

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Ratification of Department decision to issue Stewardship grants that will prohibit at least one nature-based outdoor activity (NBOA) on non-department land: Tn of Neenah, Village of Sister Bay, and Door Co.

FOR: MARCH 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 Urban Rivers subprogram of the Stewardship Program totaling \$66,628.50 for the acquisition of 10.88 acres in the Town of Neenah, Winnebago County, to create Herziger Conservancy Park dedicated to passive outdoor recreation and education. The Department has made a determination that the prohibition of hunting is necessary to protect public safety because: the parcel is located within the Town limits, is adjacent to homes, is within 1700 feet of an elementary school, and will become part of an urban trail; visitors will have expectation of no hunting in a Park; and there is a Town ordinance prohibiting the discharge or carrying of a weapon.

The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship program totaling \$1,496,023.00 to the Village of Sister Bay for the acquisition of 0.96 acres to expand Waterfront Park. The Department has made a determination that the prohibition on hunting and trapping is necessary to protect public safety because: the parcel is located within the village limits, the size of the parcel; is adjacent to homes, businesses, and municipal structures and is next to Bay Shore Drive and the pedestrian transportation network; visitors will have an expectation of no hunting and trapping in this Park; and there is a Village ordinance that prohibits the hunting and trapping in a village park.

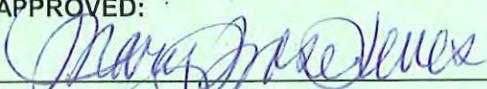
The Department proposes to award a grant from the Acquisition and Development of Local Parks subprogram of the Stewardship Program totaling \$287,965.00 to Door County for the acquisition of 1.32 acres in the Town of Baileys Harbor to expand Cana Island Lighthouse Park. The Department has made the determination that the prohibition on hunting and trapping is necessary to protect public safety because: the parcel is adjacent to homes, the size of the parcel; is adjacent to public roads, and is within a county park boundary; visitors have an expectation of no hunting and trapping in this Park; and there is a County ordinance prohibiting hunting and trapping in the Cana Island Lighthouse County Park.

RECOMMENDATION: Ratify the Department decision to award Stewardship grants to the Town of Neenah, Winnebago County (Herziger); Village of Sister Bay (Johnson); and Door County (Drinan).

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 |

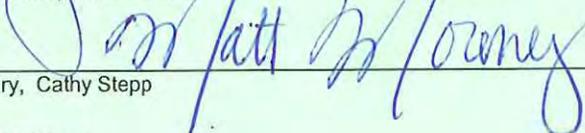
APPROVED:


Bureau Director, Mary Rose Teves

Feb 15, 2011
Date


Administrator, Julie Sauer

2/15/11
Date


Secretary, Cathy Stepp

2/17/11
Date

cc: NRB Liaison
DNR Rules Coordinator

Project 1

Town of Neenah Herziger Conservancy Park

SUBJECT:

Ratification of Department proposed determination to issue Stewardship grant to the Town of Neenah for acquisition of 10.88 acres that will prohibit one nature based outdoor activity (NBOA) on non-department land.

SUMMARY:

The Department proposes to award a grant from the Urban Rivers subprogram of the Stewardship Program totaling \$66,628.50 for the acquisition of 10.88 acres (3 partial parcels combined) in the Town of Neenah, Winnebago County. This purchase will create the Town's first nature conservancy park: a facility dedicated solely to nature based outdoor recreation and education. Review under ch. NR 52 is required and has been undertaken. 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 Town limits where a Town ordinance exists prohibiting the discharge or carrying of a weapon, are adjacent to homes, are within 1700 feet of an elementary school, will become part of an urban trail system, and will be visited by users who have an expectation of no hunting on the property.

The property meets the "acquisition of environmentally sensitive properties for preservation purposes" goal of the Town of Neenah'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 and therefore the urban setting is an ideal location.

There are currently no constructed improvements on the property. Future development plans include: prairie and wetland plantings in appropriate areas, walking trail in the upland areas, trail connection to the future 8-mile Winnebago trail loop along County A, picnic and rest areas, elevated trail/boardwalk in wetland areas, small parking lot, and educational signs along the trail loops for nature education. Recreational opportunities include trapping, fishing, hiking, cross-country skiing, bird and wildlife watching, photography canoeing and kayaking, snow shoeing, picnicking and nature education.

RECOMMENDATION:

Ratify the Department proposed determination to award a grant to the Town of Neenah for the acquisition of the 10.88 acres in the Town of Neenah, Winnebago County.

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DATE: February 7, 2011

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for the Town of Neenah Herziger Conservancy Land Purchase

The Department requests that the Board ratify the Department's proposed determination to award a Stewardship grant in the amount of \$66,628.50 to the Town of Neenah for the purchase of 10.88 acres of land (3 partial parcels combined) in the Town of Neenah with one nature-based outdoor activity (NBOA) prohibition.

Property to be Purchased

Project Sponsor: Town of Neenah
Seller: Carl C. Herziger
Financial Information: See page 5.
Timetable: The Town purchased this land on September 28, 2009.
 Reimbursement is being requested.

I. PROJECT DETAILS

A. Property to be Purchased

Location and Size: The property is 10.88 acres total, located in the Town of Neenah, Winnebago County.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Urban Rivers Stewardship Grant Program by preserving land surrounding an urban waterway – in this case, Adella Beach Creek -- which leads directly into Lake Winnebago.
2. Supports other outdoor recreational and educational uses. This 10.88-acre parcel will create Herziger Conservancy Park and increase access to wetlands, Adella Beach Creek, and the Winnebago and Fox River systems. Public uses of the Herziger Conservancy Park will include wildlife and environmental education, hiking, fishing, trapping, canoeing, and kayaking leading into the Lake Winnebago system.

Project Description: Stewardship grant funding will assist with the acquisition of the Herziger property; three partial parcels totaling 10.88 acres, along the western side of Lake Winnebago, with Adella Beach Creek running through it and along its eastern border, ultimately flowing into Lake Winnebago. The Town of Neenah has several "traditional" parks, all focused on athletics. However, they had no parks dedicated solely to nature-based outdoor recreation. In accordance with their Comprehensive Smart Growth Plan and Comprehensive Outdoor Recreation Plan, the Town purchased the Herziger property to meet the "acquisition of environmentally sensitive properties for preservation purposes" goal identified in both plans.

Herziger Conservancy Park is intended to be used and enjoyed by as many people as possible. There are currently no constructed improvements on the property. Appendix A includes a proposed site plan for the park. Features to be added in the future include: prairie and wetland plantings in appropriate areas, walking trail in the upland areas, trail connection to the future 8-mile Winnebago trail loop along County Highway A, picnic and rest areas in the upland areas, elevated trail/boardwalk through the

wetlands, small parking lot near the intersection of South Park Avenue and County A, and educational signs along the trail loops for nature education.

Prior Use of Property: The property was privately owned until the Town purchased the land in September 2009. Since acquisition, the Town constructed a storm water pond on the northwest 1.55 acres of the property. This 1.55 acres is not a part of the stewardship land acquisition project; however, the pond will be used for outdoor education and recreation. Prior to the Town purchasing the property, it was not open 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 as follows: (See Appendix A for a map of the area.)

- From South Park Avenue
- From County Road A
- From Adella Beach Creek – for anglers and other sportsmen and women using the creek and Lake Winnebago.

Recreational opportunities on the property include trapping, fishing, hiking, cross-country skiing, bird and wildlife watching, photography, canoeing and kayaking, snow shoeing, picnicking, and nature education. Appendix B shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The Town of Neenah has an ordinance that prohibits the discharge or carrying of weapons. (See Appendices C and D.) The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following in reaching their conclusion that prohibition of hunting is necessary to protect public safety:

- Town of Neenah Ordinance #104 -- prohibiting the possession, carrying, firing or discharge of gun, pistol, firearm, including bow and arrow.
- Proximity of parcel to homes
- Proximity of parcel to Lakeview Elementary School and ss. 29.301(1)(b) which prohibits hunting within 1700 feet of school property.
- 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 15-business days. During the comment period, the Department received 2 comments: one comment in support and one comment not in support. See Appendix E for a summary of the comments.

The positive comment was in support of the project because it preserves open green space.

The negative comment was opposed to the project the state is bankrupt, statutes and codes are too complex, and Stewardship funds should not be used on land where hunting was not allowed.

See Appendix F for a summary of the Department's proposed determination to prohibit one nature-based outdoor activity on this project.

Status After Acquisition: Herziger Conservancy Park has a pond in the northwest 1.55 acres of the property. No other facilities have been constructed on the property. Appendix A shows the Town's proposed site plan for the entire facility. These plans will add native vegetation, clear invasives, construct trails to enhance access, and include addition of educational signs and stations throughout the park. The Herziger Conservancy Park will operate like all other Town of Neenah parks being open to the public 365 days a year from 6:00 am until 9:30 pm. The Town will operate and maintain the park.

II. PROJECT FINANCES

A. Partnerships:

- Town of Neenah
- Wisconsin Department of Natural Resources
- Boy Scout Troop 43
- The Fox Valley Sierra Club

B. Appraisals

The Town of Neenah commissioned one appraisal with the value determination of \$126,480 for the 10.88 acre parcel. This value of \$126,480 was certified by the WDNR. The purchase price of the 10.88 acres was \$126,480

C. Grant Calculation

Certified appraised value for Herziger Parcels	\$126,480.00
Associated real estate costs	<u>\$ 6,777.00</u>
Total Project Costs	\$133,257.00

D. Funding Sources

Town of Neenah	\$66,628.50
Stewardship Grant	\$66,628.50

III. RECOMMENDED:



Mary Rose Teves, Director, Bureau of Community Financial Assistance



Date



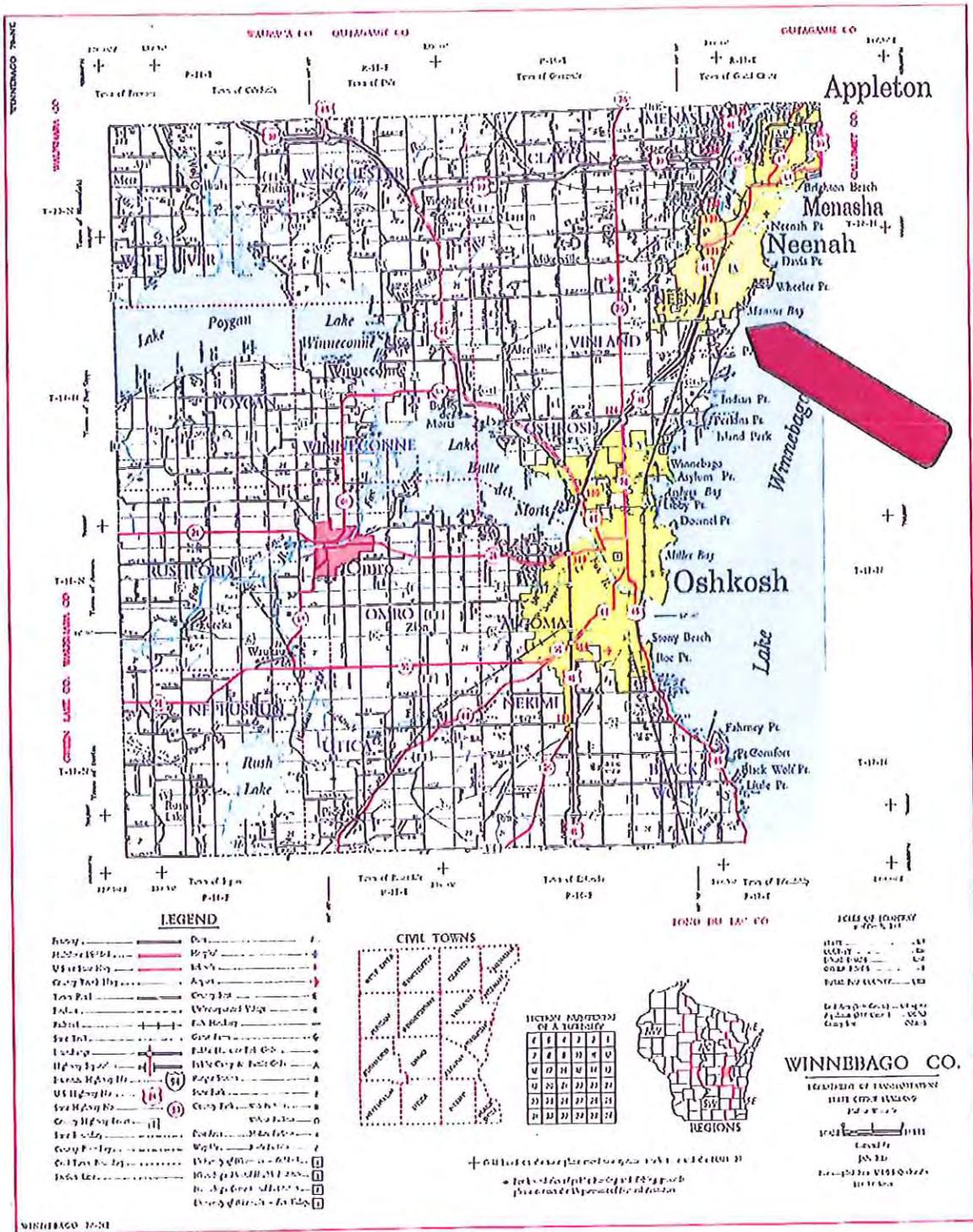
Julie Sauer, Administrator, Customer and Employee Services Division



Date

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APPENDIX A



Map Created on Oct 14, 2010

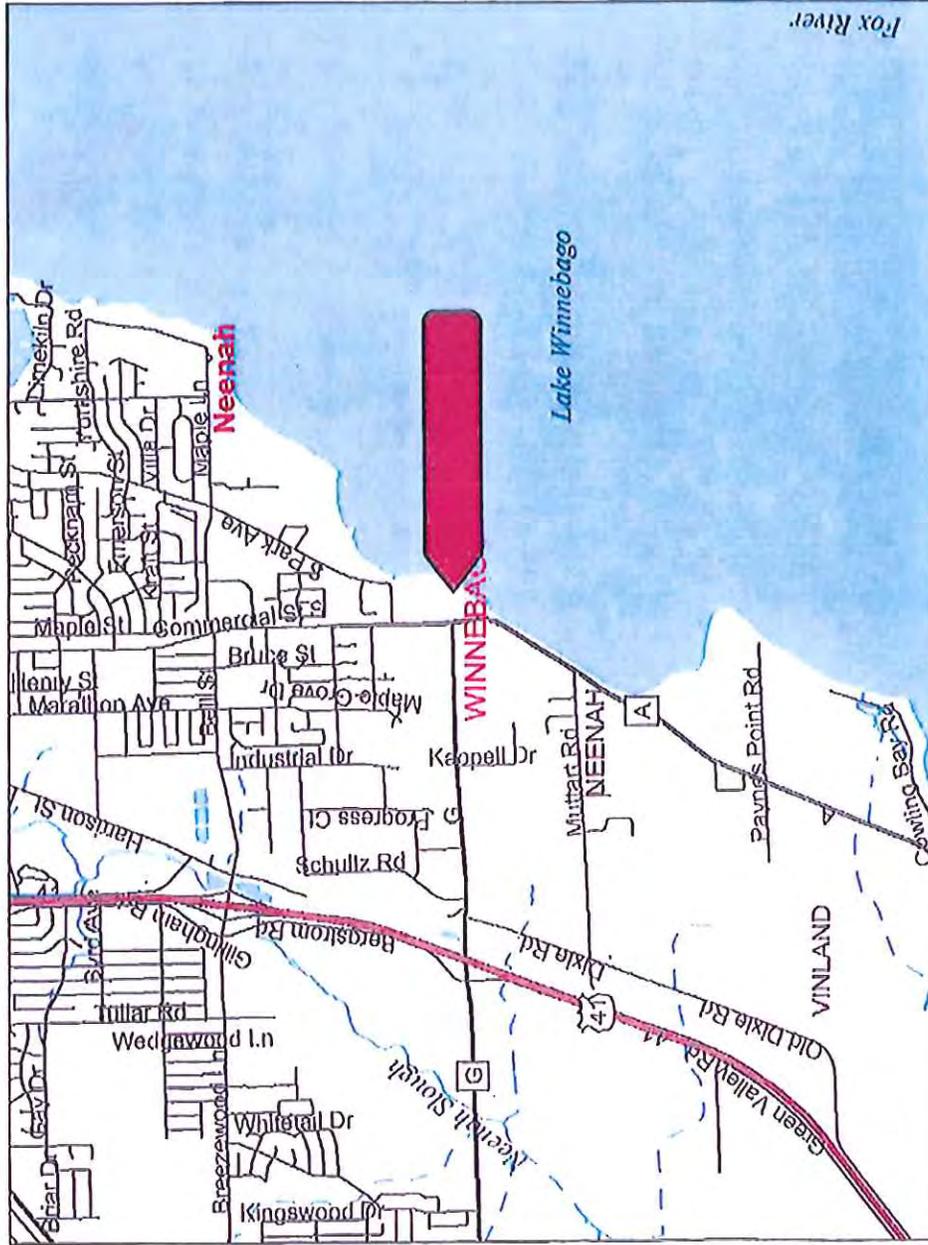


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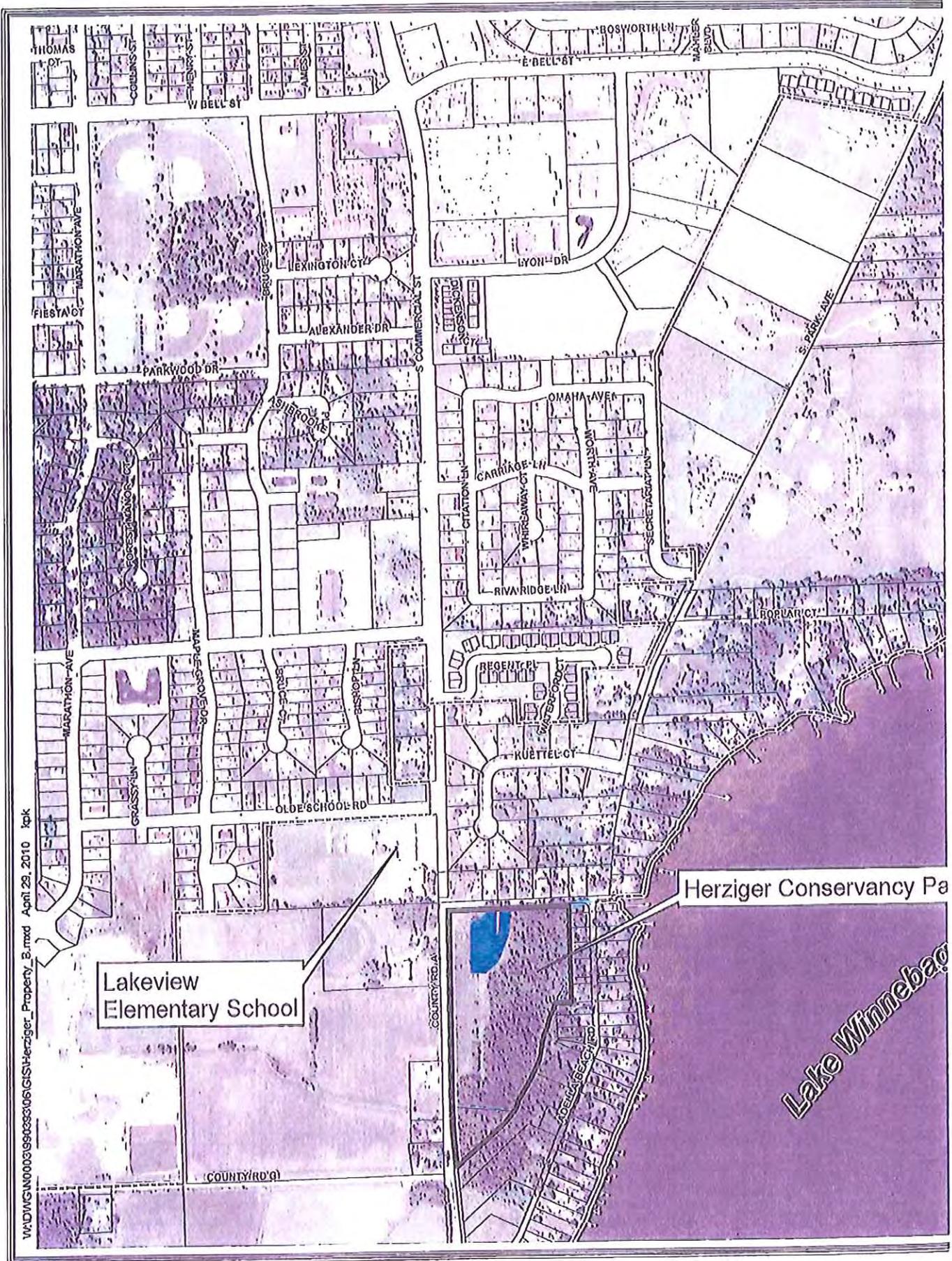
- Major Highways
- Interstate
- State Highway
- U.S. Highway
- County Roads
- Local Roads
- 24K County Boundaries
- Civil Towns
- Civil Town
- 24K Open Water
- 24K Rivers and Shorelines
- Intermittent
- Perennial
- Cities and Villages
- Village
- City



Scale: 1:43,247



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



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Lakeview Elementary School

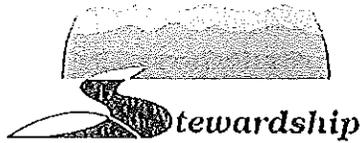
Herziger Conservancy Pa

Lake Winnebago

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: Town of Neenah	Year of Application: 2010
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Project Name and Primary Purpose (after acquisition):
Herziger Conservancy Park Land Acquisition

Project Description: See News Release	Plan(s) or Reports Identifying Project Area as Priority: Town of Neenah Comprehensive Outdoor Recreation Plan Town of Neenah Comprehensive Smart Growth Plan
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Proposed NBOA – Applicant Narrative and Checklist

HUNTING			
DNR Staff Narrative: Hunting is not available on this site for public safety reasons according to state law and Town of Neenah ordinance 104. Please see the Department's initial assessment of the NBOA prohibition 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	
Small Game	No	No	
Turkey	No	No	
Large Game	No	No	

TRAPPING		
DNR Staff Narrative: Available as state law permits.		
Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Yes	As state law permits
Water	Yes	As state law permits

FISHING		
DNR Staff Narrative: As state law permits.		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Yes	As state law permits
Boat	Yes	As state law permits

HIKING		
DNR Staff Narrative: Available		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	Yes	Year 'round
Off-Trail	Yes	Year 'round

CROSS COUNTRY SKIING		
DNR Staff Narrative: Available		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (groomed)	Yes (though groomed trails do not currently exist)	When snow conditions are appropriate

CORRESPONDENCE/MEMORANDUM

DATE: November 8, 2010 FILE REF: Stewardship Application

TO: Christine Halbur, NER Government Outreach Team Supervisor

FROM: Jeremy Cords, NER Recreational Safety Warden

SUBJECT: Stewardship Grant Application "Public Safety" Review – Town of Neenah Land Acquisition – Winnebago 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 Town of Neenah for the proposed acquisition of 10.88 acres of property located in the Town of Neenah. 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 is located within the boundaries of the Town of Neenah which has a town ordinance restricting discharging or carrying a weapon. The parcel is adjacent to homes and Lakeview Elementary School. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the Town's ordinance, allowance of hunting would create a user conflict and a public safety issue due to the physical characteristics of the property, its proximity to a public street, school, and large population, 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 this township ordinance on parcels, located wholly within the town limits. Furthermore, this property is entirely located within 1700 feet of Lakeview Elementary School grounds and in accordance with ss. 29.301(1)(b) prohibits hunting.

Given the factors of proximity of buildings, that it is located within a township boundary, proximity of the school, and the Town Ordinance prohibiting the use of firearms, it is my professional opinion that restricting use and possession of firearms and archery related equipment is necessary to protect public safety.

Trapping – is not prohibited on this property. It is my professional opinion that the Town of Neenah park hours of operation and public access for this property will not interfere with legal trapping practices. The proposed Stewardship grant contract for this property will mandate that a sign with operating hours be clearly posted at the entrances to the Herziger Conservancy Park stating the hours of operation and access to the public from 6:00 am to 9:30 pm; 365 days a year.

Fishing, hiking and cross-country skiing – are not prohibited on this property but are subject to the proposed Stewardship grant contract for this property mandating that a sign with operating hours be clearly posted at the entrances to the Herziger Conservancy Park stating the hours of operation and access to the public from 6:00 am to 9:30 pm; 365 days a year.

APPENDIX D

ORDINANCE #104

AN ORDINANCE REGULATING PARKS, ACCESS SITES, AND RECREATIONAL AREAS OWNED AND OPERATED BY THE TOWN OF NEENAH

The Town of Neenah Board, Winnebago County, Wisconsin, does adopt the following ordinance:

SECTION 1.0 DEFINITIONS

1.1 Park

The term "Park" wherever used in this Ordinance, unless otherwise stated, shall include the ground, plants, trees, shrubs and other vegetation, the play and recreational equipment/structures, the buildings, and the waters which are in, upon or flow through the parks, as well as any river and lake access sites, or other recreational areas, all of which are now or may hereafter be under the ownership, possession or control of the Town of Neenah Park Board or the Town of Neenah, including all recreational trails/roadways/paths which shall be considered linear parks.

1.2 Person

The term "Person" as used herein shall include any individual, firm, partnership, corporation, association of persons, or group of people, as well as the guest of any individual, firm, partnership, corporation, association or group. The singular number shall include the plural.

1.3 Park Board

The term "Park Board" whenever used herein shall mean the Town of Neenah Park board, consisting of the Park Chairperson, secretary, and that number of board members designated by the Town of Neenah Board.

1.4 Chairperson

The term "Chairperson" whenever used herein shall mean the Chair of the Town of Neenah Park Board.

1.5 Motor Vehicle

The term "Motor Vehicle" wherever used in this Ordinance shall mean any automobile, motorcycle, ATV, van, pick-up truck, or other motorized, electrical or other self-propelled vehicle.

SECTION 2.0 GENERAL PROVISIONS

2.1 Town Park Board

a. Composition

The Park Board shall consist of a chairperson, a secretary, and five board members, all of whom shall be residents of the Town of Neenah and shall have the right to vote for or against matters brought before the Town Park Board. Only the secretary shall not be eligible to vote, unless he/she is also one of the five board members. The chairperson, secretary, and board members shall serve without pay or other compensation, (other than expenses), shall each serve 3-year terms, and may transact business at a duly noticed meeting at which a quorum of the Park Board is present. The position of chairperson and secretary shall be elected positions, voted upon by the Town Park Board. The Town Board may appoint a Park Board member to serve as liaison to the Town Board.

b. Purpose/Duties/Powers

The Park Board shall be responsible for: (1) developing an overall budget and plan for annual operation, upkeep and repair of the Parks, (2) managing said budget and implementing said plan, (3) adopting such rules and regulations as it deems necessary to effectuate its duties and responsibilities, (4) assessing fees for use of the Parks, (5) enforcing this Ordinance, and from time to time (6) recommending to the Town Board expansion or modification to the existing park system.

The exercise of all duties and responsibilities set forth in this Ordinance shall always be subject to review and approval by the Town of Neenah Board.

2.2 Chairperson

The Chairperson shall: (1) preside over all Park Board meetings, (2) direct the Park Board in developing a budget and plan for annual operation, maintenance, and repair of the Parks, etc. (3) direct implementation of said plan, (4) direct adoption of any necessary rules or regulations, and (5) perform any duties assigned to him/her by the Town Board.

2.3 Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board of the Town of Neenah would have passed the other provisions of the Ordinance irrespective of whether or not one or more provisions

may be declared invalid. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

2.4 Title

The Ordinance shall be known as, referred to, or cited as, Town of Neenah Parks Ordinance.

2.5 Effective Date

This Ordinance shall take effect after its passage and publication/posting, all as required by law. It shall supersede all Town of Neenah park ordinances passed heretofore.

2.6 Amendment/Modification

This Ordinance may only be amended in writing, and any such amendment must be approved by a majority of both the Town Park Board and the Town of Neenah Board.

SECTION 3.0 REGULATIONS

3.1 Park Property

While in, near or adjacent to a Park, lake access site or other recreational area, no person shall:

- a) 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, waterlines 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, trees or shrubs, or other Park property or appurtenances whatsoever, either real or personal.
- b) Restrooms and washrooms: Misuse or abuse the restrooms and washrooms, or not cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.
- c) Sanitation: Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay 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 said waters. 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. If no waste receptacles are 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.

d) Vehicles: Operate a powered vehicle or Motor Vehicle on Park property except on those roads or trails designated for such vehicles.

e) Special Events: Use the Parks or any facilities therein during a special event for a purpose other than those authorized in the special event permit. Use the Park or any facility therein for any unlawful or other inappropriate purpose.

3.2 Public Access

a) Hours: The parks shall be opened to the public on such days of the year and at such times of the day as are established by the Park Board and are posted at the various locations from time to time. In the alternative, the Town Parks may be opened and closed to the public by opening or closing gates at the entrance and exits of the parks. There shall be no specific restriction on the dates and hours of usage for the recreational trails/roadways/paths, but use of the trails/roadways/paths shall be restricted by the inherent limitations of the seasons and the hour of the day.

b) Temporary Closing of Park or Parts Thereof: Any Park, in whole or in part, may be declared closed by the Chairperson or Park Board, at any time, for emergency or other special contingencies. Such closings shall be temporary and shall continue only as long as the emergency or special contingency require. Such special closings shall supersede any posted or established hours described immediately above in subparagraph a).

c) Prohibited Acts: All persons are prohibited from being in the Parks when the Parks are closed to the public.

3.3 Picnic Areas

No person in a Park shall:

a) Picnic or lunch in a place where it interferes with park activities.

b) Leave a picnic area before a fire in the said picnic area is completely extinguished and before all trash, garbage and other refuse in the said picnic area

is placed in the disposal receptacles provided for that purpose or if not available, properly disposed of or removed.

3.4 Group Activity/Special Events

Whenever any group (20 people or more), association or organization desires to use said Park facilities for a particular purpose, (such as picnics, parties, reunions, camping, sporting events, or theatrical or entertainment performances) a representative of said group, association or organization shall first obtain a special event permit from the Park Caretaker for such purposes. The Park Board may adopt an application form to be used by the Park Caretaker for such purpose, and may adopt rules and regulations for group use of the Parks. The Caretaker may grant the application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the said group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the Town of Neenah from any liability of any kind or character and to protect Town of Neenah property from damage.

3.5 Speed of Vehicles

It shall be unlawful for any person to operate a motorized vehicle in any area in said park in excess of ten (10) miles per hour.

3.6 Animals/Pets

No animals or pets shall be allowed in the park, unless authorized in writing by the Park board or in a special event permit.

Leashed pets, excluding horses, are permitted on the County CB recreational trail, subject to the requirement that the pet owner shall promptly pickup and carry away any excrement the pet deposits on or adjacent to the trail.

3.7 Making Fires

No person shall make or kindle a fire for any purpose except in portable grills or permanent grills provided therefore, and then, subject to such regulations as may be described.

3.8 Merchandising, Advertising and Sign

No person in a park shall:

a) Vending and peddling: Expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display

of any such article or thing without first obtaining a permit from the Park Caretaker.

b) Advertising: Announce, advertise, or call the public attention in any way to any article or service for sale or hire without first obtaining a permit from the Park Caretaker.

c) Signs: Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign, whatever on any public lands or highways, roads adjacent to a park with first obtaining a permit from the Park Caretaker.

3.9 Firearms: Hunting

Except for law enforcement personnel, no Person shall possess, carry, fire, or discharge any gun, pistol, or firearm, nor any rocket, torpedo or other fireworks of any description, within any Park, or shall any Person hunt with bow and arrow within any Park.

3.10 Parking

No Person shall park any vehicle or permit any vehicle to remain standing on any highway or roadway within the boundaries of the Parks in excess of the length of time and between the hours specified by the Board from time to time and as posted at the various Parks.

3.11 Camping

No Person shall camp overnight, in a tent, trailer home or otherwise, in a Park, without the prior written consent of the Town.

3.12 Alcohol, Drugs, and Intoxicants

No Person, group, association, or organization may distribute, sell, purvey, give away, use, or possess alcohol in the Parks without the Town's prior written consent. No Person, group, association, or organization may distribute, sell, purvey, give away, use, or possess illegal drugs in the Parks.

3.13 Violations

It shall be unlawful for any Person to violate any provision of this Ordinance.

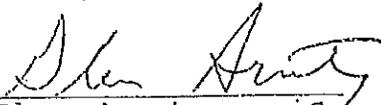
SECTION 4.0 ENFORCEMENT & PENALTY

4.1 Chairperson, Town Board, Town Constable

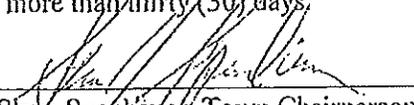
The Chairperson shall, with the assistance of the Winnebago County Sheriff's Department or Town Peace Officer, enforce the provisions of this Ordinance. The Town Board or Town Peace Officer, upon complaint from the Chairperson, Park Caretaker, or the Winnebago County Sheriff's Department, is authorized to institute whatever legal proceedings or issue whatever citation they may deem necessary to effect compliance with or penalize Persons for violating the provisions of the Ordinance.

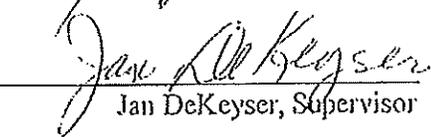
4.2 Penalty

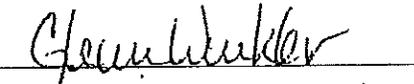
Any person violating any provision of this Ordinance shall, upon conviction, forfeit not more than \$1,000 together with taxable costs, and in default of payment of such forfeiture and costs, may be imprisoned in the Winnebago County Jail until such forfeiture and costs are paid but not more than thirty (30) days.


Glenn Armstrong, Supervisor

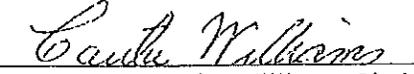

Dennis Briggs, Supervisor


Steve Spanbauer, Town Chairperson


Jan DeKeyser, Supervisor


Glenn Winkler Supervisor

I, Carita Williams, Clerk of the Town of Neenah, Winnebago County, Wisconsin, hereby certify that the above is a true and correct copy of an ordinance which was adopted on the 11 day of Nov., 1999; by the Town Board of Neenah, Winnebago County, Wisconsin.
2002


Carita Williams, Clerk

Dated: Nov 11, 2002

Posted/Published: Nov 15, 2002

CORRESPONDENCE/MEMORANDUM

DATE: January 31, 2011

TO: Lavane Hessler – CF/2

FROM: Chris Halbur

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

PROJECT NAME: Town of Neenah Herziger Conservancy Park Land Acquisition

The Town of Neenah Herziger Conservancy Park 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 December 28, 2010 and the fifteen day public review period ended on January 14, 2011.

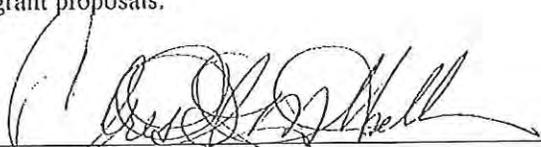
The Department received 2 comments concerning this proposal which are summarize below:

Summary of comments:

Negative Comment – the individual felt stewardship money should not be spent on land that will not allow hunting, that the state is bankrupt, and that NR rules and statutes are too complex for citizens to understand.

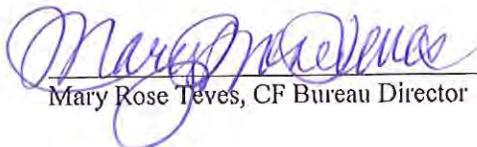
Positive Comment – This comment came from the Winnebago County Land and Water Conservation Department (WCLWCD). The WCLWCD supports this project because it preserves open green space which is an objective and goal of the Winnebago County Land and Water Resource Management Plan.

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


Signature of Contact Person

1/31/11
Date

NBOA Approved with Prohibition Certification:


Mary Rose Teves, CF Bureau Director

Feb 11, 2011
Date





Wisconsin DNR News Release

Town of Neenah seeks stewardship grant for Herziger Conservancy Park land purchase

News Release Published: December 28, 2010 by the Northeast Region

Contact(s): Chris Halbur, DNR Government Outreach Team Supervisor, (920) 662-5121

Neenah, Wis. – The town of Neenah in Winnebago County has applied for a 50 percent matching grant from the Urban Rivers subprogram of the Knowles-Nelson Stewardship Program to purchase 10.88 acres of land on County Road A in the town of Neenah. The park area will be available for trapping, fishing, hiking, cross-country skiing, snow shoeing, picnicking, and wildlife viewing. The town of Neenah will provide the matching funds.

The public can mail written comments on the proposed acquisition to Carrie Mickelson, Director, Division of Customer and Employee Services, care of Chris Halbur, 2984 Shawano Avenue, Green Bay, WI, 54313, or e-mail to Christine.Halbur@Wisconsin.gov. Persons with questions about the project may call Chris Halbur at (920) 662-5121. Written comments will be accepted through January 14, 2011.

In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show that the proposed prohibition is inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

Persons can receive email notices about the availability of future Stewardship Grant project news releases by signing-up for electronic notices of proposed grant projects at <http://govdelivery.com/>

DATE: February 7, 2011

APPENDIX F

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Proposed Determination to Prohibit 1 Nature-based Outdoor Activity on the Town of Neenah, Herziger Conservancy Land Purchase**

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 totaling \$66,628.50 to the Town of Neenah for the acquisition of 10.88 acres (3 partial parcels) located within the Town of Neenah even though prohibition of hunting will be necessary at the site to protect public safety.

PROJECT BACKGROUND

The Town of Neenah, a local government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant totaling \$66,628.50 for the acquisition of 10.88 acres located within the Town of Neenah, Winnebago County, for the purposes of creating a nature conservancy park, the first in the Town of Neenah.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, fishing, trapping, hiking, or cross-country skiing. The Town of Neenah proposes to prohibit one NBOA (hunting). The property would be subject to an ordinance prohibiting the discharge of weapons within a town park. Furthermore, the property lies within 1700 feet of Lakeview Elementary School and in accordance with s. 29.301(1)(b), Wis. Stats., hunting is prohibited on the property. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting to protect public safety.

A copy of the Town'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 December 28, 2010. Two comments were received: one in support and one not in support.

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

PROPOSED DETERMINATION

The property in question lies within 1700 feet of Lakeview Elementary School and so hunting is prohibited on the property per s. 29.301(1)(b), Wis. Stats. Further, the Town of Neenah has an ordinance that prohibits the carrying or discharge of a dangerous weapon. 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 in making this determination:

1. The primary purpose of the project (local park)
2. Local ordinance prohibiting discharging or carrying dangerous weapons;
3. User conflicts;
4. The size of the parcels;
5. Section 29.301(1)(b), Wis. Stats., prohibiting hunting within 1700 feet of a school
6. Proximity to homes.

We believe that the hunting prohibition on this parcel is necessary because the parcel is located within the Town limits, is adjacent to homes, within 1700 feet of a school, will become part of an urban trail system, and will be visited by users who have a reasonable expectation of no hunting on a local park.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this proposed determination will be provided to the individual who objected to a Stewardship grant to the Town of Neenah for purchase of 10.88 acres for a nature conservancy park.

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

Project 2

Village of Sister Bay Waterfront Park Expansion

SUBJECT:

Ratification of Department proposed decision to issue a Stewardship grant to the Village of Sister Bay for acquisition of 0.96 acres on which two nature-based outdoor activities (NBOA) will be prohibited.

SUMMARY:

The Department proposes to award a grant from the Urban Greenspace subprogram of the Stewardship Program totaling \$1,496,023 to the Village of Sister Bay for the acquisition of 0.96 acres (two parcels) located on Lake Michigan in downtown Sister Bay, Door County. This purchase is the key property for completing the public open space envisioned by the Village's Downtown Waterfront Master Plan. Review under ch. NR 52 is required and has been undertaken. The Department has made the proposed determination that the prohibition of hunting and trapping on the parcel is necessary to protect public safety because the parcels are located within the Village limits and a village ordinance that prohibits hunting and trapping; are adjacent to homes, businesses, and municipal structures; the size of the parcel; is adjacent to Bay Shore Drive and the pedestrian transportation network; and will be visited by users who have an expectation of no hunting and trapping on the property.

The Master Plan directs that Sister Bay's waterfront should be in public ownership in a continuous waterfront park. Public uses will include walking/hiking, kayaking, canoeing, fishing, picnicking, swimming, wildlife observation/nature study, cross-county skiing, and biking. The property is surrounded by Lake Michigan to the west, North Bay Shore Drive (STH 42) to the east, the Village Hall property to the south, and Marina Park to the north. This acquisition will tie the downtown area directly to the waterfront, connecting two already publicly owned waterfront properties.

The property was previously under private ownership with private business enterprises -- retail shops, rental property, and marina slips. The property has never been open for hunting or trapping. Fishing and swimming were significantly limited while under private ownership. The public was allowed to walk on the property as they would be for any other downtown business.

After purchasing the property, the Village plans to remove existing structures and convert the entire space to public open space. Landscaping will be restructured to open up the area. Walkways will be extended through the property to link the entire shoreline stretching from Marina Park at the north end of the downtown area to the Sister Bay Yacht Club on the south end.

The Village has already purchased the parcels and is requesting reimbursement from the DNR.

RECOMMENDATION:

Ratify the Department proposed determination to award a grant to the Village of Sister Bay for the acquisition of the 0.96 acres for the expansion of Waterfront Park.

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CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for Village of Sister Bay Waterfront Park Expansion Land Purchase

The Department requests that the Board ratify the Department's proposed determination to award a Stewardship grant in the amount of \$1,496,023 to the Village of Sister Bay for the purchase of 0.96 acres (two parcels) in the Village of Sister Bay with prohibition of two nature-based outdoor activities (NBOA).

Property to be Purchased

Project Sponsor: Village of Sister Bay
Seller: Al Johnson Trust
Financial Information: See page 29.
Timetable: The land transaction has already closed. The Village purchased this land on July 22, 2010.

I. PROJECT DETAILS

A. Property to be Purchased

Location and Size: Stewardship grant assistance has been requested for 0.96 acres in the Village of Sister Bay, Door County -- as subset of a larger parcel purchased by the Village. Stewardship Program funds have not been requested for the neighboring marina; the marina will not be unencumbered by Stewardship Program restrictions.

This acquisition serves the following goals:

1. Supports the primary goal of the Urban Green Space subprogram of the Stewardship Program by creating open natural space within close proximity to an urban area. In addition, open space is being restored in an urban area with significant scenic and natural values.
2. Completes the public open space envisioned by the Village's Downtown Waterfront Master Plan by acquiring this key property. This acquisition is also supported by the Village's Comprehensive Smart Growth Plan and Comprehensive Outdoor Recreation Plan. The Waterfront Master Plan contains the long-range vision for Sister Bay's waterfront to be in public ownership in a continuous waterfront park. Public uses will include walking/hiking, kayaking, canoeing, sailing, shore fishing, picnicking, wildlife observation/nature study, cross-country skiing, and biking.

Project Description: Stewardship grant funding will assist with the acquisition of 0.96 acres that lie between State Highway 42 and Lake Michigan in downtown Sister Bay. This property is surrounded by public park land already owned by the Village of Sister Bay.

The benefits of purchasing the 0.96 acres include:

- Create more urban parkland
- Expand the amount of publicly owned waterfront

- Preserve and protect the environment by reducing water quality impacts to Green Bay.
- Allow the Village to expand the municipal marina by 26 slips, and make these slips available to the general public. Access to the entire marina area will be open to the public.

Once the parcel is in Village ownership, the Village plans to demolish the retail shops building and convert the entire parcel to public open space. Public walkways will be extended through the property to link the entire shoreline stretching from Marina Park along the north end of the downtown area to the Sister Bay Yacht club on the southern end; a total of 1,936 linear feet of public access to the waterfront. Though the marina structure attached to one of the parcels is not funded by Stewardship grant funds, the Village's purchase of the parcel connected to it guarantees the public access to boating, fishing, and relaxing along the piers and breakwater.

Prior Use of Property: The property was under private ownership and included several private business enterprises -- retail shops, rental property, and marina spaces for rent. The property has never been open for hunting or trapping. Fishing and swimming were significantly limited. The property was not open to the public for boating. The public was allowed to walk on the property as they would be for any other downtown businesses.

Proposed Public Use: The property will be open to the public year-round. Access to the property is available as follows: (See Appendix G for a map of the area.)

- From the downtown area/Bay Shore Drive, via sidewalks and walkways. These will be enhanced; widened and cleared, for greater access to Waterfront Park.
- From Lake Michigan – for anglers and other sportsmen and women using the lake.

Recreational opportunities on the property will include fishing, hiking, cross-country skiing, boating, swimming, bird and wildlife watching, photography, canoeing and kayaking, picnicking, and the enjoyment of the scenic views. Appendix H shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following factors in making their determination that the prohibition of hunting and trapping on this property is necessary to protect public safety (See Appendices I & J):

- The Village has an ordinance that prohibits hunting and trapping in Village parks.
- Proximity of homes, business, and municipal structures to the parcel
- Proximity of Bay Shore Drive to the property; Highway 42 runs through downtown Sister Bay
- Heavily used sidewalks and walkways that surround the property and run through it
- The expectation of no hunting or trapping by those who will use the park
- Size of parcel

See Appendix L for a summary of the Department's proposed determination to prohibit two nature-based outdoor activities 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 three comments: two comments in support and one comment not in support. See Appendix K for a summary of the comments.

The two comments in support of the grant for the project came from the Sister Bay Advancement Association and from the Pinkert Law Firm. Both supported the project for its recreational value, quality of life improvements, and positive economic impact that the Waterfront Park will have on the downtown area.

The one comment not in support of the grant for the project stated that Stewardship money should only be used on properties that allow hunting and trapping.

Status After Acquisition: Appendix G shows the conceptual site plan that the Village developed more than six years ago when they began their downtown waterfront planning initiative. In 2007, the Village purchased the Four Seasons Resort property. The Village removed buildings and created open waterfront park area with access to the beach, parking, downtown shops, and walkways. The Village is now implementing another phase of this plan by purchasing the 0.96 acres property along Lake Michigan on the west side of Highway 42. Though some of the water features (piers, beach extensions) may not be in the final design plans, access to the water all along the Lake for swimming, fishing, boating, and sightseeing is in the final plans.

II. PROJECT FINANCES

A. Partnerships:

- Village of Sister Bay
- Wisconsin Department of Natural Resources
- Sister Bay Citizens Waterfront District Advisory Committee
- Door County Soil and Water Conservation Department (DCSWCD)
- Sister Bay Advancement Association

B. Appraisals

	Value
Appraisals commissioned by Village of Sister Bay	\$2,990,000
Appraisals commissioned by Wisconsin DNR	\$4,000,000
DNR Certified Appraised Value	\$2,990,000

NOTE: The marina value is not included in the certified appraisal value.

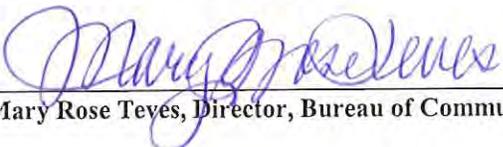
C. Grant Calculation

Certified appraised value for both parcels	\$2,990,000
Associated real estate costs	\$ 2,046
Total Stewardship Project Costs	\$2,992,046

D. Funding Sources

Village of Sister Bay	\$1,496,023
Stewardship Grant Award	\$1,496,023

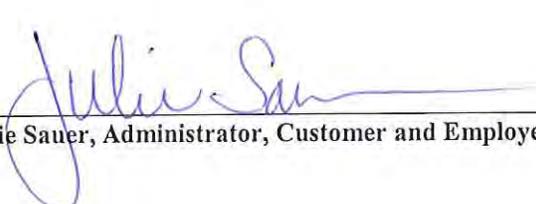
III. RECOMMENDED:



Mary Rose Teves, Director, Bureau of Community Financial Assistance



Date



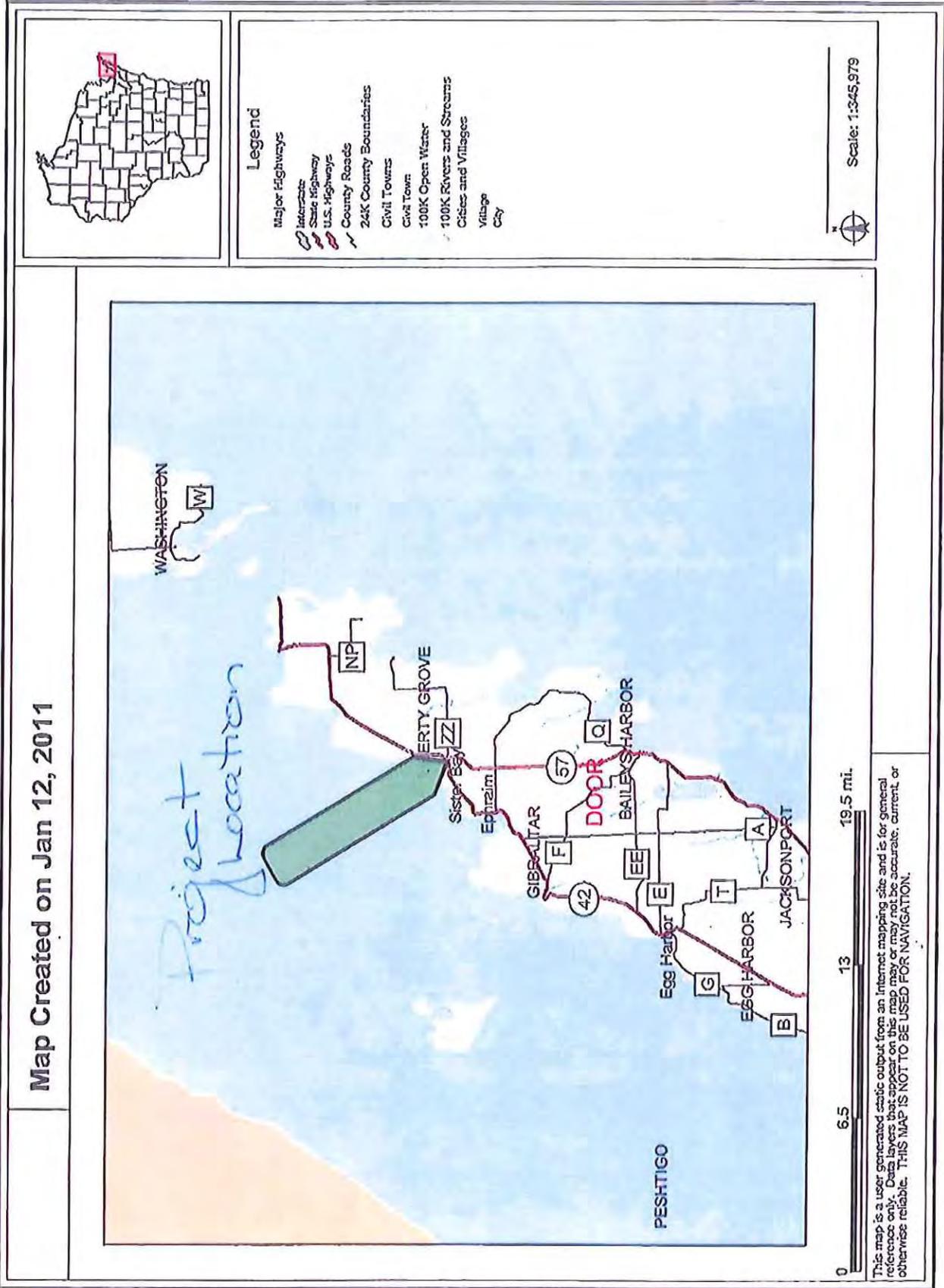
Julie Sauer, Administrator, Customer and Employee Services Division

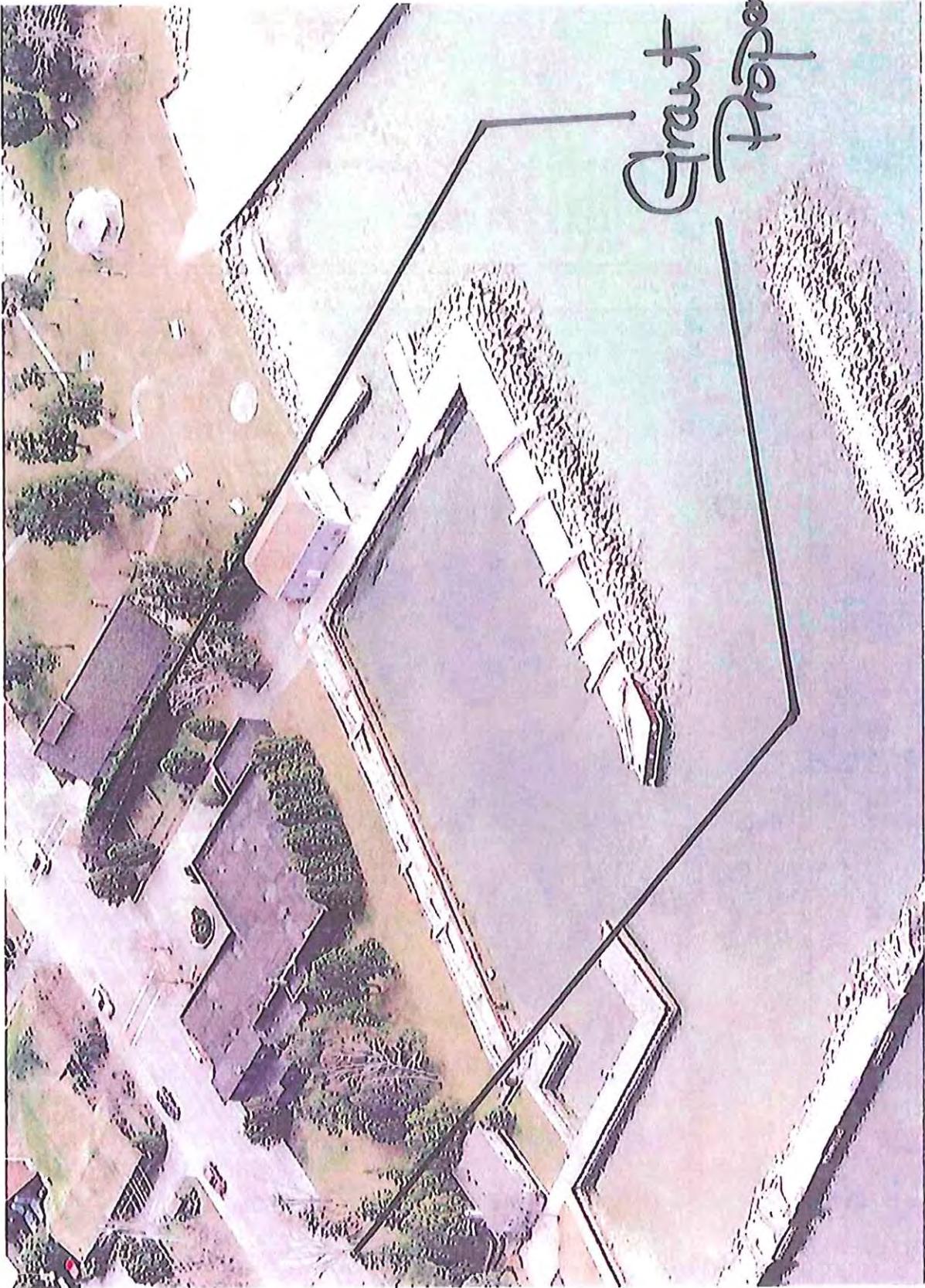


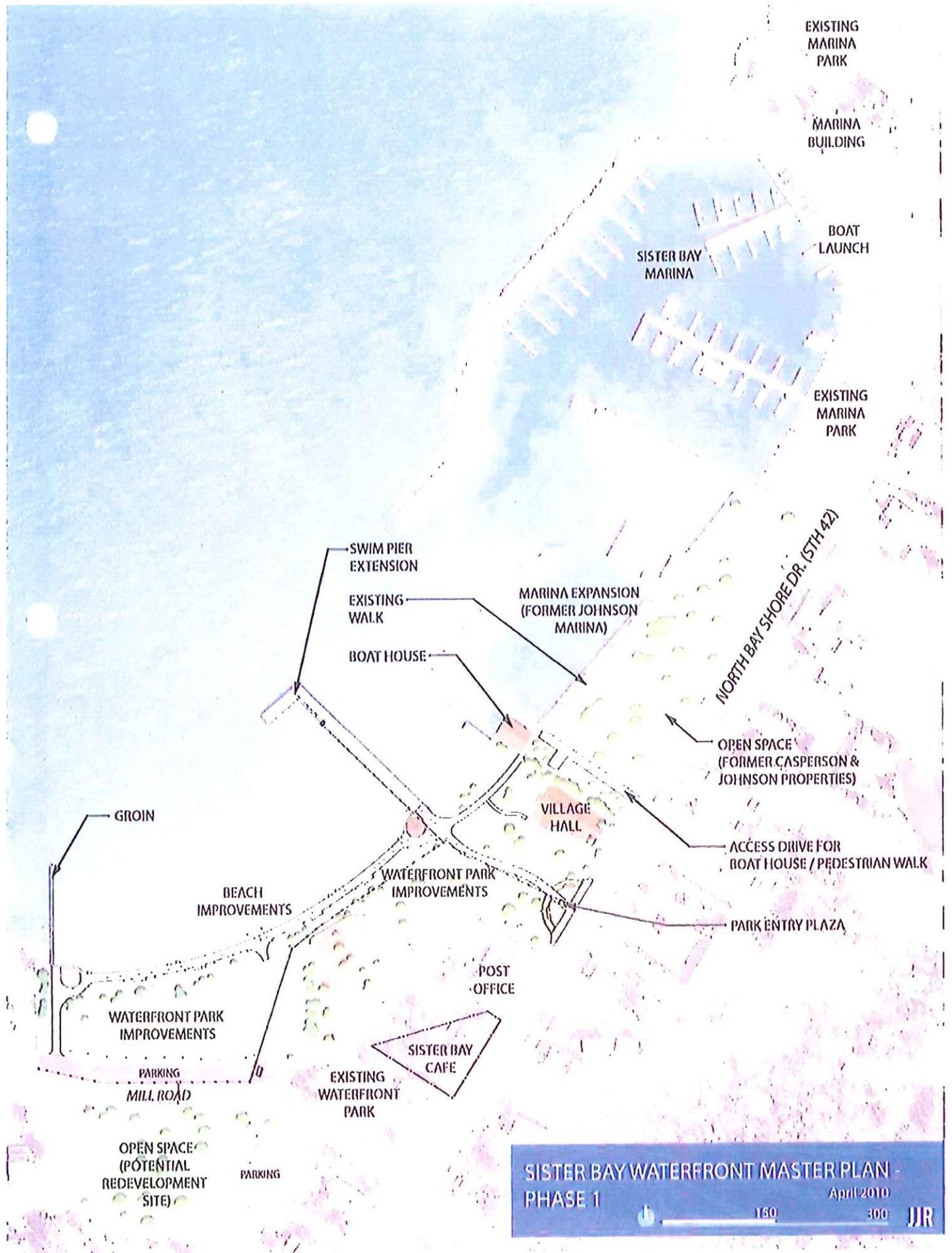
Date

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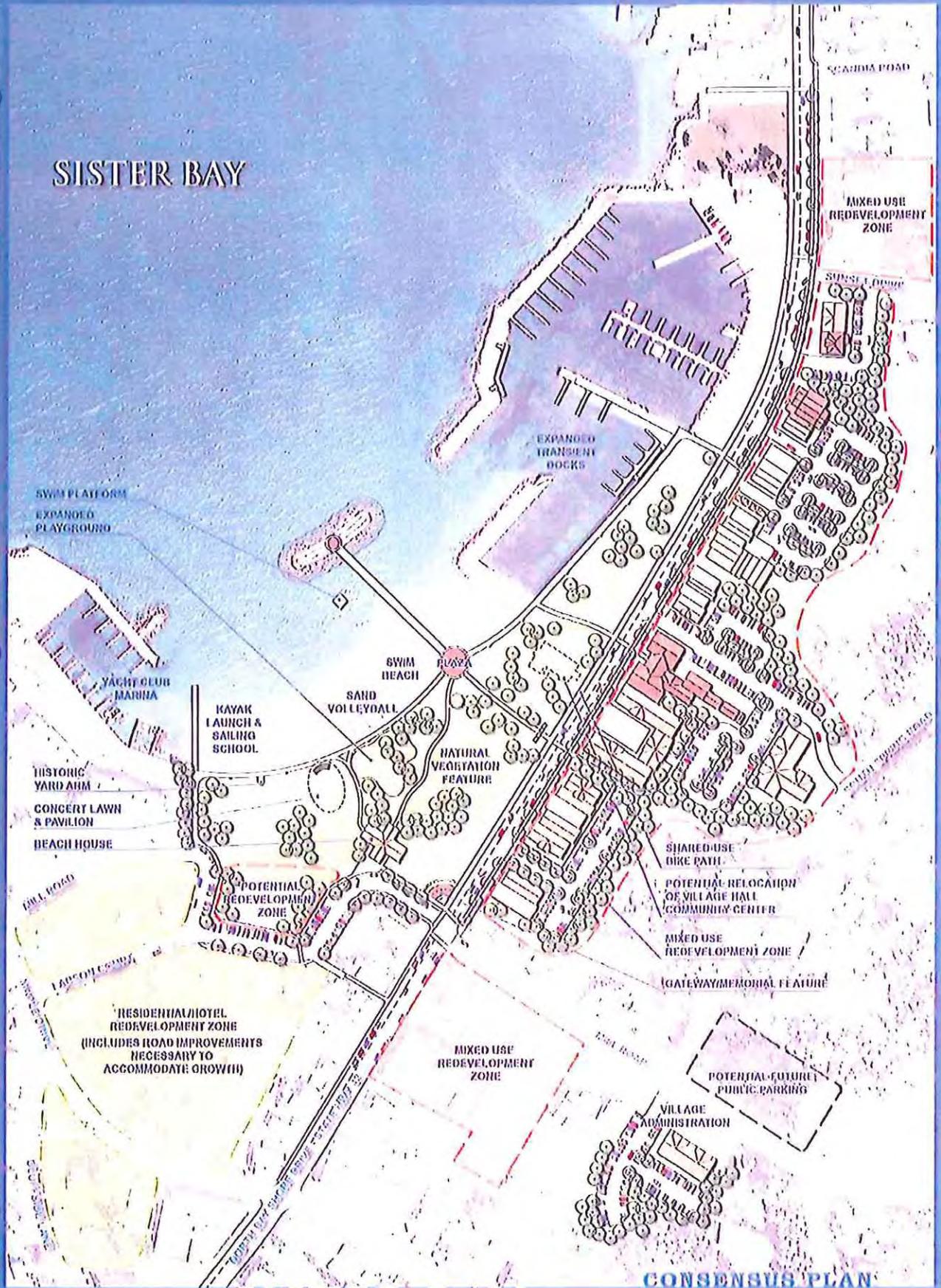
APPENDIX G







SISTER BAY



CONSENSUS PLAN

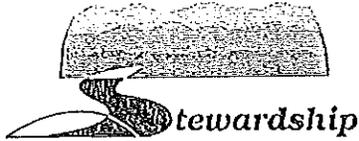
SISTER BAY



APPENDIX H

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 Sister Bay	Year of Application: 2010
Project Name and Primary Purpose (after acquisition): Waterfront Park (Johnson Expansion)	
Project Description: See attached news release	Plan(s) or Reports Identifying Project Area as Priority: Village of Sister Bay Comprehensive Outdoor Recreation Plan Sister Bay Downtown Waterfront Master Plan Sister Bay 2003 Comprehensive Smart Growth Plan

Proposed NBOA – Applicant Narrative and Checklist

HUNTING			
DNR Staff Narrative: Hunting is not available on this site for public safety reasons according to state law and Village of Sister Bay ordinance 139-040808. Please see the Department's initial assessment of the NBOA prohibition conducted by the local recreation safety warden pursuant to 52.05 (1) (a) Wis. Adm. Code.			
Categories	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	No	No	
Small Game	No	No	
Turkey	No	No	
Large Game	No	No	

TRAPPING		
DNR Staff Narrative: Trapping is not available on this site for public safety reasons according to Village of Sister Bay ordinance 139-040808.		
Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	No	
Water	No	

FISHING		
DNR Staff Narrative: Available in Lake Michigan as state law permits.		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Yes – from beach	As state law permits
Boat	Yes – but there is no boat launch on this property.	As state law permits

HIKING		
DNR Staff Narrative: The parcel is open for hiking.		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	Yes	Year 'round
Off-Trail	Yes	Year 'round

CROSS COUNTRY SKIING		
DNR Staff Narrative: The parcel is open to cross-country skiing, though there is no plan for “groomed trails” in the development plan.		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (groomed)	No grooming is planned at this time.	When snow conditions are appropriate

DATE: November 8, 2010 FILE REF: Stewardship Application

TO: Christine Halbur, NER Government Outreach Team Supervisor

FROM: Jeremy Cords, NER Recreational Safety Warden

SUBJECT: Stewardship Grant Application "Public Safety" Review – Waterfront Park Land Acquisition
– Village of Sister Bay, Door 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 Village of Sister Bay for the proposed acquisition of 0.96 acres of property located in the Village of Sister Bay. Following are my comments and recommendations regarding Nature Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting and Trapping – The proposed acquisition would be less than one acre and is located within the boundaries of the Village of Sister Bay which has a village ordinance prohibiting hunting in village parks. The parcel is adjacent to homes, municipal buildings, business, public roads, and a pedestrian transportation network. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the village ordinance, allowance of hunting 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 large population, 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 this village wide ordinance on parcels, located wholly within the village limits.

Given the factors of proximity of buildings, municipal structures, and business, the proximity of public roads and pedestrian transportation network, that it is located within the village's boundary, the size of the parcel, and the Village Ordinance prohibiting the hunting in village parks, it is my professional opinion is necessary to protect public safety.

Trapping - The proposed acquisition would be less than one acre and is located within the boundaries of the Village of Sister Bay which has a village ordinance prohibiting trapping in village parks. The parcel is adjacent to homes, municipal buildings, business, public roads, and a pedestrian transportation network. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the village ordinance, allowance of trapping 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 large population, 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 this village wide ordinance on parcels, located wholly within the village limits.

Given the factors of proximity of buildings, municipal structures, and business, the proximity of public roads and pedestrian transportation network, that it is located within the village's boundary, the size of the parcel, and the Village Ordinance prohibiting trapping in village parks, it is my professional opinion that prohibiting is necessary to protect public safety.

Fishing, hiking and cross-country skiing – are not prohibited on this property.



APPENDIX J

ORDINANCE NO. 139-040808

AN ORDINANCE CREATING SECTION 38.10 OF THE CODE PROHIBITING HUNTING AND TRAPPING IN VILLAGE PARKS

WHEREAS, the Parks, Property and Streets Committee determined that a possible dangerous condition exists for residents and users of Village parks if hunting and trapping is permitted to continue.

FURTHER, that the regulation of dangerous weapons and hunting as defined in Section 34.2 should remain unchanged except for the prohibition of hunting in Village Parks.

NOW THEREFORE the Village Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, does hereby ordain as follows:

Section 1. Chapter 30 Section 10 of the Code of Ordinances is created as follows:

Section 38.10 Hunting and Trapping in Village Parks

- (a) Prohibition. Hunting and trapping in all Village parks as defined in Section 32.2(b) is prohibited at all times.
- (b) Penalty. Any person violating any provision of this section shall be subject to a forfeiture of Three Hundred and no/100 (\$300.00) Dollars plus court costs for each violation thereof.
- (c) Enforcement. This section may be enforced by the issuance of a citation to any violator of it by any Sheriff or Deputy Sheriff of the County of Door, by any State of Wisconsin officer with police powers, or any duly appointed law enforcement officer of the Village.

Section 2 - Other Conflicts

All other ordinances in conflict herewith are hereby repealed.

Section 3 - Effective Date

This ordinance shall take effect and be in full force from and after its passage and publication according to law.

Section 4 - Severability

If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this chapter shall not be affected thereby.

Village of Sister Bay

By: Denise L. Bhirdo
Denise L. Bhirdo, President

Attest:

Christine M. Sully
Christine M. Sully, Clerk WCPC MMC

Date Introduced: April 8, 2008

Date Adopted: 4/8/08

Publication Date: _____

Village of Sister Bay Code of Ordinances

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Chapter 38

Parks and Recreation

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PARKS AND RECREATION	1
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Sec. 38.2 Park rules and regulations.	2
Sec. 38.3 Regulation of shores and beaches.	2
Sec. 38.4 Boat Launch Fee Payment.	2
Sec. 38.5 Fires on Village property	3
Sec. 38.6–38.9 Reserved	3
Sec. 38.10 Hunting and Trapping in Village Parks	3

Village of Sister Bay Code of Ordinances

Sec. 38.1 Boating regulations.

Sec. 38.3 Regulation of shores and beaches.

1 PARKS AND RECREATION

2 Sec. 38.1 Boating regulations.

3 (a) Applicability and enforcement. The provi-
4 sions of this section shall apply to the wa-
5 ters of Green Bay.

6 (1) This section shall be enforced by the
7 officers of the Village, the County
8 Sheriff's Department or the De-
9 partment of Natural Resources.

10 (2) Intent. The intent of this section is to
11 provide safe and healthful condi-
12 tions for the enjoyment of aquatic
13 recreation consistent with public
14 rights and interests and the capabil-
15 ity of the water resources.

16 (b) State boating and safety laws adopted.
17 State boating laws as found in Wis. Stats. §§
18 30.50--30.71 are adopted by reference.

19 (c) Definitions. The following term, when
20 used in this section, shall have the meaning
21 ascribed to it in this subsection, except
22 where the context clearly indicates a dif-
23 ferent meaning:

24 Slow-no-wake means that speed at which a
25 boat moves as slowly as possible while
26 still maintaining steerage control.

27 Controlled area. No person shall operate a
28 boat faster than slow-no-wake in the wa-
29 ters of Green Bay within the boundaries
30 of the village marina and to a point 100
31 feet west of the entrance of the marina at
32 any time.

33 Posting requirements. The Village shall
34 place and maintain a copy of this section
35 at all public access points within the juris-
36 diction of the Village.

37 Penalties. State boating penalties as found
38 in Wis. Stats. § 30.80 are adopted by ref-
39 erence.

44 Sec. 38.2 Park rules and regulations.

45 (a) Purpose. It is the purpose of this section to
46 enact provisions regulating activities in the
47 Village parks in order to provide for the
48 proper use and enjoyment of the park by
49 its users and for their safety and protection;
50 except, as to the Village marina, this sec-
51 tion shall not apply to persons leasing

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75 (c)

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dock space at the marina from the Village
and the families and guests of such per-
sons.

Definitions. The following words, terms
and phrases, when used in this section,
shall have the meanings ascribed to them
in this subsection, except where the con-
text clearly indicates a different meaning:

Alcohol beverages means fermented malt
beverages and intoxicating liquor as de-
fined in Wis. Stats. ch. 125, which defini-
tions are adopted herein by reference.

Dog means any canine regardless of age
or sex.

Village Park shall mean all parkland or
other property owned by the Village
designated for open space or recreation
purposes. (Amended pursuant to Ord.
No. 129-061207.)

Curfew. No person shall remain in the vil-
lage park between the hours of 10:00
p.m. and 6:00 a.m.

Dogs. No dog shall be allowed in any Vil-
lage park except as noted below:

(1) The area designated by the Marina
Manager at Marina Park. The des-
ignated area shall be for the dogs
of boaters utilizing the marina.

(2) The area designated by the Parks
Committee as the Dog Park.

(3) Service dogs when accompanied
by their owners. (Amended Ordi-
nance 129-061207)

(e) Alcohol beverages. No alcohol beverages
shall be consumed by any person in the
Village Park.

Enforcement.

(1) This section may be enforced by
the issuance of a citation to any vi-
olator of this section by any sheriff
or deputy sheriff of the county, by
any state officer with police pow-
ers, or by any police officer of the
Village.

(2) In the alternative, any forfeitures
imposed by this section may be
sued for and recovered pursuant
to Wis. Stats. Ch. 778 in the name
of the Village.

2 Village of Sister Bay Code of Ordinances

Sec. 38.3 Regulation of shores and beaches.

Sec. 38.5 Fires on Village property

1 (g) Penalties. Penalties for violations of provi- 53
2 sions of this section shall be as provided in 54
3 section 1.12. 55

4 Sec. 38.3 Regulation of shores and beaches.

5 (a) It shall be unlawful for any person in the 56
6 Village to throw or deposit any metal cans 57
7 or glass bottles or any other debris made in 58
8 whole or in part of metal or glass in or on 59
9 the shores of any lake or body of water. 60

10 (b) It shall be unlawful to operate or park any 61
11 motor vehicle on any beach area or in the 62
12 water immediately adjacent to any beach 63
13 area. This provision is also applicable to 64
14 private beach areas when such activities 65
15 are carried on without the consent of the 66
16 owner or occupant of such private beach 67

17 (c) It shall be unlawful for any person to spend 68
18 the night or sleep on any public beach or 69
19 beach area during the hours between sun- 70
20 set and sunrise. This does not apply to 71
21 those beach areas which are authorized 72
22 campsites or a part of authorized 73
23 campsites. 74

24 (d) It shall be unlawful for any person to pos- 75
25 sess or drink any alcohol beverage while 76
26 on any public beach or beach area in the 77
27 Village during the hours between sunset 78
28 and sunrise. When applicable to Village- 79
29 owned property, the term beach or beach 80
30 area embraces that area of land from the 81
31 water's edge up to the line of permanent 82
32 vegetation. This provision does not apply 83
33 to those beach areas or parts of the beach- 84
34 es which the local governing authorities 85
35 have designated as permissible areas for 86
36 the possession or drinking of alcohol bev- 87
37 erages. 88

38 (e) Any person who is guilty of a violation of 89
39 any of the provisions of this section shall, 90
40 upon conviction thereof, be subject to sec- 91
41 tion 1.12. 92

42 Sec. 38.4 Boat Launch Fee Payment.

43 Note: This section was approved after the adopt- 93
44 ed ordinances had been submitted to the code 94
45 company. 95

46 (a) Purpose. The purpose of this section is to 96
47 establish launch fees at the Village of Sister 97
48 Bay Marina, and to prescribe penalties for 98
49 failure to pay the applicable launch fee. 99

50 (b) Authority. This section is established in 100
51 compliance with Wis. Stats., §61.34 to 101
52 102
103
104
105

regulate the use and access to Village fa-
cilities.

55 (c) Launching fees established. No person
56 shall use the Village of Sister Bay Marina
57 boat ramp facility without first paying a
58 daily launch fee in an amount as adopted
59 by the Village to the Dockmaster or by
60 depositing it in the collection box pro-
61 vided. As an alternative to the daily
62 launch fee, the Village of Sister Bay Mari-
63 na boat ramp facility may be used by any
64 person who has previously paid for and
65 obtained a seasonal permit upon pay-
66 ment of the approved fee.

67 (d) Applicability. This section shall apply to
68 all trailable watercraft which use the boat
69 ramp facility. A separate fee shall be
70 chargeable and due for each craft
71 launched. There shall be no commercial
72 ventures or water craft rental at the Vil-
73 lage of Sister Bay Marina without prior
74 approval of the Village.

75 (e) Owner Liable for Violation. The owner of
76 a vehicle involved in a violation of this
77 section shall be liable for the violation. It
78 shall be no defense to a violation of this
79 section that the owner was not operating
80 the vehicle at the time of the violation.

81 (f) Penalty. Any person violating any provi-
82 sion of this section shall be subject to a
83 forfeiture of Three Hundred and no/100
84 (\$300.00) Dollars plus court costs for
85 each violation thereof.

86 (g) Enforcement. This section may be en-
87 forced by the issuance of a citation to any
88 violator of it by any Sheriff or Deputy
89 Sheriff of the County of Door, by any
90 State of Wisconsin officer with police
91 powers, or any duly appointed or elected
92 law enforcement officer of the Village.

93 Sec. 38.5 Fires on Village property

94 (Amended Ordinance 156-111009)

95 (a) Authority. This section is adopted pur-
96 suant to the general grant of authority to
97 the Village Board to manage and control
98 Village property pursuant to Wis. Stats.,
99 §61.34(1).

100 (b) Purpose. The Village, pursuant to its au-
101 thority to provide for the health, safety,
102 welfare and convenience of the public,
103 deems it necessary to restrict open fires
104 upon property owned or controlled by
105 the Village.

Village of Sister Bay Code of Ordinances

Sec. 38.6 – 38.9 Reserved

Sec. 38.10 Hunting and Trapping in Village Parks

- 1 (c) Open fires on public property prohibited.
2 No person shall ignite or maintain an open
3 fire on any property owned or controlled
4 by the Village of Sister Bay within the Vil-
5 lage except as specifically permitted here-
6 in. Open fire may be used upon Village
7 property only as follows:
8 (1) For outdoor cooking when the fire is
9 contained in a device designed and
10 manufactured for outdoor cooking
11 purposes.
12 (2) For Fire Department demonstrations
13 or training exercises authorized by
14 the Fire Chief.
15 (3) Other fires only as specifically per-
16 mitted by the Village Parks Commit-
17 tee.
18 (4) No fire shall be left unattended on
19 Village property.
20 (d) Penalty. Any person violating any provision
21 of this section shall be subject to a forfei-
22 ture not to exceed Three Hundred and
23 no/100 (\$300.00) Dollars.

24 Sec. 38.6 – 38.9 Reserved

25 Sec. 38.10 Hunting and Trapping in
26 Village Parks
27 (Amended Ordinance 139-040808)

- 28 (a) Prohibition. Hunting and trapping in all Vil-
29 lage parks as defined in Section 32.2(b) is
30 prohibited at all times.
31 (b) Penalty. Any person violating any provision
32 of this section shall be subject to a forfei-
33 ture of Three Hundred and no/100
34 (\$300.00) Dollars plus court costs for each
35 violation thereof.
36 (c) Enforcement. This section may be enforced
37 by the issuance of a citation to any violator
38 of it by any Sheriff or Deputy Sheriff of the
39 County of Door, by any State of Wisconsin
40 officer with police powers, or any duly ap-
41 pointed law enforcement officer of the Vil-
42 lage.

CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

TO: Lavane Hessler – CF/2

FROM: Chris Halbur

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

PROJECT NAME: Village of Sister Bay Waterfront Park Expansion

The Sister Bay Waterfront 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 4, 2011

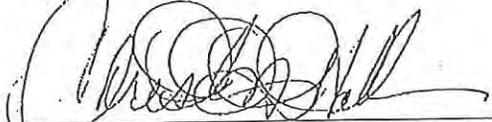
The Department received 3 comments concerning this proposal which are summarize below.

Summary of comments:

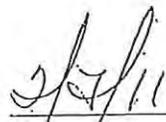
Opposed: One comment stating that stewardship money should only be used on properties that allow hunting and trapping.

In Support of: Two comments were in favor of supporting this project; one from the Sister Bay Advancement Association and one from the Pinkert Law Firm. Both supported the project for the recreational value, quality of life improvements, and positive economic impact the public Waterfront Park will have on the entire downtown area.

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

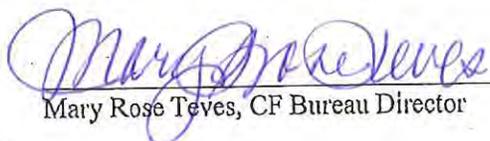


Signature of Contact Person

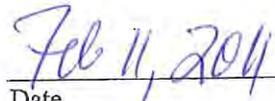


Date

NBOA Approved with Prohibition Certification:



Mary Rose Teves, CF Bureau Director



Date





Wisconsin DNR News Release

Sister Bay seeks stewardship grant for Waterfront Park addition

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

Contact(s): Chris Halbur, DNR Government Outreach Team Supervisor, 920-662-5121

Sister Bay, Wis. – The Village of Sister Bay has applied for a grant from the Knowles-Nelson Stewardship Program's Urban Green Space fund to purchase approximately .96 acres of land along Lake Michigan to expand the Sister Bay Waterfront Park.

Sister Bay will provide the matching funds. The expanded park area will be available for hiking, cross-country skiing, snow shoeing, picnicking, fishing, swimming, and boating, including canoe and kayak. Purchase of this property will give the village ownership of the entire Sister Bay downtown shoreline, stretching from the north side of the Marina Park to the Sister Bay Yacht Club; totaling approximately 936 linear feet of public access to the waterfront.

The public can mail written comments on the proposed acquisition to Carrie Mickelson, Director, Division of Customer and Employee Services, care of Chris Halbur, 2984 Shawano Avenue, Green Bay, WI, 54313, or sent by e-mail to Christine.Halbur@Wisconsin.gov. Persons with questions about the project may call Chris Halbur at 920-662-5121. Written comments will be accepted through February 4, 2011.

In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show that the proposed prohibition is inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

Persons can receive email notices about the availability of future Stewardship Grant project news releases by signing-up for electronic notices of proposed grant projects at <http://govdelivery.com/>

DATE: February 7, 2011

APPENDIX L

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Proposed Determination to Prohibit Two Nature-based Outdoor Activities on the Waterfront Park Expansion Land Purchase, Village of Sister Bay**

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 of \$1,496,023 to the Village of Sister Bay for the acquisition of 0.96 acres (two parcels), located within the Village of Sister Bay even though prohibition of hunting and trapping will be necessary to protect public safety.

PROJECT BACKGROUND

The Village of Sister Bay, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant totaling \$1,496,023 for the acquisition of 0.96 acres located within the Village of Sister Bay for the purposes of passive nature-based outdoor recreation focused on Lake Michigan access.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, fishing, trapping, hiking, or cross-country skiing. The Village proposes to prohibit two NBOAs (hunting and trapping), on the Waterfront Park Expansion. 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 Village's ordinance is attached to this Green Sheet as Appendix J.

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. Three comments were received: two in support and one not in support.

Opposed: One comment was opposed stating that Stewardship money should only be used on properties that allow hunting and trapping.

In support of: Two comments were in favor of supporting this project because of the recreational value, quality of life improvements, and positive economic impact the public Waterfront Park will have on the entire downtown area.

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



PROPOSED DETERMINATION

The Village has an ordinance that prohibits the hunting and trapping in Village Parks. The DNR regional Recreational Safety Warden and Regional Warden Supervisor have determined that the prohibition of hunting and trapping is necessary to protect public safety. The wardens reviewed the following factors:

1. The primary purpose of the project (waterfront park);
2. Local ordinance prohibiting hunting and trapping in village parks;
3. User conflicts;
4. The size of the parcel (0.96 acres);
5. Location of the parcel entirely within municipal boundaries;
6. Proximity of the parcel to homes, businesses, and other municipal structures;
7. Proximity to Bay Shore Drive and the pedestrian transportation network; and
8. Expectation by users of no hunting and trapping of the property.

We believe the hunting and trapping prohibition is necessary on this property because it is completely located within the Village limits and is subject to a local ordinance, is less than 5 acres in size, is adjacent to homes, businesses, and other municipal structures, will become part of the pedestrian transportation network, and will be visited by users who have a reasonable expectation of no hunting or trapping on a parcel of this type.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this proposed determination will be provided to the individual who objected to a Stewardship grant to the Village of Sister Bay for purchase of 0.96 acres in the Village of Sister Bay for the expansion of Waterfront Park.

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

Project 3

Door County Cana Island Lighthouse Park Acquisition

SUBJECT:

Ratification of Department proposed determination to issue Stewardship grant to Door County for acquisition of 1.32 acres that will prohibit two nature-based outdoor activities (NBOA) on non-department land.

SUMMARY:

The Department proposes to award a grant from the Acquisition and Development of Local Parks (ADLP) subprogram of the Stewardship Program totaling \$287,965 to Door County for the acquisition of two parcels, 1.32 acres total, in the Town of Baileys Harbor. The parcels are along Lake Michigan and will be an addition to Cana Island Lighthouse County Park. This purchase will increase public access to the Lighthouse, to Lake Michigan, and will greatly improve the safety of all visitors to the park by reducing traffic congestion and giving pedestrians and bicyclists safer access to the park. Review under ch. NR 52 is required and has been undertaken. The Department has made the proposed determination that the prohibition on hunting and trapping is necessary for public safety because the 2 parcels are adjacent to homes, are in close proximity to public roads, the parcel size, will become part of a heavily visited park, will be visited by users who have the expectation of no hunting and trapping, and that there is a county ordinance prohibiting hunting and trapping in Cana Island Lighthouse Park.

Cana Island Light Station was transferred to Door County from the federal government in May 2007. A condition of the transfer plan is nearby parking and improvements to park facilities. The most significant asset of this property is its ability to provide for off-road parking for visitors to the Lighthouse. The current road is narrow and was never intended for the volume of traffic that now appears. Cars, walkers, and bikers compete for access to the Lighthouse, all seeking a historical experience set in the beautiful landscape of the Door County Lake Michigan shoreline. The second great asset of this property is its proximity to the Light Station and its condition. Parts of it have already been developed and, therefore, the conversion to a different form of development, parking area, will not result in the taking of environmentally sensitive areas. However, vegetated sections along the road and the previously undisturbed lakeshore will be left in tact. The property will remain beautiful and will allow for relaxing along the lakeshore for visitors to picnic and enjoy the scenic beauty of Lake Michigan and the Cana Island Lighthouse.

The property is currently under private ownership and is not open for any public recreation. Once purchased, the property will be open to the public as a county park year round. Recreational opportunities will include fishing, hiking, cross-country skiing, bird and wildlife watching, photography, canoeing and kayaking, picnicking, and enjoyment of the scenic views.

RECOMMENDATION:

Ratify the Department proposed determination to award a grant to Door County for the acquisition of the 1.32 acre Drinan property as an expansion to the Cana Island Lighthouse Park.

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CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

FILE REF: NR 51 – Acquisition and Development
of Local Parks Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for Door County Cana Island Lighthouse Park Addition Land Purchase

The Department requests that the Board ratify the Department's proposed determination to award a Stewardship grant in the amount of \$287,965 to Door County for the purchase of 1.32 acres of land (two parcels) in the Town of Baileys Harbor with two nature-based outdoor activities (NBOA) to be prohibited.

Property to be Purchased

Project Sponsor: Door County
Seller: Gregory and Susan Drinan
Financial Information: See page 51.
Timetable: The transaction is scheduled to close August 31st, 2011.

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

Location and Size: The property is 1.32 acres, located in Town of Baileys Harbor, Door County.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Acquisition and Development of Local Parks Stewardship Grant Program by assisting with the improvement of a community recreation area through acquisition of land for public outdoor recreation.
2. Meets Federal conditions required at the time that the Cana Island Light Station was transferred from the Federal government to Door County in May 2007. One condition of the transfer plan is to secure land for parking and other park improvements in order to provide safe public access to Cana Island Light Station. Besides addressing the safety issues that exist at this county park, this land acquisition includes 373 feet of Lake Michigan frontage and is ideal because of its location. It is adjacent to the causeway approach to Cana Island Light Station and, therefore, easy to use for those driving, biking, or walking to the Lighthouse Park. The beautiful Lake Michigan shoreline will be preserved for all visitors to relax by and provides fantastic views of the Lake and the Light Station.

Project Description: Stewardship grant funding will assist with the acquisition of two parcels along Cana Cove Road and East Cana Island Road in the Town of Baileys Harbor.

Cana Island Light Station was transferred from the Federal government to Door County in May 2007. The County has been working with all its partners, including the U.S. Coast Guard, to complete historical improvements to the Lighthouse as well as to create improvements to the park facilities (restroom, parking, access, etc) that were agreed upon by Door County and the Federal Bureau of Land Management as part of the land transfer. The most significant asset of this property is its ability to provide for off-road parking for visitors to the Lighthouse. The current road is narrow and was never intended for the volume

of traffic that now uses the road. Cars, walkers, and bikers all compete to reach the Lighthouse, all seeking a historical experience set in the beautiful landscape of the Lake Michigan shoreline.

The second great asset of this property is its proximity to the Lighthouse and its condition. Parts of it have already been developed; conversion to a different form of development (parking area) will not result in harm to environmentally sensitive areas. In addition, vegetated sections along the road and the previously undisturbed lakeshore will be left intact. The property will remain beautiful and will allow for relaxing along the lakeshore for visitors to picnic and enjoy the scenic beauty of Lake Michigan and the Cana Island Lighthouse. Appendix M shows the conceptual development plan that Door County has created working closely with neighbors in the area.

Prior Use of Property: The property is currently under private ownership and is not open to the public for any public recreational activities. The property has a vacation residence on it. The owner does not hunt nor trap on the property. The owner may periodically fish, hike, and/or cross country ski on the property.

Proposed Public Use: Once acquired, the property will be open to the public year round. Access to the property is available as follows: (See Appendix M for a map of the area.)

- Currently from Cana Cove Road. In the future, access driveways from East Cana Island Road.
- From Lake Michigan – for anglers and other sportsmen and women using the Lake.

Recreational opportunities from this parcel will include fishing, hiking, cross-country skiing, bird and wildlife watching, photography, canoeing and kayaking, picnicking, and the enjoyment of the scenic views. Appendix N shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

Door County has an ordinance that prohibits hunting or trapping in Cana Island Lighthouse Park. (See Appendices O and P.) The local DNR Recreational Safety Warden and Regional Warden Supervisor have reviewed the following in making their determination that prohibition of hunting and trapping is necessary to protect public safety:

- Door County ordinance # 12.03 (prohibiting the discharge or carrying of a weapon)
- Door County ordinance #12.03(c) regulating hunting and trapping at Cana Island County Park
- Proximity of parcel to homes and roads
- 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 15-business days. See Appendix Q for a summary of the comments. During the comment period, the Department received six comments:

In Support

Five comments were received in support, some with concerns about the future development plans. The County and the neighbors have resolved concerns with the future development of the site and all are ready to proceed.

Not in Support

One comment was received not in support of the project because it did not allow hunting. See Appendix R for a summary of the Department's proposed determination to prohibit two nature-based outdoor activities on this project.

Status After Acquisition: A contract to purchase the two parcels has been signed by Door County and the current owners. Once purchased, the house will be removed to maximize open space. The disturbed

area of the property will be the location of the new driveways and parking for Lighthouse visitors. The undisturbed shoreline and vegetation along the road will be left in tact as much as possible to provide an aesthetically pleasing park, viewscape of Lake Michigan and the Cana Lighthouse, and privacy for the neighbors. Appendix M shows the conceptual site development plan that the County has developed working in conjunction with neighbors. The development plan meets the requirements of the land management plan that Bureau of Land Management and Door County developed when the property was transferred.

II. PROJECT FINANCES

A. Partnerships:

- Door County
- Wisconsin Department of Natural Resources
- Wisconsin Coastal Management Program
- United States Bureau of Land Management
- U. S. Coast Guard
- Door County Visitors Bureau
- Town of Baileys Harbor
- Door County Maritime Museum
- Cana Island Lighthouse Preservation Society

B. Appraisals

Appraisal commissioned by Door County	\$1,264,000
Appraisal commissioned by DNR	\$1,334,000
Value Certified by Department	\$1,264,000

C. Grant Calculation

Certified appraised value for Drinan parcels	\$1,264,000
Associated real estate costs	\$ 7,800
Total Project Costs	\$1,271,800

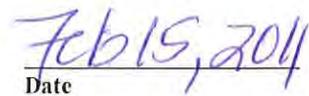
D. Funding Sources

Door County	\$480,900
Foundation grant (anonymous)	\$ 50,000
Federal Land and Water Conservation grant	\$347,935
Federal Coastal Zone Management grant	\$ 30,000
Cana Island Preservation Society	\$ 75,000
Stewardship grant	\$287,965 (22.6% grant)

III. RECOMMENDED:



 Mary Rose Teves, Director, Bureau of Community Financial Assistance



 Date



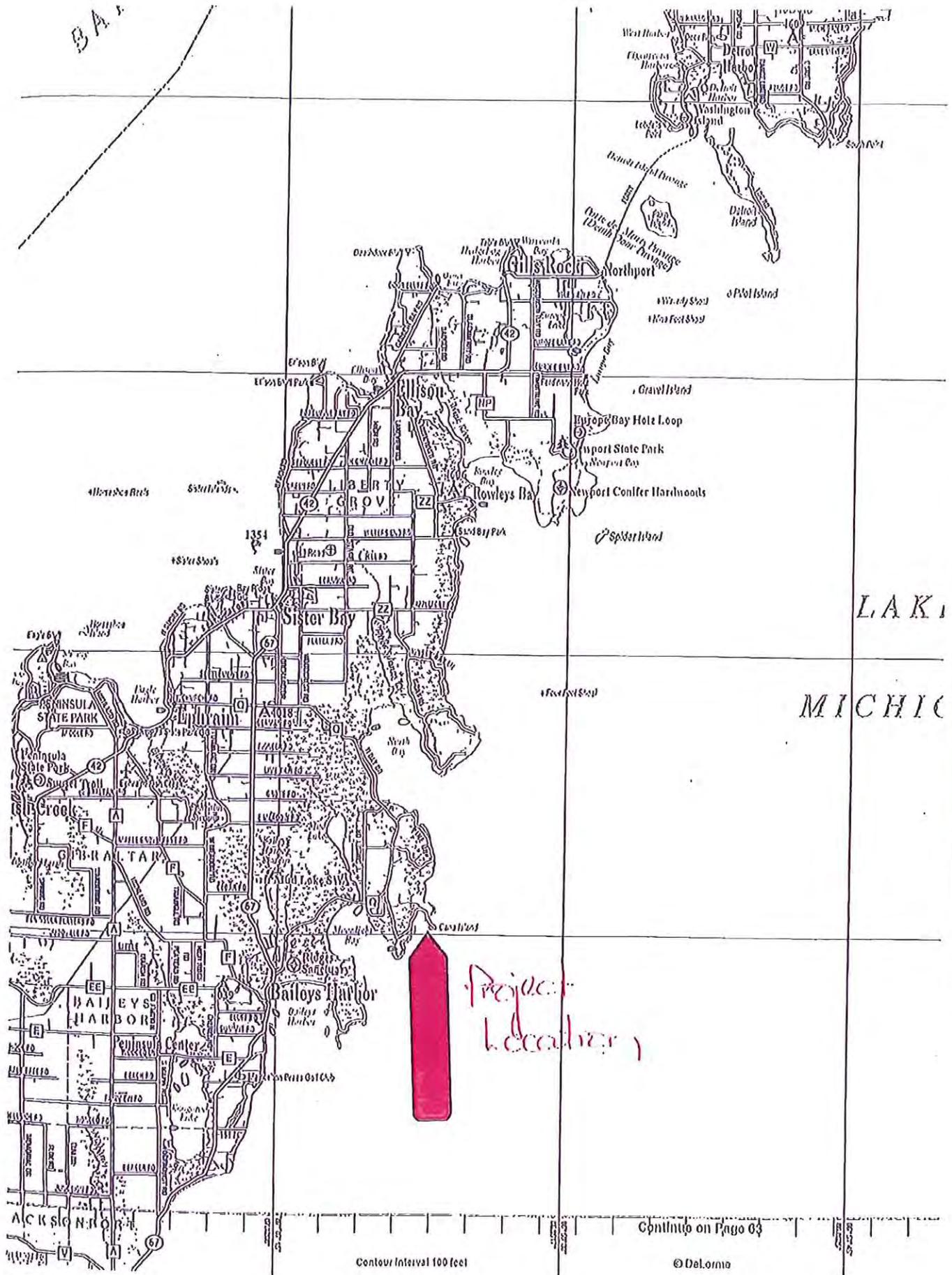
 Julie Sauer, Administrator, Customer and Employee Services Division



 Date

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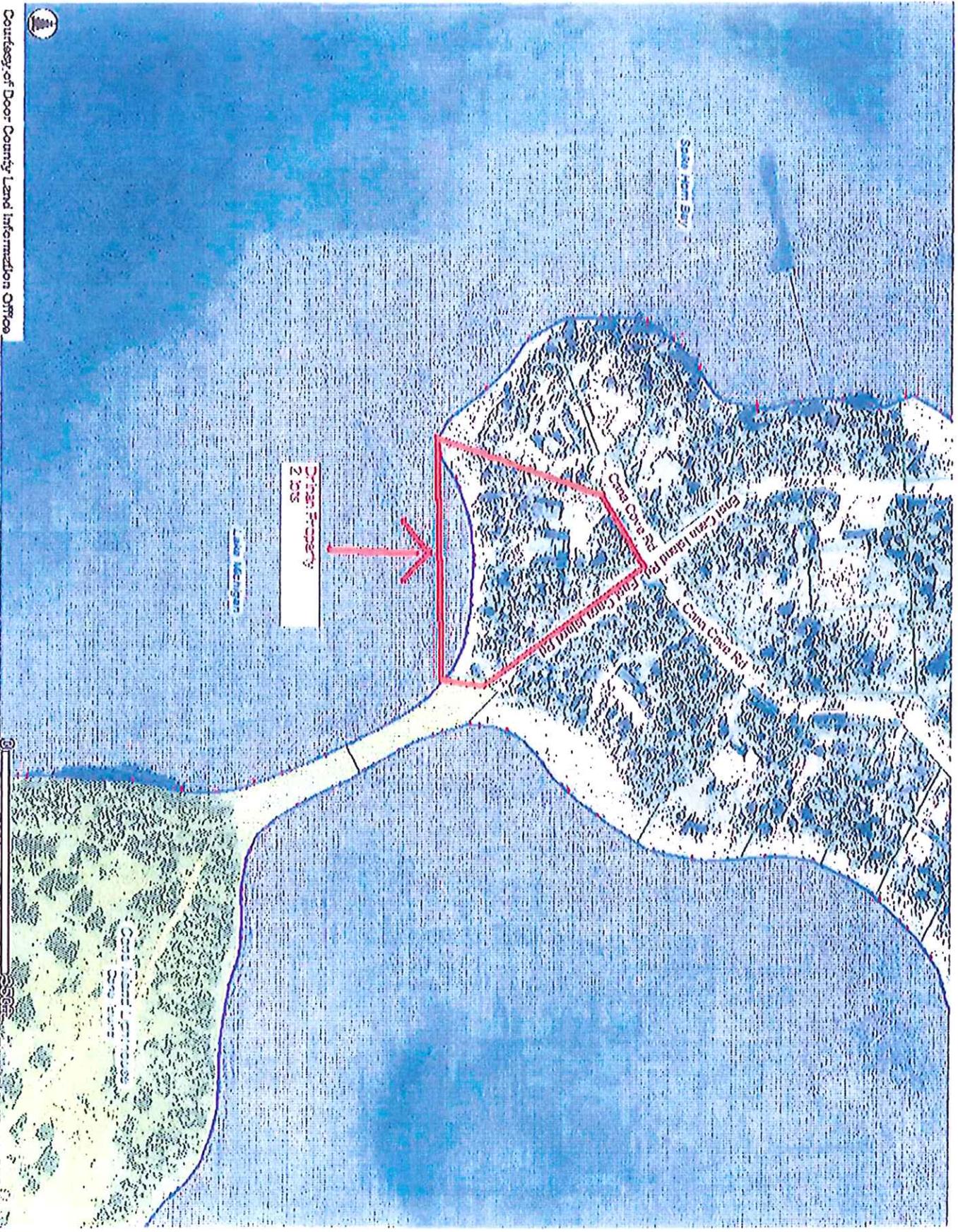
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Project Location

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Contour Interval 100 feet

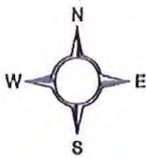
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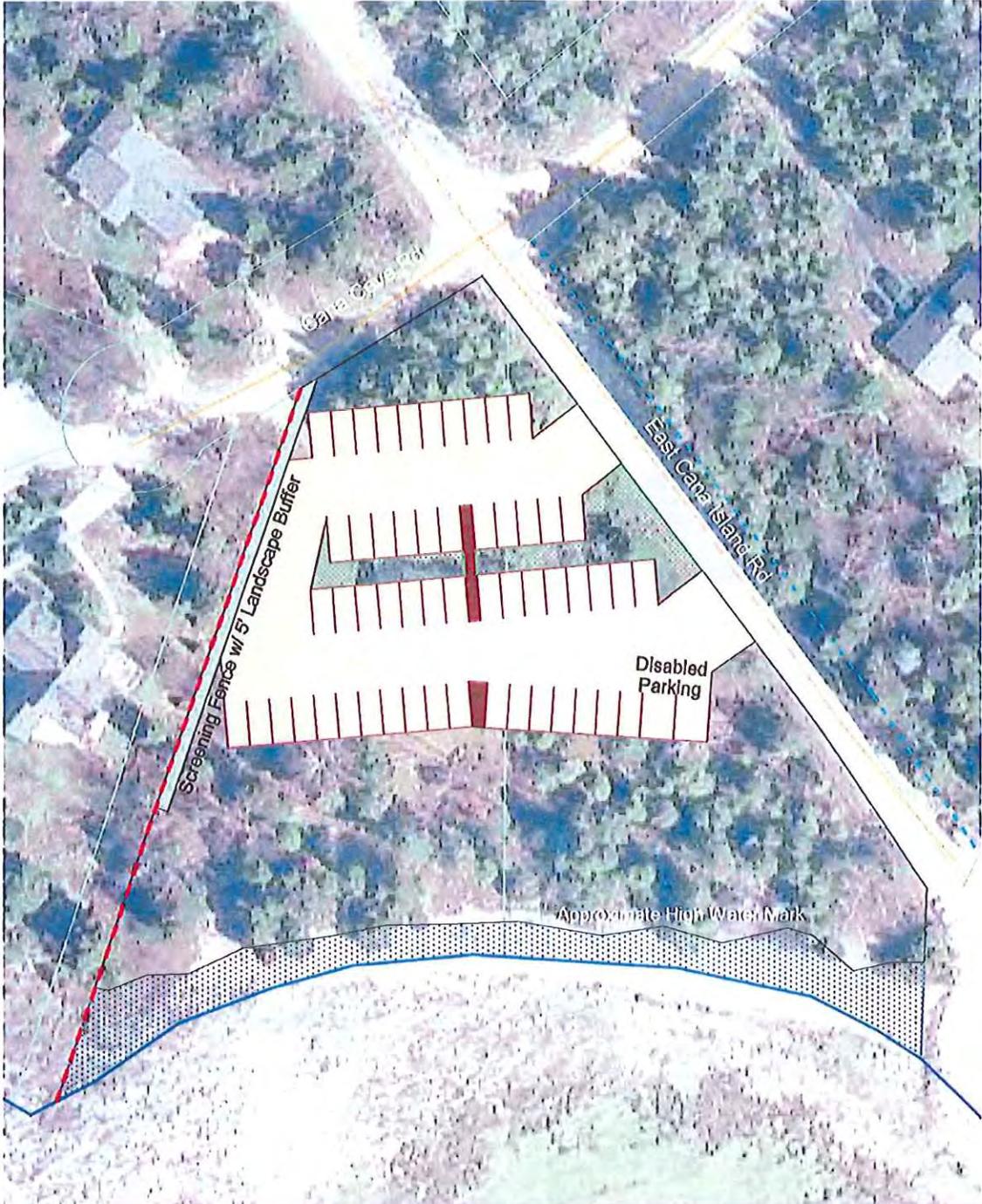


Town of Baileys Harbor

Proposed Parkland Addition for Cana Island Lighthouse County Park



Door County, Wisconsin



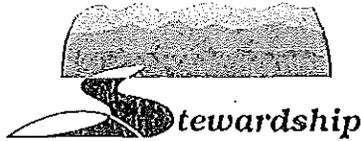
<ul style="list-style-type: none"> Proposed West Property Line Green Space Screening Area Rock Beach Berm Right-of-Way Access Path Parking Area Parking Stalls 	<p>100 0 100 Feet</p>	<p>Door County Land Information Office January 26, 2011</p>
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Print Scale: 1 Inch = 40 Feet

APPENDIX N

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: Door County	Year of Application: 2010
Project Name and Primary Purpose (after acquisition): Cana Island Light Station Land Acquisition	
Project Description: See attached press release	Plan(s) or Reports Identifying Project Area as Priority: Door County Comprehensive Outdoor Recreation Plan Cana Island Light Station Operating Agreement

Proposed NBOA – Applicant Narrative and Checklist

HUNTING			
DNR Staff Narrative: Hunting is not available on this site for public safety reasons according to state law and Door County ordinance 12.03. Please see the Department's Initial assessment concerning this NBOA prohibition 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	
Small Game	No	No	
Turkey	No	No	
Large Game	No	No	

TRAPPING		
DNR Staff Narrative: Trapping is not available on this site for public safety reasons according to Door County Ordinance 12.03. Please see the Department's initial assessment concerning this NBOA prohibition conducted by the local recreation safety warden pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.		
Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	No	
Water	No	

FISHING		
DNR Staff Narrative: Available in Lake Michigan as state law permits.		
Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Yes – from beach	As state law permits
Boat	Yes – but there is no boat launch on this facility.	As state law permits

HIKING		
DNR Staff Narrative: The parcel is open for hiking.		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	Yes	Year 'round
Off-Trail	Yes	Year 'round

CROSS COUNTRY SKIING		
DNR Staff Narrative: The parcel is open to cross-country skiing, though there is no plan for “groomed trails” in the development plan.		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (un-groomed)	Yes	When snow conditions are appropriate
On-Trail (groomed)	No grooming is planned at this time.	When snow conditions are appropriate

CORRESPONDENCE/MEMORANDUM

DATE: November 8, 2010 FILE REF: Stewardship Application

TO: Christine Halbur, NER Government Outreach Team Supervisor

FROM: Jeremy Cords, NER Recreational Safety Warden

SUBJECT: Stewardship Grant Application "Public Safety" Review – Cana Island Lighthouse Park
Land Acquisition – Door 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 Door County for the proposed acquisition of 1.32 acres of property located in the Town of Bailey's Harbor. 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 five acres and is located within the boundaries of the Cana Island Lighthouse County Park which has a county ordinance prohibiting hunting in the park. The parcel is adjacent to homes, municipal buildings, and public roads. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the county ordinance, allowance of hunting 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 large population, 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 this county park ordinance on parcels, located wholly within the county park limits.

Given the factors of proximity of buildings and public roads, that it is located within the park boundary, the size of the parcel, and the County Ordinance prohibiting hunting in Cana Island Lighthouse Park, it is my professional opinion that prohibiting hunting is necessary to protect public safety.

Trapping - The proposed acquisition would be less than five acres and is located within the boundaries of the Cana Island Lighthouse County Park which has a county ordinance prohibiting trapping in the park. The parcel is adjacent to homes, municipal buildings, and public roads. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. However, absent the county ordinance, allowance of trapping 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 large population, 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 this county park ordinance on parcels, located wholly within the county park limits.

Given the factors of proximity of buildings and public roads, that it is located within the park boundary, the size of the parcel, and the County Ordinance trapping in Cana Island Lighthouse Park, it is my professional opinion that prohibiting trapping is necessary to protect public safety.

Fishing, hiking and cross-country skiing – are not prohibited on this property.

APPENDIX P

Adnanco

12.03 PROTECTION OF WILD LIFE AND COUNTY PROPERTY

(a) Firearms / Air Guns / Archery Equipment.

The use of firearms, air guns, and archery equipment is prohibited except as expressly provided herein. Firearms, air guns and archery equipment shall be unloaded, cased, with ammunition not immediately accessible at all times except as noted below.

Firearms and archery equipment used for hunting may be uncased and ready for use only in authorized hunting areas during hunting seasons (See: paragraph (c) below)

(b) Disturbing, Harassing, or Feeding of Wildlife.

Harassing, disturbing, possession or feeding of wildlife is strictly prohibited within Door County Parks.

(c) The following Door County Parks are open to hunting, trapping and the training of dogs from November 15 through April 1, during established seasons and subject to all applicable federal, state and local regulations:

- Ellison Bluff County Park - 88 acres
- Door Bluff Headlands County Park - North +122.73 acres
- Forestville Dam County Park - 79 acres
- Meridian County Park - 92.03 acres
- Sugar Creek County Park - 41.25 acres
- Cave Point County Park - 19 acres BOW HUNTING ONLY
- LaSalle County Park - 23.47 acres BOW HUNTING ONLY
- Frank E. Murphy County Park - 28 acres BOW HUNTING ONLY

A County Park access permit is required to hunt, trap or train dogs in a County Park. These permits are limited in number, and will be issued by, and at the discretion of, Door County's Parks Director. Individuals must carry this permit on their person at all times while hunting, trapping or training dogs in a County Park.

The following Door County Parks are not open to hunting, trapping and the training of dogs:

- Tornado Memorial County Park
- Baileys Harbor Ridges County Park

Chadoirs Dock County Park
Door Bluff Headlands County Park - South +33 acres
Cana Island
Robert M. Carmody County Park
Percy Johnson Memorial County Park
Lily Bay County Park
Lyle Harter Matter Sanctuary 40 acres
John Miles County Park
Olde Stone Quarry County Park
Ahnapee State Trail County Park
(Ord. #23-91; 10/22/91) (Ord. #24-92; 7/28/92) (Ord. 18-96; 6/25/96)

CORRESPONDENCE/MEMORANDUM

DATE: February 7, 2011

TO: Lavane Hessler – CF/2

FROM: Chris Halbur

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

PROJECT NAME: Door County Cana Island Lighthouse Park Addition Land Purchase

The Door County Cana Island Park Addition 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 December 20th, 2010 and the fifteen day public review period ended on January 12, 2011.

The Department received 6 comments concerning this proposal which are summarized below:

Summary of comments

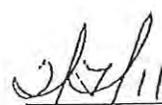
Opposed: One – stating that the project does not allow hunting and therefore should not receive stewardship funds.

Generally Support: Five – each one hit on slightly different concerns but all wanted assurance that the neighbor closest to the land purchased by Door County, the Thilly's, would be treated fairly in regards to landscape barrier, fencing, and separation. The County and the Thilly's have reached agreement on this. The latest conceptual site plan reflects the design they agreed upon. The Thilly's have supplied written comment confirming their support of the acquisition with the agreed upon development plan.

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

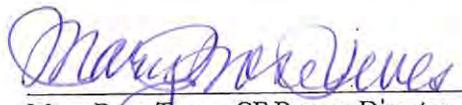


Signature of Contact Person

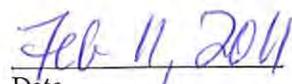


Date

NBOA Approved with Prohibition Certification:



Mary Rose Teves, CF Bureau Director



Date



From: Wisconsin Department of Natural Resources [mailto:widnr@service.govdelivery.com]
Sent: Monday, December 20, 2010 12:49 PM
To:
Subject: Door County seeks stewardship grant for Cana Island Light Station land addition

NEWS RELEASE

Wisconsin Department of Natural Resources
101 S Webster, PO Box 7921, Madison, WI 53707
Phone: 888-936-7463 TDD: 711
dnr.wi.gov www.wisconsin.gov

Date: Monday, December 20, 2010
Contact: Chris Halbur, DNR Government Outreach Team Supervisor, 920-662-5121

Subject: Door County seeks stewardship grant for Cana Island Light Station land addition

Town of Baileys Harbor – Door County has applied for a grant from the Knowles-Nelson Stewardship Program’s Acquisition and Development of Local Parks fund to purchase 1.4 acres of land in the Town of Baileys Harbor to expand the Cana Island Lighthouse park lands.

Door County will provide the matching funds. The expanded park area will be available for hiking, cross-country skiing, snow shoeing, picnicking, fishing, and swimming.

The public can mail written comments on the proposed acquisition to Carrie Mickelson, Director, Division of Customer and Employee Services, care of Chris Halbur, 2984 Shawano Avenue, Green Bay, WI, 54313, or sent by email to Christine.Halbur@Wisconsin.gov. Persons with questions about the project may call Chris Halbur at 920-662-5121. Written comments will be accepted through January 12, 2011.

In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show that the proposed prohibition is inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

Persons can receive email notices about the availability of future Stewardship Grant project news releases by signing-up for electronic notices of proposed grant projects at <http://govdelivery.com/>

Manage Your DNR Subscriptions:
Add new subscriptions, delete subscriptions, and manage your profile.

If you have questions or problems with the subscription service, please contact support@govdelivery.com.

Other Inquiries can be directed to [the DNR](#).

101 S. Webster Street • PO Box 7921 • Madison, Wisconsin 53707-7921 • 608-266-2621

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DATE: February 7, 2011

APPENDIX R

TO: Natural Resources Board

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

SUBJECT: Summary of Department Proposed Determination to Prohibit Two Nature-based Outdoor Activities on the Door County, Cana Island Lighthouse Park Addition Land Purchase

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 \$287,965 to Door County for the acquisition of two parcels totaling 1.32 acres located within the Town of Baileys Harbor even though hunting and trapping will be prohibited to protect public safety.

PROJECT BACKGROUND

Door County, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant in the amount of \$287,965 for the acquisition of 1.32 acres located within the Town of Baileys Harbor. The parcel acquired will expand Cana Island Lighthouse Park – a part of the Door County Park System -- and will increase public access to the lighthouse, Lake Michigan, and to meet the needs of numerous annual visitors.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, fishing, trapping, hiking, or cross-country skiing. Door County is proposing to prohibit two NBOAs (hunting and trapping). Door County has a county ordinance (#12.03) that prohibits hunting and trapping on certain parks. 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 County's ordinance is attached to this Green Sheet as Appendix Q.

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 December 20, 2010. Six comments were received: five generally in support and one not in support.

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

PROPOSED DETERMINATION

Door County has an ordinance that prohibits hunting and trapping in Cana Island Lighthouse Park limits. The DNR regional Recreational Safety Warden and Regional Warden Supervisor determined that the prohibition on hunting and trapping was necessary to protect public safety.

The wardens reviewed the following factors:

1. The primary purpose of the project (expansion to local park);
2. Door County ordinance prohibiting hunting and trapping in Cana Island Lighthouse Park;
3. User conflicts;
4. The size of the acquisition;
5. The existence of a residence on one of the parcels and the proximity of adjacent residences to both parcels.
6. Proximity of the parcel to public roads.

The wardens concluded that the prohibition of hunting and trapping on this parcel is necessary to protect public safety because the parcel is located within a heavily developed area; is only 1.32 acres in size; is adjacent to homes, driveways, and roads; and will be visited by large numbers of users who have a reasonable expectation of no hunting or trapping on a parcel of this type in this location.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this proposed determination will be provided to the individuals who objected to the issuance of a Stewardship grant to Door County for purchase of 1.32 acres in the Town of Baileys Harbor for the Cana Island Lighthouse Park addition.

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