activity.

Property to be Purchased

Project Sponsor: The Nature Conservancy
Seller: Moreland and Margaret Fandrei
Financial Information: See page 25.
Timetable: The transaction closed June 1, 2010.

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

Location and Size: Stewardship grant assistance has been requested for 20.79 acres in the town of Liberty Grove of Door County.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Natural Area Stewardship Grant Program by adding 17 acres of forested upland and approximately 4 acres of wetland, protecting watershed habitat for the federally endangered Hine's emerald dragonfly while preserving the significant elements of natural diversity in the Mink River Estuary State Natural Area.
2. Maintains the natural hydrologic processes of the estuary and reduce fragmentation of the forest.
3. Protects populations of rare species and will monitor and remove invasive exotic species.
4. Initiates and support research to be used for management and education purposes.
5. Provides low-impact public recreational opportunities such as hunting, upland trapping, snowshoeing, wildlife viewing, hiking, photography, and cross-county skiing,

Project Description: Stewardship grant funding will assist with the acquisition of 20.79 acres within the Mink River Estuary State Natural Area. The tract is primarily forested with upland hardwood species, with a small area of lowland and wetland vegetation consisting of cedars and other lowland and wetland species. The upland area is suitable and easily accessible for recreational use.

The benefits of purchasing the 20.79 acres include:

- Protection of the potential habitat of the federally endangered Hine's emerald dragonfly.
- Protection of intact natural forest and wetland, supplements adjoining high quality habitat and provides ground water protection for the Mink River State Natural Area.

Prior Use of Property: The property is currently under private ownership and is not open to the public for any recreational activities. There are currently no constructed improvements on the property.

Proposed Public Use: The property will be open to the public year round. Access to the property is available from Highway NP across TNC-owned property. (See Appendix F for a map of the area.)

Recreational opportunities on the parcel include hunting, upland trapping, hiking, cross country skiing, snowmobiling, snowshoeing, nature study, wildlife observation, and photography. Appendix G shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The Unique Plant and Animal Prohibition Team reviewed and determined that the water trapping prohibition was necessary to protect the Federally Endangered Hine's Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential "take" of Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

See Appendix H for a summary of the Department's proposed recommendation to prohibit water trapping on this project.

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 15-business days. During the comment period, the Department received two comments: one comment in support and one comment not in support. See Appendix I for a summary of the comments.

Comment in Support of NBOA Prohibition: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which project will allow.

Comment Not in Support of NBOA Prohibition: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on this property.

Status After Acquisition: The Nature Conservancy plans to protect and preserve the property in accordance with the department-approved land management plan for the Mink River Estuary State Natural Area.

II. PROJECT FINANCES

A. Partnerships:

- Department of Natural Resources
- US Fish & Wildlife Service

B. Appraisals

The Nature Conservancy commissioned one appraisal with the values of \$208,000 for the parcel. This value of \$208,000 was certified by the WDNR. The purchase price is \$208,000.

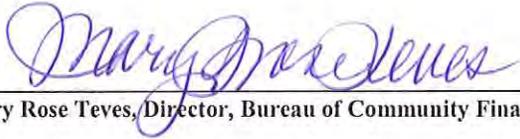
C. Grant Calculation

Certified appraised value for Fandrei Parcel	\$208,000
Associated real estate costs	<u>\$ 2,835</u>
Total Project Costs	\$210,835

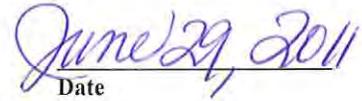
D. Funding Sources

The Nature Conservancy	\$ 1,417.50
Federal GLRI Grant	<u>\$104,000.00</u>
Stewardship Grant Award	\$105,417.50

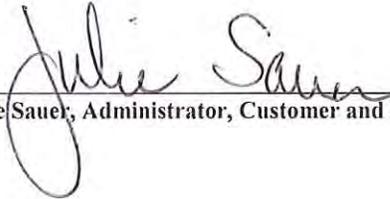
III. RECOMMENDED:



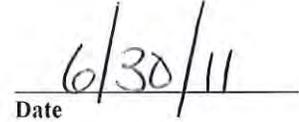
Mary Rose Teves, Director, Bureau of Community Financial Assistance



Date



Julie Sauek, Administrator, Customer and Employee Services Division

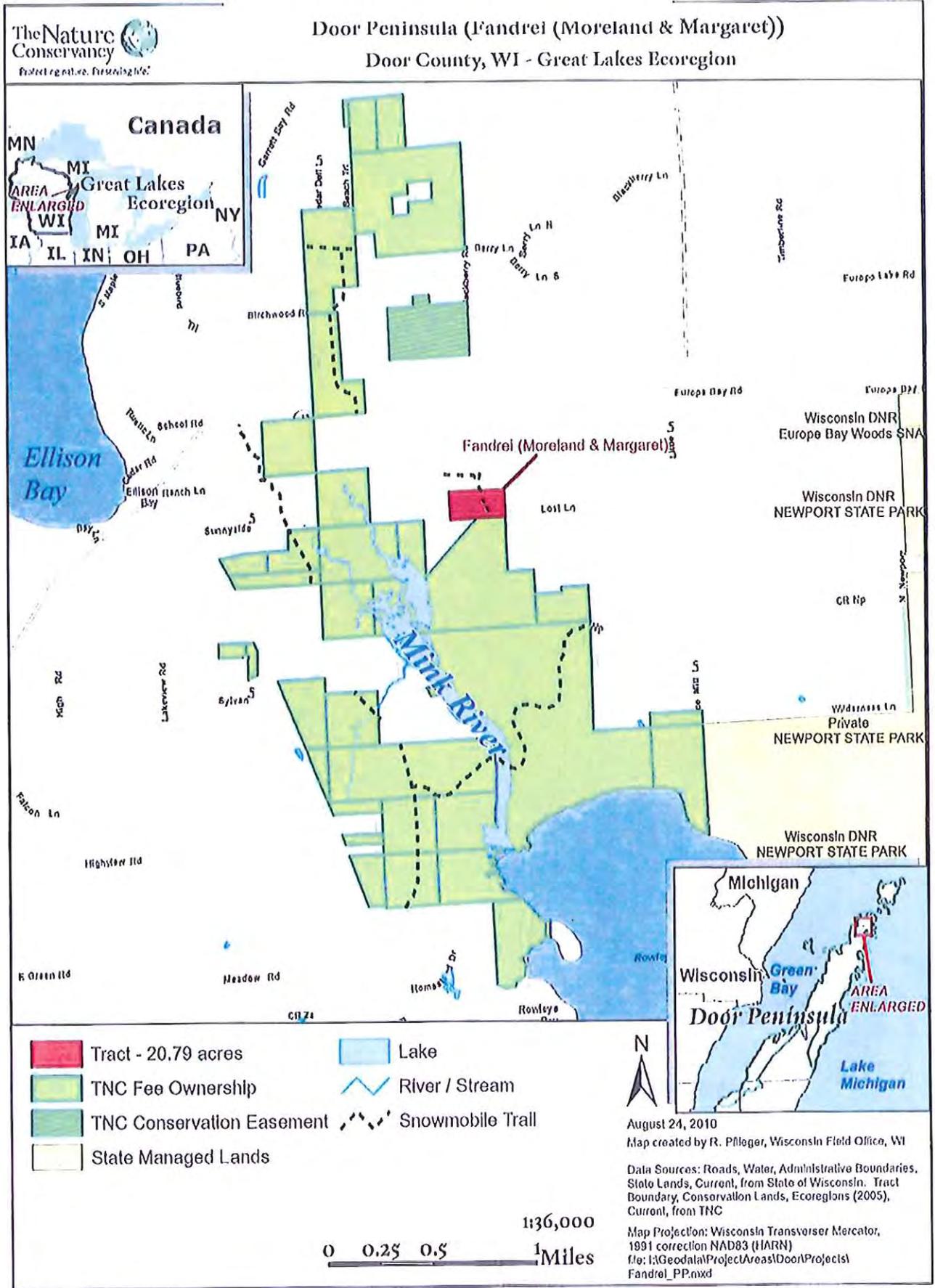


Date

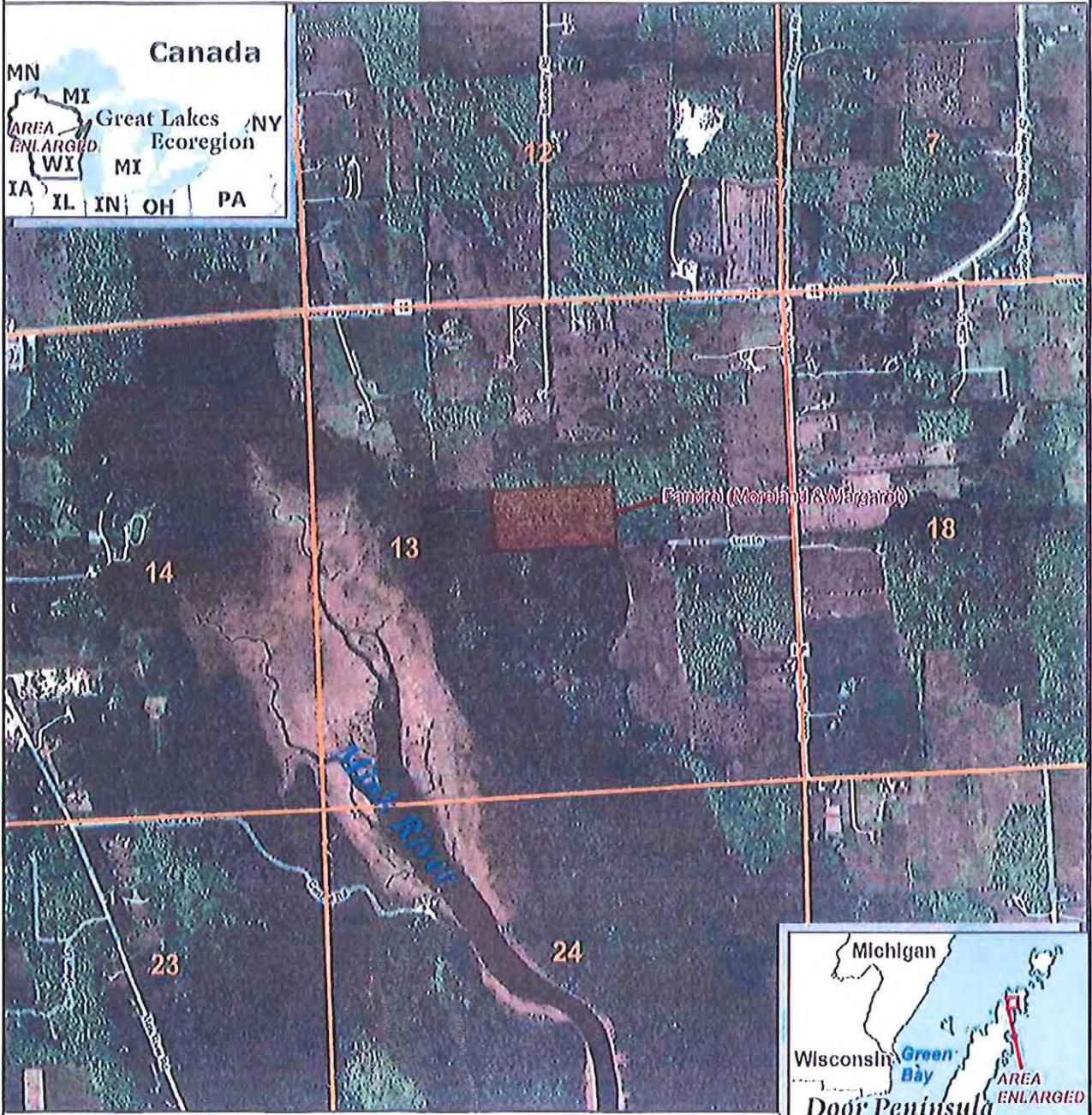
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APPENDIX F

Door Peninsula (Fandrei (Moreland & Margaret)) Door County, WI - Great Lakes Ecoregion



Door Peninsula (Fandrei (Moreland & Margaret)) Access
Door County, WI, T32N-R28E



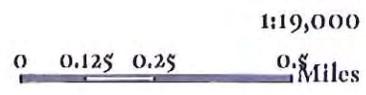
- Tract - 20.79 acres
- Section lines
- Access easement - 16' wide



August 24, 2010
Map created by R. Pflieger, Wisconsin Field Office, WI

Data Sources: Roads, Water, Administrative Boundaries, State Lands, Current, from State of Wisconsin. Tract Boundary, Conservation Lands, Ecoregions (2005), Current, from TNC

Map Projection: Wisconsin Transverse Mercator, 1991 correction NAD83 (HARN)
File: J:\Geodata\Project\Areas\Door\Projects\Fandrei_Access.mxd



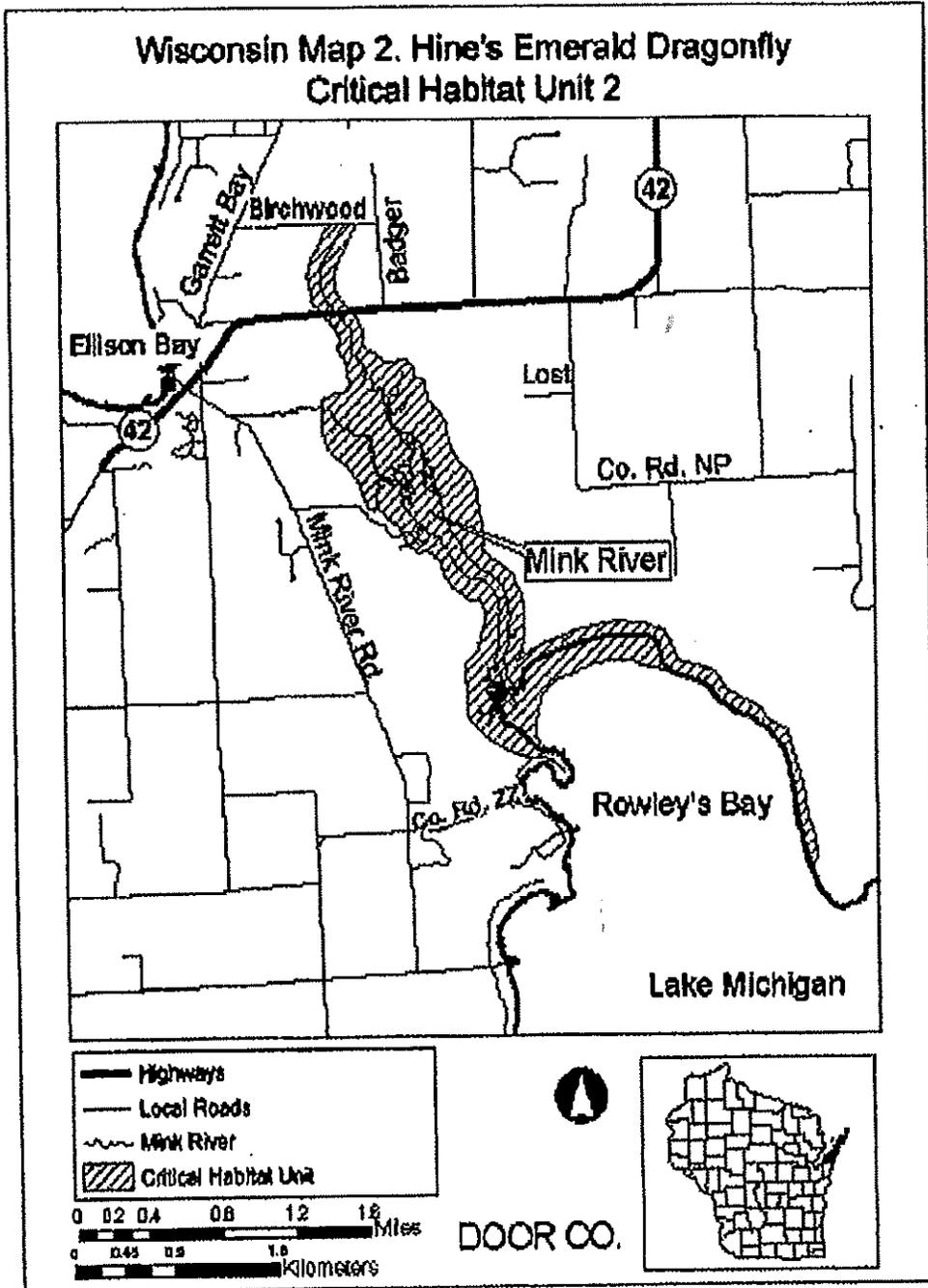
(22) Wisconsin Unit 2, Door County, Wisconsin.

(i) Wisconsin Unit 2: Door County. Located in T32N, R28E, SE 1/4 Sec. 11, NW 1/4 Sec. 13, NE1/4 Sec. 14 of the Ellison Bay 7.5' USGS topographic quadrangle, and in T32N, R28E, W1/2

Sec. 13, E 1/2 Sec. 14, NE1/4 Sec. 23, portions of each 1/4 of Sec. 24, N1/2 Sec. 25, and T32N, R29E, S1/2 Sec. 19, W1/2 Sec. 29, NE1/4 Sec. 30 of Sister Bay 7.5' USGS topographic quadrangle. Lands included are located east of the Village of Ellison Bay, south of Garrett

Bay Road and Mink River Roads, North of County Road ZZ, west of Badger Road, County Road NP and Juice Mill Road, and includes the Mink River.

(ii) Note: Map of Wisconsin Unit 2 (Wisconsin Map 2) follows:



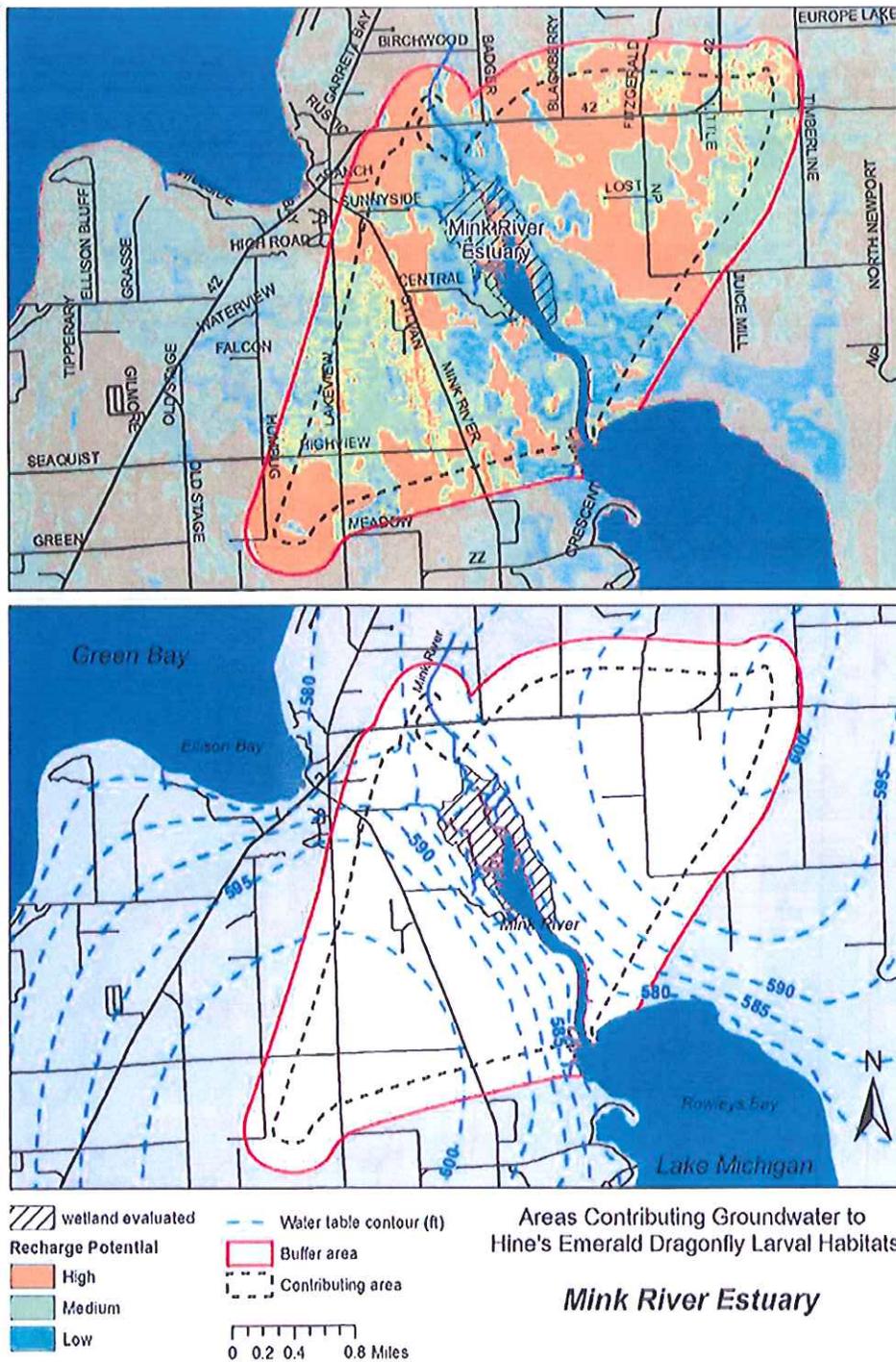


Figure A4. Contributing areas for larval sites along the Mink River

Knowles-Nelson Stewardship Grant Program

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



Rev. March 2011

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: The Nature Conservancy		Year of Application: 2010
Project Name and Primary Purpose (after acquisition): Mink River Estuary State Natural Area - NE 25.27Q 23.7A Wise Stats.		
Project Description: See WEPA Notice	Plan(s) or Reports Identifying Project Area as Priority: Natural Heritage Inventory	

Proposed NBOA – Applicant Narrative and Checklist

HUNTING			
DNR Staff Narrative: The sponsor is not proposing any prohibitions for hunting. The sponsor will administer a registration system for monitoring purposes only. Registration forms will be available to the general public and advertised on required signage.			
Public Safety Factors Considered: Check all that apply.			
<input type="checkbox"/> Size/shape of parcel <input type="checkbox"/> The sponsor is within its own municipality boundary <input type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy <input type="checkbox"/> Parcel is within 50 feet of the center line of highways & roads <input type="checkbox"/> Parcel is within 1700 feet of school grounds, hospital, or sanatorium <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> Discharge or carrying a weapon <input type="checkbox"/> Hunting within park <input type="checkbox"/> Throwing or shooting missiles, etc. <input type="checkbox"/> Visitor's expectations of safety at the site. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Sponsor ordinance is equal or less restrictive than non-sponsor ordinance. <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.			
Unique Plant and Animal Communities Factors Considered: Check all that apply.			
<input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> Federal listed species of special concern		<input type="checkbox"/> State listed endangered species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> State listed species of special concern	
	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	Same as state regulations	Same as state regulations	State regulations apply
Small Game	Same as state regulations	Same as state regulations	State regulations apply
Turkey	Same as state regulations	Same as state regulations	State regulations apply
Large Game	Same as state regulations	Same as state regulations	State regulations apply

TRAPPING		
DNR Staff Narrative: Upland Trapping will be allowed in accordance with state regulations and State Nature Area requirements. Water Trapping is prohibited to protect habitat for the Federally Endangered Hines emerald dragonfly on the wetlands.		
<input type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Size/shape of parcel <input type="checkbox"/> The sponsor is within its own municipality boundary <input type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy <input type="checkbox"/> Parcel is adjacent to highways & roads <input type="checkbox"/> Parcel is adjacent to school grounds, hospital, or sanatorium <input type="checkbox"/> Ordinance exists -- <input type="checkbox"/> Trapping within park <input type="checkbox"/> _____ <input type="checkbox"/> Visitor's expectations of safety at the site. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Sponsor ordinance is equal or less restrictive than non-sponsor ordinance. <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply. <input checked="" type="checkbox"/> Federal listed endangered species <input type="checkbox"/> State listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed species of special concern		
Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Same as state regulations	Same as state regulations
Water	No	N/A

FISHING		
DNR Staff Narrative: No fishable waters on this property		
<input type="checkbox"/> No Water on Site Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Size/shape of parcel <input type="checkbox"/> The sponsor is within its own municipality boundary <input type="checkbox"/> Ordinance exists -- <input type="checkbox"/> _____ <input type="checkbox"/> Visitor's expectations of safety at the site. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Sponsor ordinance is equal or less restrictive than non-sponsor ordinance. <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply. <input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> State listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed species of special concern		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	N/A	N/A
Boat	N/A	N/A

HIKING		
DNR Staff Narrative: The sponsor is not proposing any prohibitions for hiking		
Public Safety Factors Considered: Check all that apply.		
<input type="checkbox"/> Size/shape of parcel <input type="checkbox"/> The sponsor is within its own municipality boundary <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Visitor's expectations of safety at the site. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Sponsor ordinance is equal or less restrictive than non-sponsor ordinance. <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply.		
<input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed endangered species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> State listed species of special concern		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	N/A	N/A
Off-Trail	Yes	Throughout the year

CROSS COUNTRY SKIING		
DNR Staff Narrative: The sponsor is not proposing any prohibitions for cross country skiing		
Public Safety Factors Considered: Check all that apply.		
<input type="checkbox"/> Size/shape of parcel <input type="checkbox"/> The sponsor is within its own municipality boundary <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Visitor's expectations of safety at the site. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Sponsor ordinance is equal or less restrictive than non-sponsor ordinance. <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply.		
<input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed endangered species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> State listed species of special concern		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	During snow cover
On-Trail (un-groomed)	N/A	N/A
On-Trail (groomed)	N/A	N/A

CORRESPONDENCE/MEMORANDUM

DATE: June 20th, 2011

TO: Faith Murray

FROM: Jean Romback-Bartels
Jeff Pritzl

SUBJECT: Fandrei and London water trapping prohibition approval

The prohibition team met and approves the prohibition of water trapping based on the merits below.

WATER TRAPPING: Trapping in the water and wetlands on these properties is not allowed under sensitive plant and animal rationale. The non-forested wetland on these properties has or has the potential elements necessary for the extremely rare Hine's emerald dragonfly (federally endangered) larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland). More thorough habitat survey as well as adult and larval surveys will be done in 2011. Trapping will not be allowed to avoid any potential "take" of dragonfly larvae in the wetlands by disturbing larval habitat or repetitively physically stepping on larvae potentially found in small rivulets. If thorough research shows that Hine's emerald dragonfly larvae do not exist in this wetland, the Conservancy may offer water trapping opportunities in the future.

The Fandrei tract is within 1/2 mile of the critical habitat Unit 2 (see attached). This acquisition will help protect the watershed habitat needed to sustain the Hine's emerald dragonfly.

The London tract is within Unit 4 of the critical habitat identified by the USFWS (see attached).

Approved: _____

Jean Romback-Bartels

Date: 6-20-11

CORRESPONDENCE/MEMORANDUM

DATE: June 8th, 2011

TO: Lavane Hessler – CF/2

FROM: Faith Murray

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

PROJECT NAME: Door County TNC Fandrei, Kopitzke2, Rogers, London, Steinle Land Purchases

The Door County Fandrei, Kopitzke2, Rogers, London, Steinle land acquisition Stewardship grant proposals were required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on May 13th, 2011 and the fifteen day public review period ended on June 7th, 2011

Kopitzke2 and Rogers properties have no prohibitions.

The Department received two comments concerning these proposals which are summarized below:

Summary of comments:

Support with NBOA mentioned: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which it does.

Opposed with NBOA mentioned: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on these properties. The reasons for the objection are:

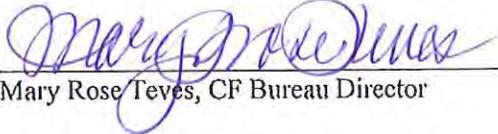
- The added burden to hunters and trappers that is not assigned to any other user.
- If the purpose of monitoring is management of fish and game, the DNR should maintain jurisdiction not the sponsor.
- There is concern over who will have access to the hunters and trappers personal information. The sponsor should be held to the same privacy standards as the department.

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


Signature of Contact Person

6/16/11
Date

NBOA Approved with Prohibition Certification:


Mary Rose Teves, CF Bureau Director

June 29, 2011
Date



Printed on
Recycled
Paper



Wisconsin DNR News Release

The Nature Conservancy seeks Stewardship grants for Door County land acquisition

News Release Published: May 13, 2011 by the Northeast Region

Contact(s): Faith Murray, Community Services Specialist, 920-662-5487

GREEN BAY – The Nature Conservancy has applied for matching grants from the Knowles-Nelson Stewardship Program to assist with the purchase of five separate properties that would be added to two existing State Natural Areas in Door County.

The properties include a 25-acre parcel, a 20.79-acre parcel and a 14.23-acre parcel all located in the Town of Liberty Grove that would be additions to the Mink River Estuary State Natural Area, and a 15.03-acre parcel in the Town of Liberty Grove and a 39.2-acre parcel in the Town of Baileys Harbor that would be additions to North Bay State Natural Area.

The properties will be left in their natural state and will be open to the public for low impact recreational activities including, hunting, fishing, upland trapping, hiking, cross-country skiing, snowshoeing, nature study, wildlife observation, and photography. Two of the parcels have no water on the property. Three others have water, and water trapping would be prohibited on these properties to protect habitat for the Hines emerald dragonfly, a Federally listed endangered species.

The checklist and the department's initial assessment of the proposal to prohibit Nature Based Outdoor Activities (NBOA) is available on the Stewardship Public Notice page of the Department of Natural Resources website or a copy is available on request from the project contact listed below.

The Nature Conservancy will provide 50 percent match for three of the properties, and 40 percent match for two of the properties.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Faith Murray, Community Services Specialist, 2984 Shawano Ave, Green Bay, WI 54313-6727, or sent by email to Faith.Murray@wisconsin.gov. Questions about this project should be directed to Faith Murray at 920-662-5487. Written comments will be accepted through June 7, 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.

Under s. NR 150.03(3), Wis. Adm. Code, an environmental analysis is not needed because this proposal is considered a Type III action. A Type III action is one that normally does not have the potential to cause significant environmental effects, normally does not significantly affect energy usage, and normally does not involve unresolved conflicts in the use of available resources.

People may sign up for Stewardship grant project news releases through the [newsletters and updates](#) page of the DNR website.

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DATE: June 22, 2011

APPENDIX J

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Determination to Prohibit one Nature-based Outdoor Activity on the Fandrei Parcel**

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 of \$105,417.50 to The Nature Conservancy for the acquisition of 20.79 acres on one parcel located within the Town of Liberty Grove, Door County, even though the prohibition of water trapping will be necessary to protect the federally endangered Hine's emerald dragonfly.

PROJECT BACKGROUND

The Nature Conservancy, a Nonprofit Conservation Organization eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$105,417.50 for the acquisition of 20.79 acres located within the Town of Liberty Grove, Door County, for the purposes of preservation and protection in the Mink River Estuary State Natural Area.

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 Nature Conservancy proposes to prohibit water trapping on the Fandrei property. Review under ch. NR 52 was undertaken and it was determined that it is necessary to prohibit water trapping to protect the larval habitat of the Hine's emerald dragonfly.

A copy of the prohibition team review is attached to this Green Sheet as Appendix H.

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 first posted on GovDelivery on May 13, 2011. Two comments were received: one comment in support and one comment not in support.

Comment in Support: One commenter was in favor of the project if hunting is allowed for all game species during all statewide seasons.

Comment Not in Support: One commenter was not in support of the project due to TNC's requirement that hunters and trappers register; this was viewed to be a burden to hunters and trappers but not to any other user. The commenter felt the DNR should maintain jurisdiction over the monitoring of fish and game management. Further, the commenter was concerned about access to and protection of personal information collected by TNC.

The public notice and a summary of comments received may be found in Appendix I attached to this Green Sheet.

DETERMINATION

The property in question lies within the Mink River Estuary State Natural Area and contains communities of the federally endangered Hine's emerald dragonfly. The Unique Plant and Animal Prohibition Team reviewed this application and determined that the water trapping prohibition was necessary to protect the federally endangered Hines Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (*i.e.*, crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential "take" of Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant to The Nature Conservancy for purchase of 20.79 acres in the Town of Liberty Grove, Door County, for the Fandrei parcel.

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

Project 3

The Nature Conservancy Steinle Acquisition – North Bay State Natural Area

SUBJECT:

Ratification of Department determination to issue a Stewardship grant to The Nature Conservancy for acquisition of 39.2 acres (Town of Baileys Harbor, Door County) that will prohibit one nature-based outdoor activity (NBOA) on non-department land.

SUMMARY:

The Department proposes to award a grant from the Natural Areas subprogram of the Stewardship Program totaling \$40,477.50 for the acquisition of 39.2 acres in the Town of Baileys Harbor, Door County. This purchase is within the North Bay State Natural Area and will be managed as a natural area while providing recreational opportunities to the public. Review under ch. NR 52 is required and has been undertaken. The Department has made the determination that the prohibition of water trapping is necessary to protect unique plant and animal communities because of the potential of water trapping to impact the natural values of the parcel as defined in s. 23.27, Wis. Stats. The Department based this determination on the following factors:

- The parcel contains non-forested wetland that provide potential habitat for the larvae of a federally endangered species – the Hine’s emerald dragonfly.
- To avoid potential “take” of Hine’s emerald dragonfly, as defined in s. 29.604(6m), Wis. Stats., by disturbing larvae habitat.
- To avoid potential “take” of Hine’s emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
- The proximity to critical habitat areas for the Hine’s emerald dragonfly.
- The protection of the watershed habitat needed to sustain the Hine’s emerald dragonfly.
- The projects potential to preserves the natural diversity.

The property Land Management Plan is consistent with the North Bay State Natural Area master plan and the USFWS Critical Habitat Unit requirements.

The property acquisition will protect the sensitive environment, mitigate threats to habitat loss, and provide public recreational opportunities. There are currently no constructed improvements on the property and no future improvements are proposed. Recreational opportunities include hunting, hiking, upland trapping, fishing, cross-country skiing, bird and wildlife watching, photography, snowshoeing, and nature observation.

RECOMMENDATION:

Ratify the Department’s determination to award a grant to The Nature Conservancy totaling \$40,477.50 for the acquisition of the 39.2 acres in the Town of Baileys Harbor, Door County.

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DATE: June 22, 2011

FILE REF: NR 51 – Natural Area Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for The Nature Conservancy Steinle Land Purchase

The Department requests that the Board ratify the Department's determination to award a Stewardship grant in the amount of \$40,477.50 to The Nature Conservancy for the purchase of 39.2 acres of land for one parcel in the Town of Baileys Harbor, Door County with prohibition of one nature-based outdoor activity.

Property to be Purchased

Project Sponsor: The Nature Conservancy
Seller: Michael and Sarah Steinle
Financial Information: See page 45.
Timetable: The transaction closed on July 11, 2010.

I. PROJECT DETAILS

A. Property to be Purchased

Location and Size: Stewardship grant assistance has been requested for 39.2 acres in the town of Baileys Harbor, Door County.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Natural Area Stewardship Grant Program by adding 4 acres of upland and approximately 35 acres of wetland. The purchase protects watershed habitat for the federally endangered Hines emerald dragonfly and while preserving the significant elements of natural diversity in the North Bay State Natural Area.
2. Maintain the high quality wetland communities associated with the Lake Michigan shoreline. These include emergent aquatic communities, a northern sedge meadow, and a large calcareous fen community inland from the sedge meadow.
3. Develop and implement monitoring of water quality for the three Springs Creek.
4. Protects populations of rare species and will monitor and remove invasive exotic species.
5. Initiates and support research to be used for management and education purposes.
6. Provides low-impact public recreational opportunities such as hunting, upland trapping, fishing, snowshoeing, wildlife viewing, hiking, photography, and cross-county skiing,

Project Description: Stewardship grant funding will assist with the acquisition of 39.2 acres within the North Bay State Natural Area. The tract is approximately 90% zoned wetland and is wooded with mainly white cedar lowland forest. A healthy population of dwarf lake iris is present in the lowlands. The uplands contain white birch, aspen, sugar maple, white cedar and balsam. A spring fed pond passes through to Mud Lake State Wildlife area.

The benefits of purchasing the 39.2 acres include:

- Protection of the habitat of the federally endangered Hines emerald dragonfly, four other rare dragonflies, dorcas copper butterflies, and the osprey.

- Important plant species include the federally threatened dwarf lake iris, showy lady's slipper orchid, white bog orchid, and slender bog arrow grass.
- Waters of the North Bay were found to be an important spawning site for lake whitefish and also provides spawning habitat for northern pike, yellow perch, smallmouth bass, rainbow and brown trout, and Chinook salmon.

Prior Use of Property: The property is currently under private ownership with access by permission only. There are currently no constructed improvements on the property.

Proposed Public Use: The property will be open to the public year round. Access to the property is from an undeveloped 20 foot wide, 1,360 foot long perpetual easement for ingress and egress. The northernmost 40 feet of the easement are adjacent to the eastern boundary of the Steinle tract. (See Appendix K for a map of the area.)

Recreational opportunities on this parcel include hunting, upland trapping, fishing, hiking, cross country skiing, snowshoeing, nature study, wildlife observation, and photography. Appendix L shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The Unique Plant and Animal Prohibition Team reviewed and determined that the water trapping prohibition was necessary to protect the federally endangered Hine's Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential "take" of the Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of the Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

See Appendix M for a summary of the Department's proposed recommendation to prohibit water trapping on this project.

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 15-business days. During the comment period, the Department received two comments: one comment in support and one comment not in support. See Appendix N for a summary of the comments.

Comment in Support of NBOA Prohibition: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which project will allow.

Comment Not in Support of NBOA Prohibition: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on this property.

Status After Acquisition: The Nature Conservancy plans to protect and preserve the property in accordance with the department-approved land management plan for the North Bay State Natural Area

II. PROJECT FINANCES

A. Partnerships:

- Department of Natural Resources
- US Fish & Wildlife Service

B. Appraisals

The Nature Conservancy commissioned one appraisal with the value of \$78,400 for the parcel. This value of \$78,400 was certified by the WDNR. The purchase price is \$78,400.

C. Grant Calculation

Certified appraised value for Steinle Parcel	\$78,400
Associated real estate costs	\$ 2,555
Total Project Costs	\$80,955

D. Funding Sources

The Nature Conservancy	\$ 1,277.50
USFWS Coastal Wetland Federal Grant	\$39,200.00
Stewardship Grant Award	\$40,477.50

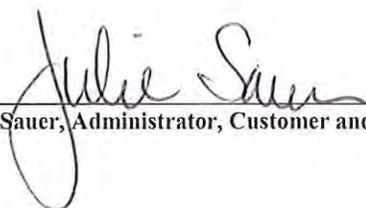
II. RECOMMENDED:



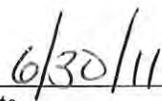
Mary Rose Teves, Director, Bureau of Community Financial Assistance



Date



Julie Sauer, Administrator, Customer and Employee Services Division

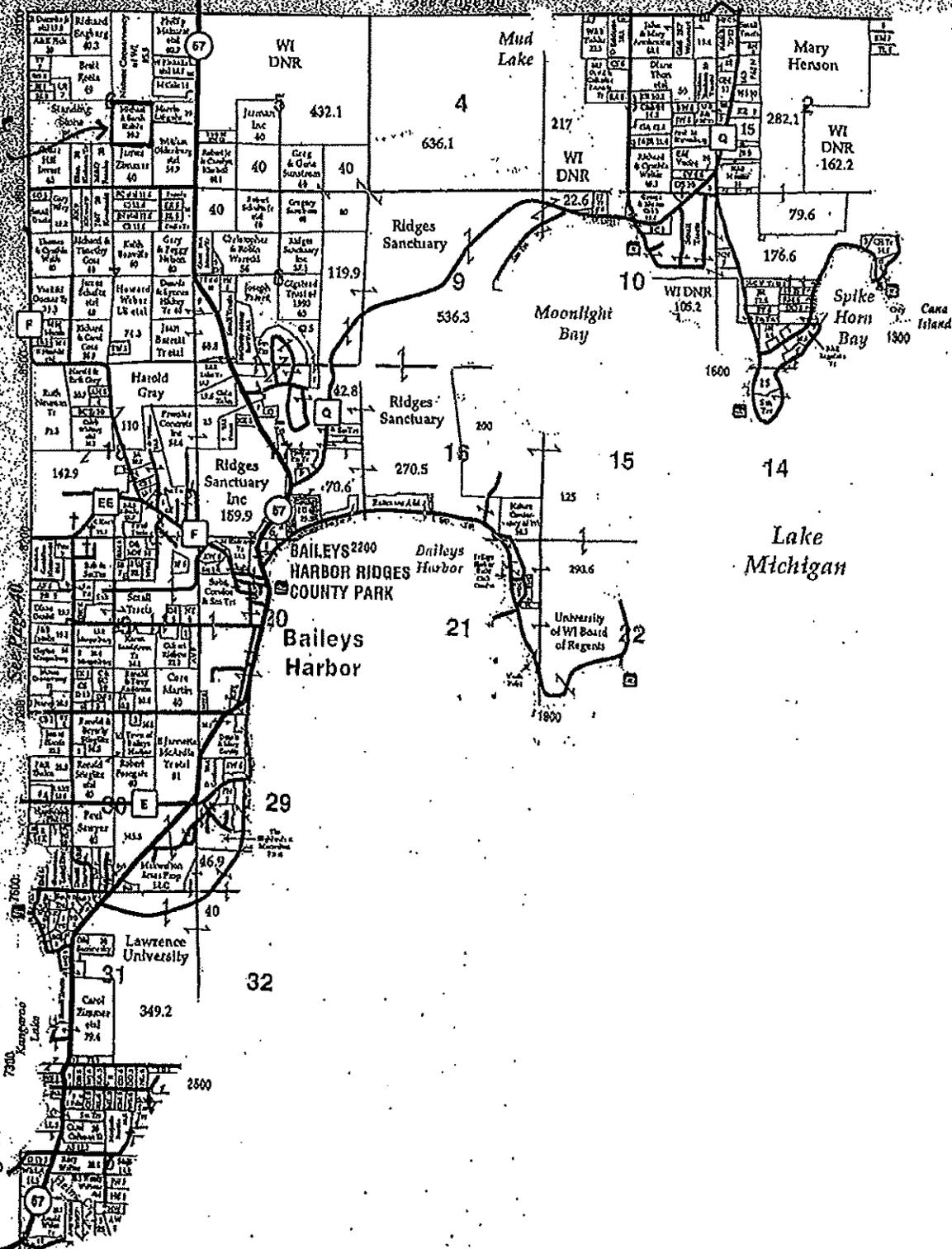


Date

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Baileys Harbor (S)

T.29-30N. - R.28E.

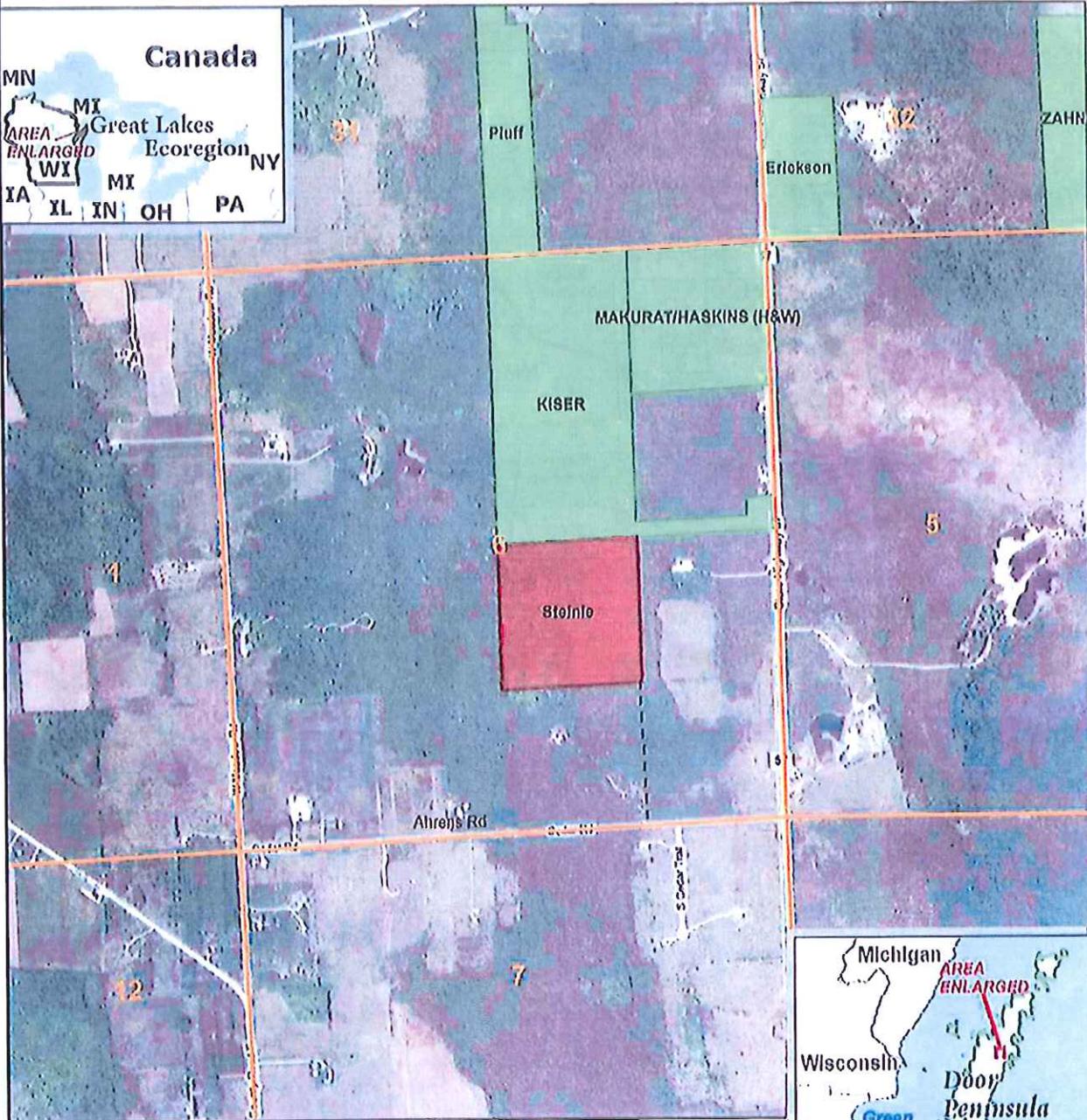


Door, WI

7200' + 1300' 7200' See Page 38

2007

Door Peninsula (Steinle) Access
Door County, WI - T30N-R28E



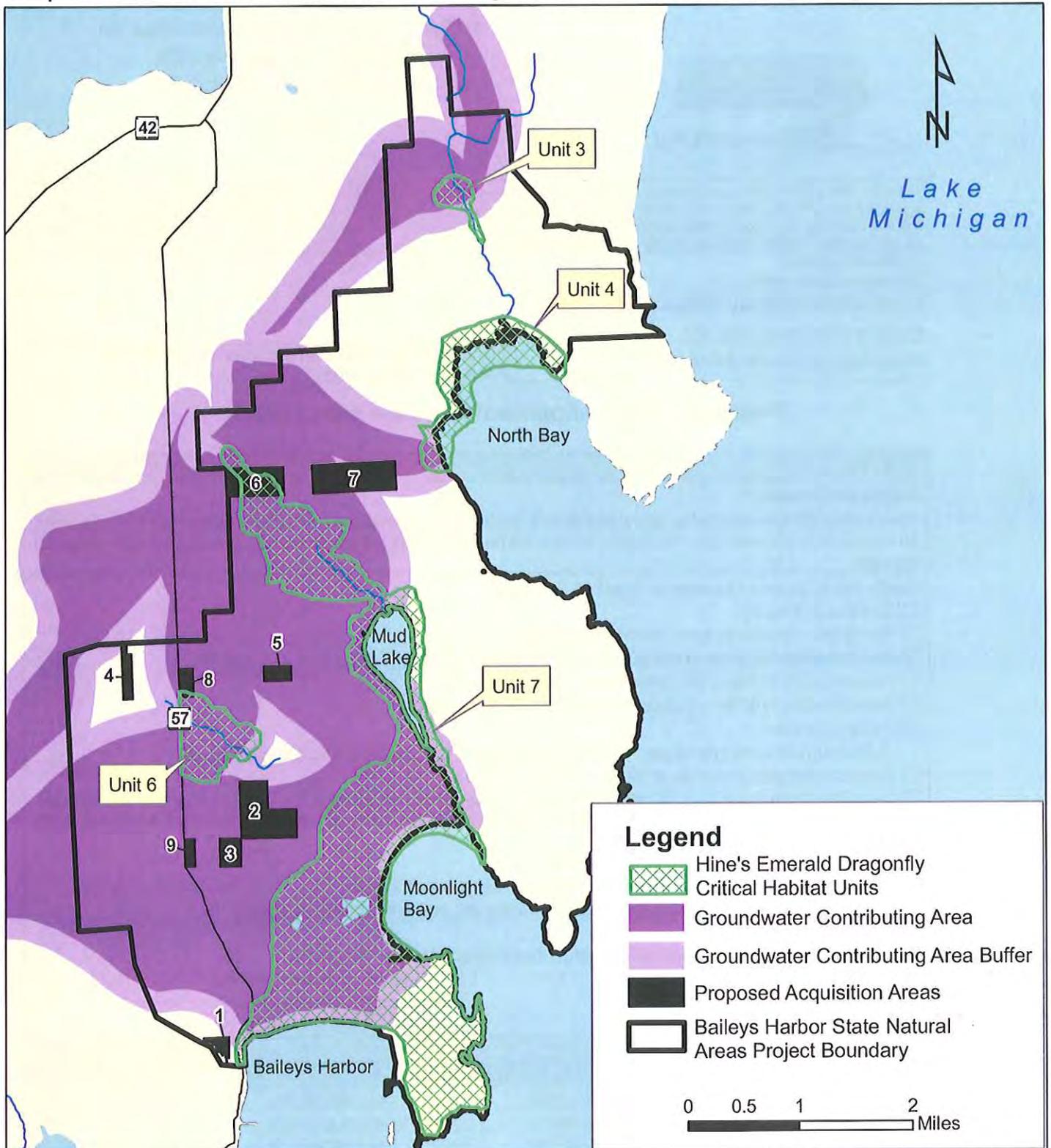
- Tract - 39.2 acres
- TNC Fee Ownership
- Section lines
- Access Easement



October 27, 2010
 Map created by R. Pflieger, Wisconsin Field Office, WI
 Data Sources: Roads, Water, Administrative Boundaries, State Lands, Current, from State of Wisconsin; Tract Boundary, Conservation Lands, Ecoregions (2005), Current, from TNC
 Map Projection: Wisconsin Transverse Mercator, 1991 correction NAD83 (HARN)
 File: I:\Geodata\Project\Areas\Door\Projects\Steinle_Access.mxd

Baileys Harbor State Natural Areas Coastal Wetlands Land Acquisition

Map 3: Critical Areas for Maintaining Hine's Emerald Dragonfly Populations



Critical Habitat Unit data from 2007 US Dept. of Interior, Fish and Wildlife Service 50 CFR Part 17 Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Hine's Emerald Dragonfly; Final Rule
http://www.fws.gov/midwest/Endangered/insects/hed/hinesfCH_FR.pdf

Groundwater data from 2008-04. Delineation of areas contributing groundwater to springs and wetlands supporting the Hine's Emerald Dragonfly, Door County, Wisconsin. Kenneth R. Bradbury and Michael K. Cobb. 17 p. + 17 color p.
<http://www.uwex.edu/wgnhs/wofrs.htm>

TRAPPING

DNR Staff Narrative: Upland Trapping will be allowed in accordance with state regulations and State Nature Area requirements. Water Trapping is prohibited to protect habitat for the Federally Endangered Hines emerald dragonfly on the wetlands. The sponsor will administer a registration system for monitoring purposes only. Registration forms will be available to the general public and advertised on required signage.

No Water On Site

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is adjacent to highways & roads
- Parcel is adjacent to school grounds, hospital, or sanatorium
- Ordinance exists –
 - Trapping within park _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species State listed endangered species
- Federal listed threatened species State listed threatened species
- Federal listed species of special concern State listed species of special concern

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Same as state regulations	Same as state regulations
Water	No	N/A

FISHING

DNR Staff Narrative:

The sponsor is not proposing any prohibitions for fishing.

- No Water on Site
- Public Safety Factors Considered: Check all that apply.
- Size/shape of parcel
- The sponsor is within its own municipallty boundary
- Ordinance exists – _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an ellgible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species
- State listed endangered species
- Federal listed threatened species
- State listed threatened species
- Federal listed species of special concern
- State listed species of special concern

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

HIKING

DNR Staff Narrative:

The sponsor is not proposing any prohibitions for hiking

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Ordinance exists – _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species
- State listed endangered species
- Federal listed threatened species
- State listed threatened species
- Federal listed species of special concern
- State listed species of special concern

Location	Allowable Activities	List Dates (opening and closing)
On-Trail	N/A	N/A
Off-Trail	Yes	Throughout the year

GROSS COUNTRY SKIING

DNR Staff Narrative:

The sponsor is not proposing any prohibitions for cross country skiing

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Ordinance exists – _____
- Visitor's expectations of safety at the site. Yes No
- Meets the requirements for s. NR 52 (1)(a)(5), Wis. Admin. Code. The parcel is 5 acres or smaller, is located within the boundaries of a city or village, is adjacent to a parcel where the NBOAs are currently prohibited, and is not located adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Sponsor ordinance is equal or less restrictive than non-sponsor ordinance.
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

Unique Plant and Animal Communities Factors Considered: Check all that apply.

- Federal listed endangered species
- State listed endangered species
- Federal listed threatened species
- State listed threatened species
- Federal listed species of special concern
- State listed species of special concern

Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	During snow cover
On-Trail (un-groomed)	N/A	N/A
On-Trail (groomed)	N/A	N/A

APPENDIX M

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: June 6, 2011

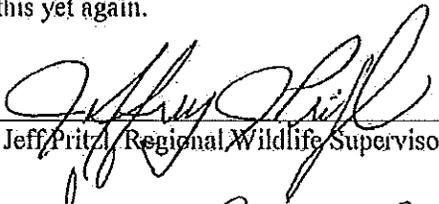
FILE REF: NR52

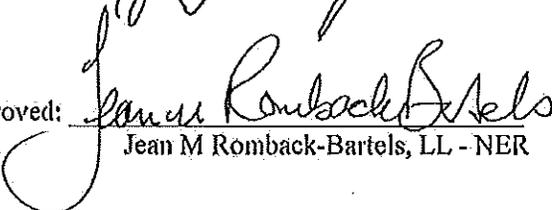
TO: Faith Murray

FROM: Jean Romback-Bartels

SUBJECT: Steidle water trapping prohibition approval

The TNC prohibition of water trapping for the protection of the Federally Endangered Hines emerald dragonfly on the Steidle property was not reviewed by the prohibition team based on two previous approvals for similar properties. Both the Fandrie property in the Mink River Estuary State Natural Area and the London property in the North Bay Natural Area were recently approved for this prohibition. As this acquisition is in the same area, with the same or similar SNA designations, there was no need to review this yet again.

Noted: 
Jeff Pritz, Regional Wildlife Supervisor

Approved: 
Jean M Romback-Bartels, LL - NER



CORRESPONDENCE/MEMORANDUM

DATE: June 8th, 2011

TO: Lavane Hessler – CF/2

FROM: Faith Murray

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

PROJECT NAME: Door County TNC Fandrei, Kopitzke2, Rogers, London, Steinle Land Purchases

The Door County Fandrei, Kopitzke2, Rogers, London, Steinle land acquisition Stewardship grant proposals were required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on May 13th, 2011 and the fifteen day public review period ended on June 7th, 2011

Kopitzke2 and Rogers properties have no prohibitions.

The Department received two comments concerning these proposals which are summarized below:

Summary of comments:

Support with NBOA mentioned: This comment is supportive with the stipulation to allow hunting for all game species during all statewide seasons, which it does.

Opposed with NBOA mentioned: This comment objects to the TNC requirement of registering and monitoring of hunters and trappers on these properties. The reasons for the objection are:

- The added burden to hunters and trappers that is not assigned to any other user.
- If the purpose of monitoring is management of fish and game, the DNR should maintain jurisdiction not the sponsor.
- There is concern over who will have access to the hunters and trappers personal information. The sponsor should be held to the same privacy standards as the department.

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


Signature of Contact Person

6/16/11
Date

NBOA Approved with Prohibition Certification:


Mary Rose Teves, CF Bureau Director

June 29, 2011
Date





Wisconsin DNR News Release

The Nature Conservancy seeks Stewardship grants for Door County land acquisition

News Release Published: May 13, 2011 by the Northeast Region

Contact(s): Faith Murray, Community Services Specialist, 920-662-5487

GREEN BAY – The Nature Conservancy has applied for matching grants from the Knowles-Nelson Stewardship Program to assist with the purchase of five separate properties that would be added to two existing State Natural Areas in Door County.

The properties include a 25-acre parcel, a 20.79-acre parcel and a 14.23-acre parcel all located in the Town of Liberty Grove that would be additions to the Mink River Estuary State Natural Area, and a 15.03-acre parcel in the Town of Liberty Grove and a 39.2-acre parcel in the Town of Baileys Harbor that would be additions to North Bay State Natural Area.

The properties will be left in their natural state and will be open to the public for low impact recreational activities including, hunting, fishing, upland trapping, hiking, cross-county skiing, snowshoeing, nature study, wildlife observation, and photography. Two of the parcels have no water on the property. Three others have water, and water trapping would be prohibited on these properties to protect habitat for the Hines emerald dragonfly, a Federally listed endangered species.

The checklist and the department's initial assessment of the proposal to prohibit Nature Based Outdoor Activities (NBOA) is available on the Stewardship Public Notice page of the Department of Natural Resources website or a copy is available on request from the project contact listed below.

The Nature Conservancy will provide 50 percent match for three of the properties, and 40 percent match for two of the properties.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Faith Murray, Community Services Specialist, 2984 Shawano Ave, Green Bay, WI 54313-6727, or sent by email to Faith.Murray@wisconsin.gov. Questions about this project should be directed to Faith Murray at 920-662-5487. Written comments will be accepted through June 7, 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.

Under s. NR 150.03(3), Wis. Adm. Code, an environmental analysis is not needed because this proposal is considered a Type III action. A Type III action is one that normally does not have the potential to cause significant environmental effects, normally does not significantly affect energy usage, and normally does not involve unresolved conflicts in the use of available resources.

People may sign up for Stewardship grant project news releases through the [newsletters and updates](#) page of the DNR website.

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CORRESPONDENCE/MEMORANDUM

DATE: June 22, 2011

APPENDIX O

TO: Natural Resources Board

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

SUBJECT: Summary of Department Determination to Prohibit one Nature-based Outdoor Activity on the Steinle Parcel

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 of \$40,477.50 to The Nature Conservancy for the acquisition of 39.2 acres on 1 parcel located within the Town of Baileys Harbor, Door County, even though the prohibition of water trapping will be necessary to protect the federally endangered Hine's emerald dragonfly.

PROJECT BACKGROUND

The Nature Conservancy, a Nonprofit Conservation Organization eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$40,477.50 for the acquisition of 39.2 acres located within the Town of Baileys Harbor, Door County, for the purposes of preservation and protection in the North Bay State Natural Area.

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 Nature Conservancy proposes to prohibit water trapping on the Steinle property. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit water trapping to protect the larval habitat of the Hine's emerald dragonfly.

A copy of the prohibition team review is attached to this Green Sheet as Appendix M.

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 first posted on GovDelivery on May 13th. Two comments were received: one comment in support and one comment not in support.

Comment in Support: One commenter was in favor of the project if hunting is allowed for all game species during all statewide seasons.

Comment Not in Support: One commenter was not in support of the project due to TNC's requirement that hunters and trappers register; this was viewed to be a burden to hunters and trappers but not to any other user. The commenter felt the DNR should maintain jurisdiction over the monitoring of fish and game management. Further, the commenter was concerned about access to and protection of personal information collected by TNC.

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

DETERMINATION

The property in question lies within the North Bay State Natural Area and contains communities of the federally endangered Hine's emerald dragonfly. The Unique Plant and Animal Prohibition Team reviewed this application and determined that the water trapping prohibition was necessary to protect the federally endangered Hine's Emerald dragonfly. The prohibition team reviewed the following factors in making this determination:

1. The non-forested wetlands have the potential elements necessary for the Hine's emerald dragonfly larval habitat (i.e. crayfish burrows, shallow rivulets of flowing water through the wetland).
2. Potential "take" of Hine's emerald dragonfly by disturbing larval habitat.
3. Potential "take" of Hine's emerald dragonfly by repetitively physically stepping on larvae found in small rivulets.
4. Proximity to critical habitat units within the North Bay State Natural Area.
5. Protection of the watershed habitat needed to sustain the Hine's emerald dragonfly.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant to The Nature Conservancy for purchase of 39.2 acres in the town of Baileys Harbor for the Steinle parcel.

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