

NATURAL RESOURCES BOARD AGENDA ITEM

SUBJECT: Ratification of Department determination that the prohibition of one nature-based outdoor activity (NBOA) is necessary: Village of Mount Pleasant, Racine County, 26.1 acre parcel

FOR: APRIL BOARD MEETING

TO BE PRESENTED BY / TITLE: Daniel Kaemmerer, Southeast Region NR Financial Assistance Specialist

SUMMARY:

This item was originally discussed with the Board as part of its agenda on March 28, 2012. The Board tabled the item until the Department (1) clarified the impacts of the local ordinance on nature-based outdoor recreation on the subject parcels and (2) provided additional information about hunting activities on the proposed grant lands and lands adjacent to them.

Review under ch. NR 52 is required and has been undertaken for this project.

Based on the additional information gathered, the Department is amending its original request concerning the Village of Mount Pleasant project and is now asking that the Board ratify the Department's determination to award a Stewardship grant for this project even though the prohibition of hunting on 26.1 acres (the northernmost parcel of four) within the Village project is necessary to protect public safety. The remaining 62.5 acres will be open to all 5 NBOAs (hunting, fishing, trapping, hiking, and cross-country skiing).

Department Recreational Safety Wardens confirmed that the Village ordinances are necessary to protect public safety.

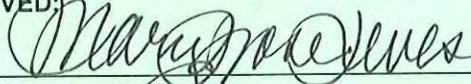
RECOMMENDATION: Ratify the Department's determination that one NBOA prohibition is necessary on one parcel in this project: 26.1 acre parcel, north of Braun Road, Village of Mount Pleasant, Racine County.

LIST OF ATTACHED MATERIALS:

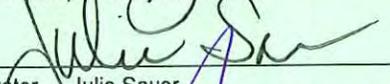
- No Fiscal Estimate Required
- No Environmental Assessment or Impact Statement Required
- No Background Memo

- Yes Attached
- Yes Attached
- Yes Attached

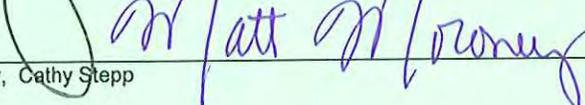
APPROVED:


Bureau Director, Mary Rose Teves

04/16/2012
Date


Administrator, Julie Sauer

04/16/2012
Date


Secretary, Cathy Stepp

4/18/12
Date

cc: NRB Liaison
DNR Rules Coordinator

DATE: April 16, 2012

FILE REF: NR 51 – Urban Rivers Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Amended Request – Ratification of Department Determination to Prohibit one Nature-Based Outdoor Activity on one Parcel to be Acquired with a Stewardship Grant in the Village of Mount Pleasant (Pike River Restoration – Phases 7, 8, and 9)

This item was originally discussed with the Board as part of its agenda on March 28, 2012. The Board tabled the item until the Department (1) clarified the impacts of the local ordinance on nature-based outdoor recreation on the subject parcels and (2) provided additional information about hunting activities on lands adjacent to the four parcels proposed to be funded with a Stewardship grant. Additional information, conclusions, and an amended request for ratification appear below.

I. IMPACTS OF LOCAL ORDINANCES

As part of its additional research, Department staff requested a legal opinion from the Village of Mount Pleasant's corporation counsel, Edward J. Bruner, Jr., regarding the applicability of Village ordinances to the four parcels in question once those parcels become part of the Pike River Recreational Corridor – a Village of Mount Pleasant park (See Appendix A). Village Counsel Bruner opined that:

- For the one parcel north of Braun Road and so within the Village limits (Parcel A), a permit for discharge of bow and arrow or BB shotgun cannot be issued by the Chief of Police within 500 feet of the Pike River Recreational Corridor – a Village of Mount Pleasant park.
- For the three parcels south of Braun Road, no permit is required for the discharge of bow and arrow or BB shotgun, even after the three parcels become part of the Pike River Recreational Corridor – a Village of Mount Pleasant park.

Village ordinances prohibit the discharge of firearms (A) within the village limits, (B) within a park, and (C) within 500 feet of the boundary of a park. The three pertinent citations are as follows:

A – Sec. 54-1(b)(1) **Prohibited Area**. "No person shall discharge a weapon within the area of the village described as follows:

Commencing at the most southeasterly point of the village, at Lake Michigan, proceed westerly on CTH KR, as extended, to its intersection with STH 31; thence north on STH 31 to its intersection with Braun Road; thence west on Braun Road to its intersection with 90th Street; thence following the westerly boundary line of the Village of Sturtevant to its intersection with Fancher Road; thence north on Fancher road to its intersection with Gittings Road; thence east on Gittings Road to its intersection with Airline Road; thence south on Airline Road to its intersection with CTH C; thence east on CTH C to its intersection with Emmertsen Road; thence north on Emmertsen Road to its intersection with STH 38; thence east on STH 38 to the easternmost village limits."

B – Sec. 58-1(a)(4) **Prohibited activities**. No person within the village shall do any of the following within or upon any park or public recreation area operated by the village or park commission:

-
- (4) Firearms. Have in his possession or under this control, or discharge any firearm, airgun, sling shot, or any other dangerous or deadly weapon or explosive of any kind while in or upon any park or public recreational area, except law enforcement officers."

C – Sec. 54-1(b)(5)a.6. **Exceptions.** "a. A person may discharge a weapon within the village only in the follow specific cases:

6. Any person outside the prohibited area described in subsection (b)(1) of this section, if he is the owner of such land or a guest of the owner of such land who has written permission of the owner on his person at the time; is at least 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad, right-of-way, dwelling, industrial business, professional or mercantile establishment, or any school, hospital, or institution; and the missile discharged will stop on or over such land.

It is important to note that the Village ordinance definition of "firearm" does not include bow and arrow or shotgun with load not to exceed BB shot.

II. HUNTING ACTIVITIES ON GRANT PARCELS AND LANDS ADJACENT TO THEM

A review of recent hunting activities was conducted for all four parcels (See Appendix B). Information provided by the Village of Mount Pleasant shows three (3) hunting permits were issued in the overall firearms prohibition area during 2011. The Village Police Department does not maintain records of the number of guest hunters who may have been given permission by permitted landowners to hunt on private land. The Village Police Department did not retain firearm discharge permits from prior years but indicated that the number of permits in prior year would be similar to permit numbers issued in 2011. The majority of hunting permits were for waterfowl, geese, coyote, and deer.

Recent hunting activity on each parcel is as follows:

- Parcel A -- north of Braun Road – The landowner obtained a permit from the Chief of Police and allowed guests to hunt on the property. Hunting activity included waterfowl, goose, and coyote. The landowner did not estimate the total number of guest hunters on the parcel.
- Parcels B, C, and D – south of Braun Road – Landowners for Parcels B and C reported hunting for waterfowl, geese, and deer. No permits are required for properties south of Braun Road. The landowners did not estimate the total number of guest hunters on either parcel. Based on the hunting activity for Parcels B and C, it is presumed that hunting for similar species also occurred on Parcel D.

It should be noted that recent hunting activity occurred over a larger acreage than will be possible on the project parcels. Hunting will still be allowed on private land adjacent to acquired parcels south of Braun Road. However, on property north of Braun Road, the Chief of Police will not issue a permit for hunting.

III. AMENDED REQUEST TO THE BOARD

Based on the above, the Department is amending its original request to the Board concerning the Village of Mount Pleasant project and is now asking that the Board ratify the Department's determination to award a Stewardship grant for this project even though the prohibition of hunting on the northernmost parcel of four in the Village project is necessary to protect public safety. While the Village has a hunting permit system for land north of Braun Road, the Chief of Police will not be able to issue a permit for archery or BB shotgun hunting on the northern parcel (Parcel A) if hunting is proposed within 500 feet of the Pike River Recreational Corridor boundary.

Department Recreational Safety Wardens confirmed that the Village ordinances are necessary to protect public safety. Archery or BB shotgun hunting will still be allowed without permit on the three parcels south of Braun Road (Parcels B, C, and D) even after those parcels become part of the Pike River Recreational Corridor.

The Department proposes to award a grant of \$304,850 to the Village of Mount Pleasant to assist with the purchase of four parcels. Additional information about this project follows.

IV. PROJECT DETAILS

Project Sponsor: Village of Mount Pleasant
Sellers: Parcel A (Felician Sisters) – 26.1 acres -- north of Braun Road
Parcel B (Felician Sisters) – 9.5 acres -- south of Braun Road
Parcel C (Braun) – 27.8 acres -- south of Braun Road
Parcel D (Gitzlaff) – 25.2 acres -- south of Braun Road
Timetable: The properties were acquired in July, November, and December 2011. If approved, payment will be as reimbursement.

A. Property to be Purchased

Location and Size: Four parcels totaling 88.6 acres along the Pike River Recreational Corridor.

Stewardship grant funding has been requested to assist with the acquisition of 88.6 acres along the Pike River in the southern part of the Village of Mount Pleasant. The parcels are narrow lots with sloping terrain, mostly covered in grass and shrubs. The surrounding land use includes agricultural fields and residential and commercial structures in the vicinity of Braun Road.

Future development plans for the parcels include a multi-purpose recreation trail along the Pike River providing outdoor recreation opportunities. These activities are fishing, trapping, hiking, cross-county skiing, snowshoeing, biking, and non-motorized boat access.

B. Recreational Safety Warden Methodology – Appendix C

The DNR Southeast Regional Recreational Safety Warden provides an explanation of the review methodology used by the Public Safety Prohibition Team. The Team reviewed ordinances, maps, the primary purpose of the project, and conducted two site visits before making their determination that the prohibition of hunting was necessary for public safety.

C. The Environmental Corridor Ovation Award – Appendix E

The Department presented an Environmental Corridor Ovation Award to the Pike River Corridor in 2011 to recognize the community for their commitment to promote and initiate restoration and enhancements of environmental corridors. The Pike River Corridor has four main goals:

- lower and control the river floodplain;
- improve the overall water quality;
- provide passive recreation and access to the river; and
- restore and enhance the river corridor.

Due to the narrow ravine features of proposed land acquisitions and the proposed recreational trail, user conflicts may occur as the Village improves the overall recreational utility of the properties while providing access to the river.

V. PROJECT FINANCES

A. Partnerships:

- City of Oconomowoc
- Wisconsin Department of Transportation
- Southeastern Wisconsin Regional Planning Commission
- Root-Pike Watershed Initiative Network
- University of Wisconsin – Milwaukee
- Alice Thompson – Native Vegetation Consultant
- Crispell-Snyder, Inc. – Engineering Consultant
- Department of Natural Resources

B. Appraisals

Property	1 st Appraisal	2 nd Appraisal	DNR Certified Value
Parcel A -- Felician Sisters (26.1 acres)	\$169,000	\$175,000	\$175,000
Parcel B -- Felician Sisters (9.5 acres)	\$ 28,600	NA	\$ 28,600
Parcel C – Braun (27.8 acres)	\$388,000	\$278,000	\$278,000
Parcel D – Gitzlaff (25.2 acres)	\$229,500	\$ 85,000	\$ 85,000
<i>Total Value Certified by Department =</i>			\$566,600

C. Grant Calculation

Total Certified appraised value (All Four Parcels) \$566,600
Total Associated real estate costs \$ 43,100
Total Project Costs \$609,700

D. Funding Sources

Village of Mount Pleasant \$304,850
Stewardship Program Grant \$304,850

VI. RECOMMENDED:



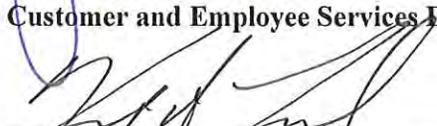
Mary Rose Teves, Director
Bureau of Community Financial Assistance

Apr. 16, 2012
Date



Julie Sauer, Administrator
Customer and Employee Services Division

4/16/12
Date



Kurt Thiede, Administrator
Division of Lands

4/16/12
Date

Table of Contents

For this grant project, this package contains the related attached as appendices.

- Secretary's Memo to Natural Resource Board
- **Appendix A** – Memo from Village of Mount Pleasant's Corporate Counsel
- **Appendix B** – Hunting Activity Memo and permit information from Village
- **Appendix C** – Warden Methodology Memo
- **Appendix D** – Various photos and maps of project area
- **Appendix F** – The Environmental Corridor Ovation Award Announcement
- **Appendix MP** – Secretary Stepp's memo to Board for the March meeting
- **Appendix MP-A** – Compliance Memo – required by s. NR 52.04(2)(e), the Department must summarize the procedure followed to reach any determination to approve an NBOA prohibition and provide that summary to the Board.
- **Appendix MP-B** -- Project Maps
- **Appendix MP-C** – The staffs' analysis of any proposed NBOA prohibitions, including a signature from the regional Public Safety Warden who reviewed prohibitions proposed as necessary to protect public safety. The format of this analysis is a standard checklist, approved by DNR Legal Services, and completed for all Stewardship grant projects with an NBOA prohibition for safety reasons. Any relevant ordinances and statutes are also included.
- **Appendix MP-D** – A public comment certification memo. This confirms that regional grant staff have completed the requirements for public notice set forth in s. NR 52.04 and summarizes any comment/s received.
- **Appendix MP-E** – News Release. The Department is required by s. NR 52.04, Wis. Adm. Code, to give notice to the public of our intentions to award grant funds to purchase property on which any NBOAs will be prohibited. The news releases also follow an approved template. Because of the timing of these news releases in our grant cycle (often before appraisals have been completed and certified) and per the department's obligations to protect the confidentiality of incomplete real estate transactions, news releases do not identify the exact location of the property, name of the seller, or any information about project financing.

Also attached is:

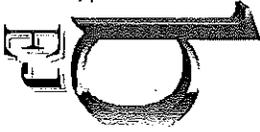
- A copy of Chapter NR 52 for your reference

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BRUNER LAW OFFICES, S.C.

APPENDIX A

827 MAIN STREET
P.O. BOX 1887
RACINE, WISCONSIN 53401-1887



EDWARD J. BRUNER, JR.

TELEPHONE (262) 636-9691
FAX (262) 636-9957

April 4, 2012

LEGAL OPINION

ISSUE:

Whether it is allowable to use a **permitted weapon** (shotgun with a load not to exceed BB shot and any bow and arrow, but not including crossbows) on the grant application parcels, and the areas immediately adjacent thereto, in the Village of Mt. Pleasant?

APPLICABLE ORDINANCES:

Pursuant to Sec.54-1, no person shall discharge a permitted weapon or use a bow and arrow at any time **in the prohibited area** except the owner or guest of the owner of any land who has obtained a permit from the Chief of Police or his designee. This permittee must certify to the chief of police that any discharge of a permitted weapon or use of a bow and arrow can occur without danger to any other resident of the village and, in any event, that any discharge of a permitted weapon or use of a bow and arrow can occur not less than 500 feet from any public or private road, highway park, picnic ground or other various buildings.

There are several exceptions under Sec. 54-1 relating to farmers for rodent control, members of the Armed Forces while in the lawful discharge of duties, a person while in the lawful defense of his person or property and target ranges.

Pursuant to Sec. 58-1, the discharge of firearms is prohibited in any park or public recreational area. However that prohibition does not apply include a bow and arrow.

OPINION:

If I focus on the grant application parcels and the area immediately adjacent thereto, the property located south of Braun Road is in the **unprohibited area** but that property located north of Braun Road is in the **prohibited area**. Therefore, I will need to address those properties south and north of Braun Road separately.

For the property south of Braun Road, use of a permitted weapon (shotgun with a load not to exceed BB shot and any bow and arrow, but not including crossbows) is currently allowed under the Mt. Pleasant ordinances and a permit is not required. Once a portion of the grant application parcel becomes park/recreational, use of a permitted weapon will still be allowed without the necessity of a permit.

For the property north of Braun Road, use of a permitted weapon (shotgun with a load not to exceed BB shot and any bow and arrow, but not including crossbows) is allowed but only if a permit is obtained from the Chief of Police. Once a portion of the grant application parcels become park/recreational, a permit could not be granted by the Chief of Police for any area within 500 feet thereof.

Respectfully submitted,

Edward J. Bruner, Jr.

EJB:bla

Clarification of Legal Opinion

Property South of Braun Road (9.5 acres Felician Sisters; 27.8 acres Braun & 25.2 acres Gitzlaff)

Bow and arrow hunting currently allowed on all lands, including acquired parcels.

Even after acquired parcels classified as parkland, bow and arrow hunting will still be allowed on all lands because Sec. 58-1 does not prohibit bow and arrow hunting since bow and arrow is not a firearm under that section.

Property North of Braun Road (26.1 acres Felician Sisters)

Bow and arrow hunting currently allowed on all lands, including acquired parcels, but only if permit obtained from Chief of Police. Permit can only be issued if use of bow and arrow can occur without danger to any other resident and, in any event, not less than 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad right-of-way, dwelling, industrial business, professional or mercantile establishment or any school, hospital or other institution.

Even after acquired parcels classified as parkland, bow and arrow hunting will be allowed only if permit obtained from Chief of Police and subject to requirements set forth above.

The confusion arises because of the current wording in Sections 54-1 and 58-1 of the Mt. Pleasant Ordinances. As now written, 58-1 (Park or public recreational area) prohibits a firearm, airgun, sling shot and other dangerous *weapon* or explosive. The problem is that a bow and arrow does not fall under the definition of *weapon* set forth in 54-1 so is not prohibited in park or public recreational areas. To further confuse the situation, a bow and arrow is not a *weapon* under 54-1 but it is a "*permitted weapon*" under 54-1. Therefore, you get a scenario whereby a bow and arrow can be used in park or public recreational areas, or lands adjacent thereto, if located south of Braun Road. However, if north of Braun Road, a bow and arrow can only be used if a permit is issued by Chief of Police and only for an area not within 500 feet of above-mentioned places.

Sec. 58-1. Prohibited activities; hours; variances.

(a) *Prohibited activities.* No person within the village shall do any of the following within or upon any park or public recreational area operated by the village or park commission:

- (1) *Damage property.* Intentionally mark, deface, disfigure, damage, displace or remove any structure, equipment, facility or other park property, either real or personal, including trees, shrubbery and landscaping.
- (2) *Litter.* Scatter, litter, throw, dispose of or leave any garbage, rubbish, bottle, can, trash, debris or other waste material in any waters in, or contiguous to, any park or public recreational area or any place on the grounds thereof.
- (3) *Animals.* Bring or harbor any dogs, horses or other animals at any time in or upon any park or public recreational area, except when required for activities or amusements authorized by the park commission or village board, whichever body has jurisdiction.
- (4) *Firearms.* Have in his possession or under his control, or discharge any firearm, airgun, sling shot or any other dangerous or deadly weapon or explosive of any kind while in or upon any park or public recreational area, except law enforcement officers.
- (5) *Fireworks.* Use, discharge, explode or bring any fireworks in or upon any park or public recreational area. For purposes of this subsection, the term "fireworks" shall include all material and devices enumerated under Wis. Stats. § 167.10(1), but shall not include paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping. This subsection shall not prohibit pyrotechnic displays authorized by a permit issued by the president in accordance with the provisions of Wis. Stats. § 167.10(3).
- (6) *Drive, ride or park in grass areas.* Drive, operate, park, ride or leave standing any vehicle, motor vehicle, motor driven cycle, bicycle or horse in or upon any park or public recreational area, except on the roads, ways, trails and areas established therefor. Vehicles specifically designed to help individuals whose mobility is handicapped, which access park facilities or public recreational areas, are exempt from this subsection when such vehicles are used for such purposes. Snowmobiles, minibikes, go-carts and all other unlicensed vehicles are prohibited at all times in village parks and public recreational areas.
- (7) *Intoxicating liquor.* Bring into or have in his possession, or consume, any intoxicating liquor, except beer, upon or in any park or public recreational area.
- ~~(8) *Disorderly conduct.* Use any loud, violent, obscene or profane language, conduct himself in a disorderly manner or commit any nuisance while in or upon any park or public recreational area.~~
- (9) *Bottles.* Bring any bottle of any type into any park.

Sec. 54-1. Weapons.

(a) *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 context clearly indicates a different meaning:

Permitted weapon means a shotgun with a load not to exceed BB shot, and any bow and arrow, but not including crossbows.

Weapon means any gun, pistol, rifle, airgun or other device used to propel a missile in the form of a ball, bullet, slug, BB shot or pellet, whether the propelling force is gunpowder, an explosive, compressed air, mechanical action or any other force.

(b) *Discharge.*

- (1) *Prohibited area.* No person shall discharge a weapon within the area in the village described as follows:

Commencing at the most southeasterly point of the village, at Lake Michigan, proceed westerly on CTH KR, as extended, to its intersection with STH 31; thence north on STH 31 to its intersection with Braun Road; thence west on Braun Road to its intersection with 90th Street; thence following the westerly boundary line of the Village of Sturtevant to its intersection with CTH H, north of STH 11; thence north on CTH H to its intersection with Fancher Road; thence north on Fancher Road to its intersection with Gittings Road; thence east on Gittings Road to its intersection with Airline Road; thence south on Airline Road to its intersection with CTH C; thence east on CTH C to its intersection with Emmertsen Road; thence north on Emmertsen Road to its intersection with STH 38; thence east on STH 38 to the easternmost village limits.

- (2) *Farmers.* The prohibition set forth in subsection (b)(1) of this section shall not apply to a farmer owning not less than ten acres who may use a weapon for rodent control on his own premises, provided the missile discharged will stop on or over such farmer's land.

(3) *Use of permitted weapons.*

- a. *Permit required.* No person shall discharge a permitted weapon or use a bow and arrow at any time within the prohibited area described in subsection (b)(1) of this section, except the owner of any land within such area may apply to the police department for a yearly permit to discharge a permitted weapon or use a bow and arrow on such owner's land. Such owner shall then certify to the chief of police that any discharge of a permitted weapon or use of a bow and arrow can occur without danger to any other resident of the village and, in any event, that any ~~discharge of a permitted weapon or use of a bow and arrow can occur not less than~~ 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad right-of-way, dwelling, industrial business, professional or mercantile establishment or any school, hospital or other institution. If the chief of police or his designee is satisfied that such land can be so used, he shall grant

a permit, which shall contain a description of the owner and his land, together with a statement that such permit may be revoked upon conviction of a violation of any ordinance relating to such issuance, or county ordinance or law which relates to illegal weapons discharge. A permit may be denied or revoked if conditions of the land or surrounding lands change so as to no longer be in compliance with this section. If the chief of police or his designee declines to issue such permit, the affected owner may appeal such decision to the village board for review.

- b. *Guests of permittees.* A person who is a guest of the owner who has been issued a permit under subsection (b)(3)a. of this section may discharge a permitted weapon or use a bow and arrow on the land of the permittee, provided such guest has the owner's written permission on his person at the time.

- (4) *Possession of weapons.* Notwithstanding any other provision of this section, no person shall have any weapon, whether a permitted weapon or otherwise, in the prohibited area described in subsection (b)(1) of this section where a permit to discharge a permitted weapon or use a bow and arrow has not been issued, unless such weapon, whether a permitted weapon or otherwise, is unloaded and enclosed in a carrying case or other suitable container or is unslung in the case of a bow and arrow.

(5) *Exceptions.*

- a. A person may discharge a weapon within the village only in the following specific cases:
1. As permitted by subsection (b)(2) of this section.
 2. A public official while in the lawful discharge of official duty.
 3. A member of the Armed Forces of the United States or the state while in the lawful discharge of his official duty.
 4. Any person while in the lawful defense of his person or property.
 5. Any person while on a clearly defined target range or shooting gallery, provided the missile discharged will stop on or over the target range or shooting gallery.
 6. Any person outside the prohibited area described in subsection (b)(1) of this section, if he is the owner of such land or a guest of the owner of such land who has written permission of the owner on his person at the time; is at least 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad, right-of-way, dwelling, industrial business, professional or mercantile establishment, or any school, hospital or institution; and the missile discharged will stop on or over such land.
- b. Crossbows may be permitted by the chief of police or his designee beyond the prohibited area described in subsection (b)(1) of this section. Any person desiring to use a crossbow shall be properly licensed under law and the chief of police shall issue permits in accordance with subsection (b)(3) of this section.

(Code 1993, § 9.02)

8811 Campus Dr.
Mt. Pleasant, WI 53406

Village of Mount Pleasant

Memo

To: Dan Kaemmerer
From: Tony Beyer
CC:
Date: April 4, 2012
Re: Discussions with Adjacent Owners Along Pike River Regarding Hunting

Dan,

I recently had discussions with two gentlemen who own property adjacent to the Pike River and centered around Braun Road regarding hunting activity on their properties. The most common hunting method discussed by both individuals was gun hunting, with occasional bow hunting.

I spoke with Mr. Mike Mueller, who farms and controls the parent parcels for the Felician Sisters acquisitions both north and south of Braun Rd. and immediately west of the Pike River. He indicated that he does allow people to hunt his land, primarily goose/waterfowl hunting. Permits are obtained for the land north of Braun Rd., per ordinance. He also believed that the hunters he allowed on the land also hunted coyote on occasion.

The second property owner I spoke with was Mr. John Braun, who owns the parent parcels of the John & Miriam Braun acquisition. He indicated that he also permitted people to hunt his land, primarily for geese/duck/waterfowl. He also mentioned that a hunter had shot an 8-point buck several years back.

Attached to this memo are the three hunting permits issued in the vicinity of the relevant acquisitions by the Mt. Pleasant Police Department for calendar 2011. The permits only pertain to lands north of Braun Rd., as a permit through the Police Department is not required for those lands south of Braun Rd.

Paul Maccari

To: Timothy Zarzecki
Cc: Norine M. Young; Paul Maccari
Subject: 4 hunting/weapons ordinance applications

Chief, per your request for assignment and observation---- the following 4 weapons/ hunting applications were completed.

Case #11-018011, 3218- CTH KR, checked by Officer Bjelajac on 09-25-2011 advising sufficient amount of land to abide by the ordinance for hunting to the north of the tree line running east and west on the property—recommending approval.

Case #11-018016, wooded and crop land (70 acres) at CTH KR and Wood road, checked by Officer Bjelajac On 09-25-2011. Ofc advises a recommendation for approval as this fits the criteria for the weapons/ hunting ordinance, with no buildings within 500 foot restriction.

Case #11-018066, crop/field area (19.5 acres) north of 7120- Braun Road. This was checked by Officer Cvengros on 09-24-2011 and found to be suitable for hunting, and within the criteria of the ordinance. Additionally, Ofc Cvengros made contact with the applicant, and he was assured by the applicant he was aware of the weapons/hunting ordinance. Recommendation for approval on this application.

Case #11-018068, 74 acres of crop/field land 7504- Braun Road. This was checked by Officer Cvengros on 09-24-2011 and found to be suitable for approval, fitting the criteria under the weapons/hunting ordinance. Recommendation for approval.

Original applications and call sheet copies were left in your box with a copy of this e-mail for your approval and signature.

Sgt. Maccari #11 09-25-11



MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzecki
Chief of Police

December 2, 2011

Michael Palmer
3317 Kensington Square Road
Sturtevant, WI 53177

Dear Michael:

I received your Hunting Permit request to hunt on Michael Mueller's land. However you can not apply to hunt on land that is not owned by you. Mr. Mueller will have to grant you written permission to hunt on his land and you must carry that written permission with you at all times while hunting.

Sincerely,

Tim Zarzecki
Chief of Police



ORIGINAL

11-21335

MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzecki
Chief of Police

WEAPON ORDINANCE APPLICATION

Name of Owner Michael R Palmer Phone 262-424-7444 Date of Birth 2-19-68
(Please Print)
Address 3317 Kensington SQ RD Sturtevant, WI 53177
City / State / Zip Code

APPLICATION

The undersigned the owner of certain lands in the Village of Mount Pleasant, Racine county, Wisconsin, hereby applies for a permit under the provisions of the attached Village Ordinance 54-1, for the privilege of discharging a weapon within the prohibited area of the Village with a bow and arrow (but not a crossbow) or a shotgun with a load not to exceed B-B shot.

I, Michael R Palmer certify that the discharge of said shotgun or use of a bow and arrow will not endanger the person or property of any resident of the Village of Mount Pleasant and that any discharge will be 500 feet away from any public or private street, alley, highway, park, picnic or playground, railroad right-of-way, dwelling, industrial business, professional or mercantile business, or any school, hospital or institution, and will conform with the specified restrictions of the Village Ordinance.

Number of Acres 70

Description of Land agriculture M+M Produce Owner of Property
Michael Mueller
9725 Braun RD
MT Pleasant, WI
262 939 4590

11/8/11
(Date)

[Signature]
(Signature of Owner)

PERMIT

The Village of Mount Pleasant, acting through the Police Chief, hereby grants/denies permission to the above named land owner (and the latter's guests who must carry the owner's written permission on his person) to discharge a shotgun (not to exceed B-B shot) or use a bow and arrow on the lands above described. This permission may be revoked upon conviction of any Village Ordinance relating to the use of weapons.

Received by Mount Pleasant Police Department _____
Land Checked By Ofc. Haleen On 12-1-11
Checked On scene OR Aerial Map

APPROVED

12-1-2011
(Date)

Ofc. Mark Haleen 67
Chief of Police or Designee

DENIED

Reason for Denial MR PALMER IS NOT PROPTY OWNER.

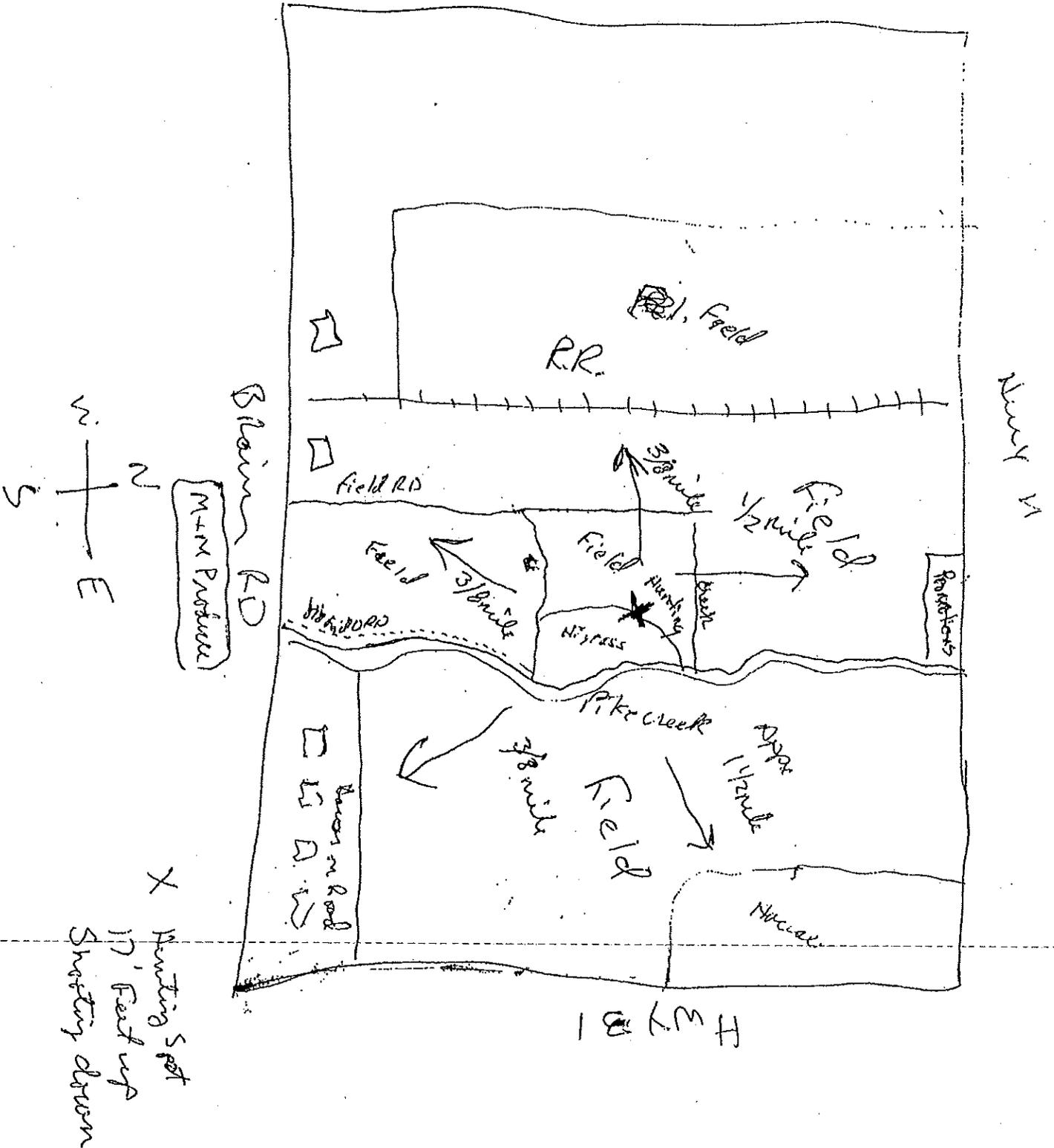
12-1-11
(Date)

[Signature]
Chief of Police or Designee

ORIGINAL

Blain

8th ST



X Hunting Spot
 17' Feet up
 Shooting down



MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzecki
Chief of Police

December 2, 2011

Michael Palmer
3317 Kensington Square Road
Sturtevant, WI 53177

Dear Michael:

I received your Hunting Permit request to hunt on Michael Mueller's land. However you can not apply to hunt on land that is not owned by you. Mr. Mueller will have to grant you written permission to hunt on his land and you must carry that written permission with you at all times while hunting.

Sincerely,

Tim Zarzecki
Chief of Police

ORIGINAL

11-21375



MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzecki
Chief of Police

WEAPON ORDINANCE APPLICATION

Name of Owner Michael R Palmer Phone 262-424-7444 Date of Birth 2-19-68
(Please Print)
Address 3317 Kensington SQ RD Sturtevant, WI 53177
City / State / Zip Code

APPLICATION

The undersigned the owner of certain lands in the Village of Mount Pleasant, Racine county, Wisconsin, hereby applies for a permit under the provisions of the attached Village Ordinance 54-1, for the privilege of discharging a weapon within the prohibited area of the Village with a bow and arrow (but not a crossbow) or a shotgun with a load not to exceed B-B shot.

Michael R Palmer certify that the discharge of said shotgun or use of a bow and arrow will not endanger the person or property of any resident of the Village of Mount Pleasant and that any discharge will be 500 feet away from any public or private street, alley, highway, park, picnic or playground, railroad right-of-way, dwelling, industrial business, professional or mercantile business, or any school, hospital or institution, and will conform with the specified restrictions of the Village Ordinance.

Number of Acres 70

Description of Land agriculture M+M Produce owner of Property
Michael Mueller
9725 Braun RD
MT Pleasant, WI

11/8/11
(Date)

[Signature]
(Signature of Owner)

262 939 4590

PERMIT

The Village of Mount Pleasant, acting through the Police Chief, hereby grants/denies permission to the above named land owner (and the latter's guests who must carry the owner's written permission on his person) to discharge a shotgun (not to exceed B-B shot) or use a bow and arrow on the lands above described. This permission may be revoked upon conviction of any Village Ordinance relating to the use of weapons.

Received by Mount Pleasant Police Department _____
Land Checked By Ofc. Haleen On 12-1-11
Checked On scene OR Aerial Map

APPROVED

12-1-2011
(Date)

Ofc. Mahabales 67
Chief of Police or Designee

DENIED

Reason for Denial _____

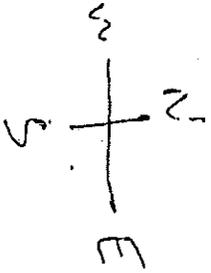
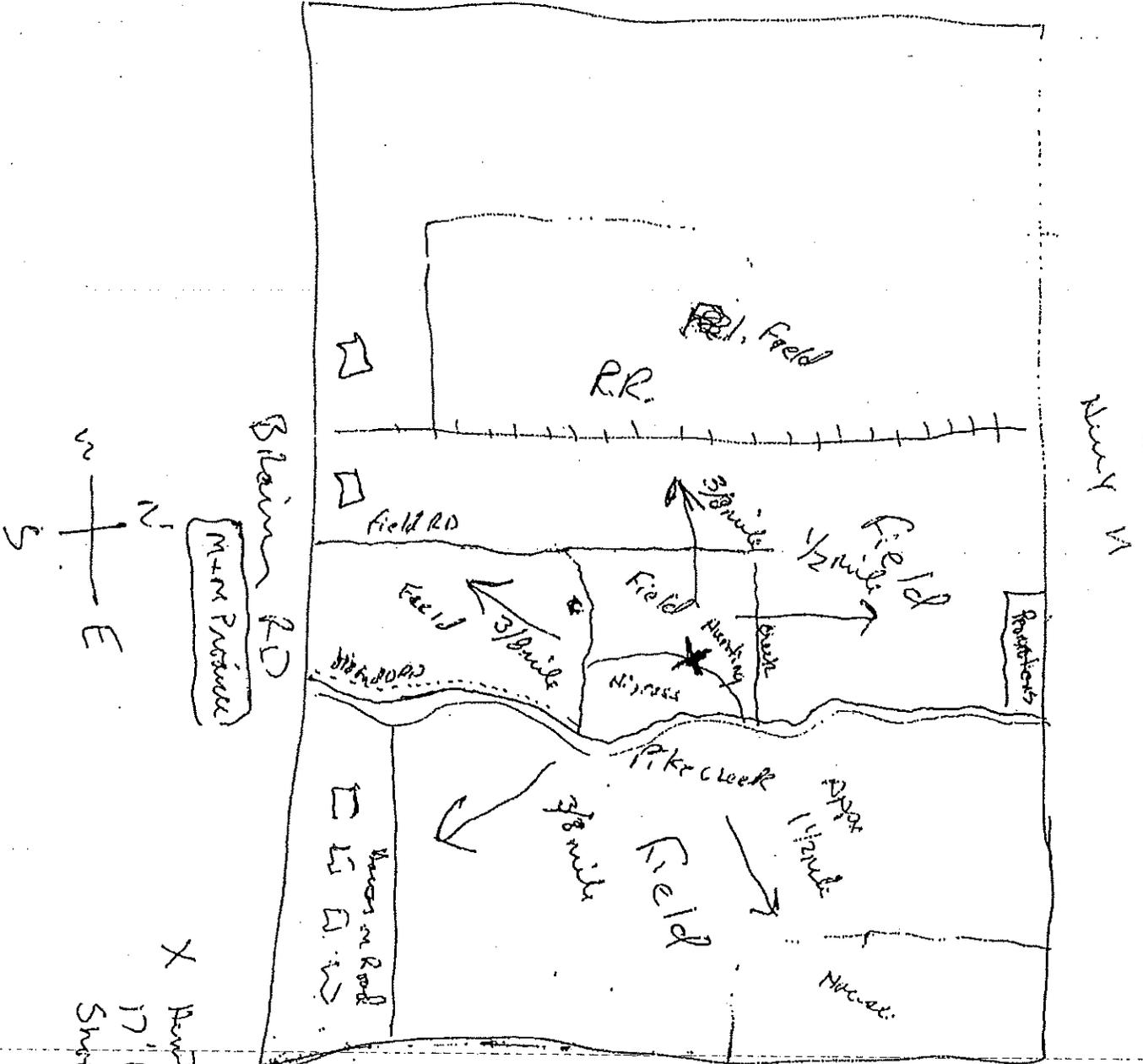
(Date) Chief of Police or Designee

12 2 11
Advised owner
that persons hunting
on his land do not
have to submit
thru US - they
only need written
permission on their
person from owner

08-11-11

Amelia

8th ST



Blaine Rd
Main Road

Hwy 1

Proctor's

Hwy 31

X Hunting Spot
 17' Foot up
 Shutter down



Mt Pleasant Police Department
8811 Campus Drive | Mount Pleasant, WI 53408 | Phone: (262) 864-0454

Call Detail Report

Thursday, December 1, 2011
9:19:38 pm

**** For official use only ****

11.021335 9725 Braun Rd;MP

Weapons Permit (WEPPER)

Reported 11/09/11 06:23

9725 Braun Rd;MP

Priority 4

Case # 11-021335

Units

Start Time 6:23:22

Dispatch Time 6:23:22

Arrival Time 6:23:22

Finished Time 6:23:22

Disposition **Unfounded**

Notes

Michael R Palmer or Michael Mueller dropped off weapon ordinance application. (unknown who as this was in the incoming basket and I just made a call for it). Application will be given to Sgt. Maccari so he can assign an officer to check the land then to Chief Zarzecki for approval of denial.

ORIGINAL

11-21335



MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzecki
Chief of Police

WEAPON ORDINANCE APPLICATION

Name of Owner Michael R Palmer Phone 262-424-7444 Date of Birth 2-19-68
(Please Print)
Address 3317 Kensington SQ RD Sturtevant, WI 53177
City / State / Zip Code

APPLICATION

The undersigned the owner of certain lands in the Village of Mount Pleasant, Racine county, Wisconsin, hereby applies for a permit under the provisions of the attached Village Ordinance 54-2, for the privilege of discharging a weapon within the prohibited area of the Village with a bow and arrow (but not a crossbow) or a shotgun with a load not to exceed B-B shot.

I, Michael R Palmer certify that the discharge of said shotgun or use of a bow and arrow will not endanger the person or property of any resident of the Village of Mount Pleasant and that any discharge will be 500 feet away from any public or private street, alley, highway, park, picnic or playground, railroad right-of-way, dwelling, industrial business, professional or mercantile business, or any school, hospital or institution, and will conform with the specified restrictions of the Village Ordinance.

Number of Acres 70

Description of Land agriculture M+M Produce Owner of Property
Michael Muelle
9725 Braun RD
MT Pleasant, WI
262 939 4590

11/8/11
(Date)

[Signature]
(Signature of Owner)

PERMIT

The Village of Mount Pleasant, acting through the Police Chief, hereby grants/denies permission to the above named land owner (and the latter's guests who must carry the owner's written permission on his person) to discharge a shotgun (not to exceed B-B shot) or use a bow and arrow on the lands above described. This permission may be revoked upon conviction of any Village Ordinance relating to the use of weapons.

Received by Mount Pleasant Police Department _____
Land Checked By Off. Haleen On 12-1-11
Checked On scene OR Aerial Map

APPROVED

12-1-2011
(Date)

Off. Michael Haleen 67
Chief of Police or Designee

DENIED

Reason for Denial MR PALMER IS NOT PROPERTY OWNER.

12-1-11
(Date)

[Signature]
Chief of Police or Designee

Paul Maccari

To: Timothy Zarzecki
Cc: Paul Maccari; Norine M. Young
Subject: Weapons Application- Mueller Produce 70 acres- #11-021335

Chief, per your request for assignment and observation of this track of land for the permit application submitted by Michael Palmer and Michael Mueller of Mueller produce farms. The permit application requests approval for 70 acres of farm land. Ofc Mark Haleen did visit the property and feels it fits the criteria set forth in the weapons ordinance, and recommends approval of the permit application. A Copy of the call sheet is included with the original application and a copy of this e-mail placed in your box.

Sgt. Maccari #11 12-01-2011



ORIGINAL

M000
CASE # 11-012349

MOUNT PLEASANT POLICE DEPARTMENT
8811 Campus Drive • Mount Pleasant, Wisconsin 53406
(262) 884-0454 Phone • (262) 664-7902 Fax

Timothy J. Zarzacki
Chief of Police

WEAPON ORDINANCE APPLICATION

Name of Owner M.ks Mueller Phone 262 939-4590 Date of Birth 1/25/58
Address 7905 Brown Rd Racine, WI 53407
(Please print) City / State / Zip Code

APPLICATION

The undersigned the owner of certain lands in the Village of Mount Pleasant, Racine county, Wisconsin, hereby applies for a permit under the provisions of the attached Village Ordinance 54-1, for the privilege of discharging a weapon within the prohibited area of the Village with a bow and arrow (but not a crossbow) or a shotgun with a load not to exceed B-B shot.

I, M.ks Mueller certify that the discharge of said shotgun or use of a bow and arrow will not endanger the person or property of any resident of the Village of Mount Pleasant and that any discharge will be 500 feet away from any public or private street, alley, highway, park, picnic or playground, railroad right-of-way, dwelling, industrial business, professional or mercantile business, or any school, hospital or institution, and will conform with the specified restrictions of the Village Ordinance.

Number of Acres 70
Description of Land Between R R TRAY and Pikes Creek
1/2 mile North of Brown Rd

9/12/11
(Date)

[Signature]
(Signature of Owner)

PERMIT

The Village of Mount Pleasant, acting through the Police Chief, hereby grants/denies permission to the above named land owner (and the latter's guests who must carry the owner's written permission on his person) to discharge a shotgun (not to exceed B-B shot) or use a bow and arrow on the lands above described. This permission may be revoked upon conviction of any Village Ordinance relating to the use of weapons.

Received by Mount Pleasant Police Department
Land Checked By N. BJELATAC 459 On 7/12/11
Checked On scene OR Aerial Map

APPROVED
09-18-11
(Date)

[Signature]
Chief of Police or Designee

DENIED
Reason for Denial _____
(Date) _____
Chief of Police or Designee

Brian Tuttle - 632-9825 ← Hunting

Paul Maccari

To: Timothy Zarzacki; Brian Smith
Cc: Paul Maccari; Norine M. Young
Subject: Weapons permit #11-017349 Mike Mueller property

Chief, I assigned Officer Bjelajac to survey this property requested on the permit application. Ofc Bjelajac stated this should not be a problem and recommends approval of this land as it fits the criteria under the ordinance. Additionally, he had spoke with Owner and was explained that the hunters would be hunting due north and advised them not to go any farther east. There is no buildings near the 500 foot restrlction on this property/field. I will return the application to you for approval/signature.

Sgt. PJM #11



Mt. Pleasant Police Department
 8811 Campus Drive | Mount Pleasant, WI 53406 | Phone: (262) 884-0464

Wednesday, September 21, 2011
 9:57:02 am

Call Detail Report

** For official use only **

11.017349 7905 Braun Rd;MP

Weapons Permit (WEPPER)

Reported 09/13/11 12:28
 Priority 4

7905 Braun Rd;MP

Case # 11-017349
 Stacked 12:28:45
 Dispatched 12:28:45
 Arrived 12:28:45
 Finished 12:28:45

Units 110 - 94175 - Zarzecki, Timothy J

Disposition: Finished / Complete

Notes

Brian Tuttle 632-9825 turned in a hunting application.

Land owner's info:
 Mike Mueller 1/25/58
 7905 Braun Rd
 Racine, WI 262-939-4590

Permit is for 70 acres of land between RR tracks and Pikes Creek 1/2 mile north of Braun Rd

CC: Sgt Maccari for processing
 The hunting application was approved per Chief Zarzecki on 09/18/11

Names

Owner Mueller, Michael A
 9725 Braun Rd;MP
 Sturtevant, WI 53177

Sex: Male Race: White DOB:
 01/25/58

Complainant Tuttle, Brian D
 1425 S Emmertsen Rd, 3G;MP
 Racine, WI 53406

Sex: Male Race: White DOB:
 05/10/63

Unit History

Unit	Date	Time	Officer	Unit #
AC	09/13/11	12:28:45	110	94175
AR	09/13/11	12:28:45	110	94175
FI	09/13/11	12:28:45	110	94175

11-018068

Mt. Pleasant Police Department
6200 Durand Avenue
Racine, WI 53406

WEAPON ORDINANCE APPLICATION

Name of Owner Tim Braun Phone: 554-8730
(Please Print)

Date of Birth: 4-26-64
Address: 7504 Braun Rd

APPLICATION

The undersigned, the owner of certain lands in the Village of Mt. Pleasant, Racine County, Wisconsin, hereby applies for a permit under the provisions of the attached Village Ordinance 54-1 for the privilege of discharging a weapon within the prohibited area of the Village with a bow and arrow (not a compound action bow or crossbow) or a shotgun, with a load not to exceed B-B shot.

I, Tim Braun, certify that the discharge of said shotgun or use of a bow and arrow will not endanger the person or property of any resident of the Village of Mt. Pleasant and that any discharge will be 500 feet away from any public or private street, alley, highway, park, picnic or playground, railroad right-of-way, dwelling, industrial business, professional or mercantile business, or any school, hospital or institution and will conform with the specified restrictions of the Village Ordinance.

No. of Acres: 74

Description of Land: _____

9-7-11
(date)

Tim Braun
(signature of owner)

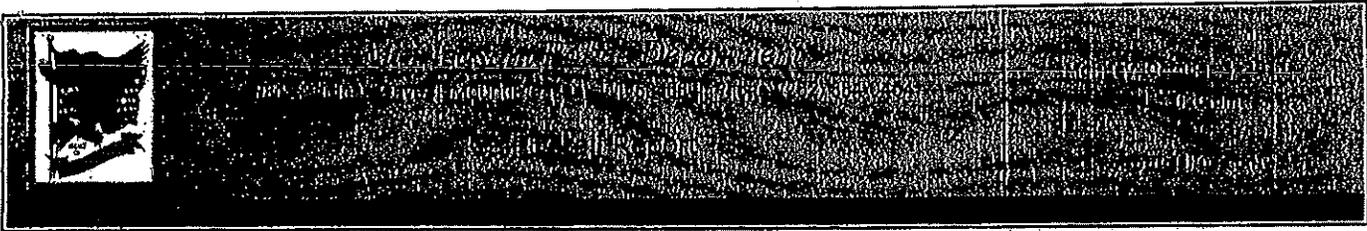
PERMIT

The Village of Mount Pleasant, acting through its Police Chief, hereby grants permission to the above-named land owner (and the latter's guests who must carry the owner's written permission on his person) to discharge a shotgun, not to exceed B-B shot, or use a bow and arrow on the land above described. This permission may be revoked upon conviction of any Village Ordinance relating to the use of weapons.

Received by Mt. Pleasant P.D. 9-22-11
Land checked by: DFL Cventres on 9-24-11
 on scene aerial map

092811
Dated

Clay D. Jure
Chief of Police



Reported 09/23/11 19:59
Priority 3

Reported Location: 7504 Braun Rd;MP

Case# 11-018068
Stacked 19:59:35
Dispatched 19:59:35
Arrived 19:59:35
Finished 19:59:35

Units 110 - 94175 - Zarzecki, Timothy J

Disposition Information Only

Notes 9/23/11 20:03 Tim Braun would like his property checked for hunting. Weapon Ordinance Application forwarded to Sgt. Maccari
9/24/11 18:39 120 on scene
9/24/11 18:43 120 no one home will check back later
10/3/11 13:50 The property was checked by Officer Cvengros and the application was signed by Chief Zarzecki on 09-28-2011

Unit History	CC	Date/Time	Unit	Officer	Operator	Disposition
	AC	09/23/11 19:59:35	110	94175		
	AR	09/23/11 19:59:35	110	94175		
	FI	09/23/11 19:59:35	110	94175		



Mt Pleasant Police Department
 8811 Campus Drive | Mount Pleasant, WI 53408 | Phone: (262) 884-0454

Sunday, September 25, 2011
 8:36:16 pm

Call Detail Report

**** For official use only ****

11.018068 7504 Braun Rd;MP

Information (INFO)

Reported 09/23/11 19:59
 Priority 4

Reported Location: 7504 Braun Rd;MP

Case# 11-018068
 Stacked 19:59:35
 Dispatched 19:59:35
 Arrived 19:59:35
 Finished 19:59:35

Units 110 - 94175 - Zarzecki, Timothy J

Disposition Information Only

Notes 9/23/11 20:03 Tim Braun would like his property checked for hunting. Weapon Ordinance Application forwarded to Sgt. Maccari
 9/24/11 18:39 120 on scene
 9/26/11 19:43 120 no one home will check back later

Unit History	DC	Date/Time	Unit	Officer	Operator	Disposition
	AC	09/23/11 19:59:35	110	94175		
	AR	09/23/11 19:59:35	110	94175		
	FI	09/23/11 19:59:35	110	94175		

OBSERVED AND APPROVED

CORRESPONDENCE/MEMORANDUM

DATE: 03-29-2012 FILE REF: Village of Mt. Pleasant, 2011 Stewardship Application

TO: Dan Kaemmerer, Community Services Specialist, SER

FROM: Kyle Drake, Law Enforcement Recreational Safety Specialist, SER

SUBJECT: Pike River Trail Project – Phases 7, 8 and 9

I have been asked what methodology I used in my analysis to determine the necessity and reasonableness on the prohibition to hunting in the Pike River Trail Project – Phases 7, 8 and 9.

Initially in October 2011 Regional Warden Kevin Mickelberg and I met with other DNR personnel and did an office review of the NR 52 NBOA proposed purchases. During these meeting we were given maps and other related paperwork on each of the projects. In relation to this project, we looked at the proposed use of the property and its configuration along with the local discharge ordinances. We also looked at NR 52 and the factors listed there on determination on prohibitions. Although the activity of archery hunting is safe under most any circumstance, based on the information given I thought the prohibition on hunting was reasonable and necessary to protect public safety.

I was then asked to review my decision. At this point I did an in-depth field inspection of the project. On February 1, 2012 I walked the entire project area. At the end of this inspection I still felt the prohibition on hunting was reasonable and necessary to protect public safety. As noted in my submitted review (attached), the properties' configuration does not make it conducive to hunting. The project properties form a very narrow trail and stream corridor. Any shot and bullets discharged from the property likely would fall on adjoining lands. Also there is very little cover and very few mature trees in which to place elevated stands for archery hunting. I looked at the site not only based on what impact hunting had on this acquisition but also on what impact the other proposed activities of this acquisition had on hunting:

- Would I feel comfortable hunting on this property? The answer was no. Again, this is a very narrow acquisition corridor that will have a hiking/biking trail through the middle of it. I would not feel comfortable with a gun or bow, hunting for whatever species, as people walked and biked within close proximity.
- Secondly, what would happen if I was to shoot an animal on the property? With aesthetics aside, because of the narrow corridor, the odds are that this animal would not die on the property. I therefore would have to gain permission from the adjoining property owner or I would have to trespass, to retrieve the animal. In my mind, common sense dictated that the prohibition was necessary.

I also discussed the prohibition with local Conservation Warded Randy Dunkel. Dunkel expressed similar concerns as mine. Additionally Randy noted that there is a large population base in the area with the cities of Milwaukee, Racine and Kenosha within short driving range. If numerous hunters took to this area, it could lead to conflict; not only with the hunters on the property but with the other users as well and result in a poor image of hunters in the community.

At this point Regional Warden Kevin Mickelberg asked about my decision. Mickelberg was not sure the prohibition was necessary and decided he should visit the site. At the end of his site visit, Mickelberg

also agreed that the prohibition made sense and was necessary to protect public safety.

These determinations are not made lightly. I have long been a hunter and a proponent to opening as much land as possible to outdoor activities including hunting. Recently I worked with Waukesha County to open some of their "parklands" to hunting and trapping. Archery hunting is a safe activity with very few hunting incidents. In fact, you could probably do it safely in the middle of Lambeau Field. But common sense dictates that a prohibition on hunting in Lambeau Field is necessary to protect public safety and reasonable based on the uniqueness and totality of the circumstances. In this and Lambeau Field's case, user conflicts and configuration are the predominant concerns. Therefore common sense dictates that the prohibition to hunting on this acquisition is necessary to protect public safety.

C: Kevin Mickelberg, SER Regional Warden
Jim Ritchie, SER Government Outreach Team Supervisor

HUNTING

	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl			
Small Game			
Turkey			
Large Game			

Public Safety Team Narrative:

The application states a prohibition on hunting because of proximity to urban areas and because it is not allowed on the other phases of the Pike River project. Additionally the Village of Mount Pleasant has an ordinance prohibiting the discharge of bows and firearms on the area north of Braun Road (phase 7) except by permit and landowner permission. The area to the south of Braun Road is open for discharge. The question has been asked whether archery hunting should be allowed. Archery hunting, by large, is a safe activity. Very few hunting incidents have occurred because of the discharge of a bow. The vast majority of archery hunters are pursuing whitetail deer and many use elevated devices (tree stands). Most bow shots are taken at 40 yards or less.

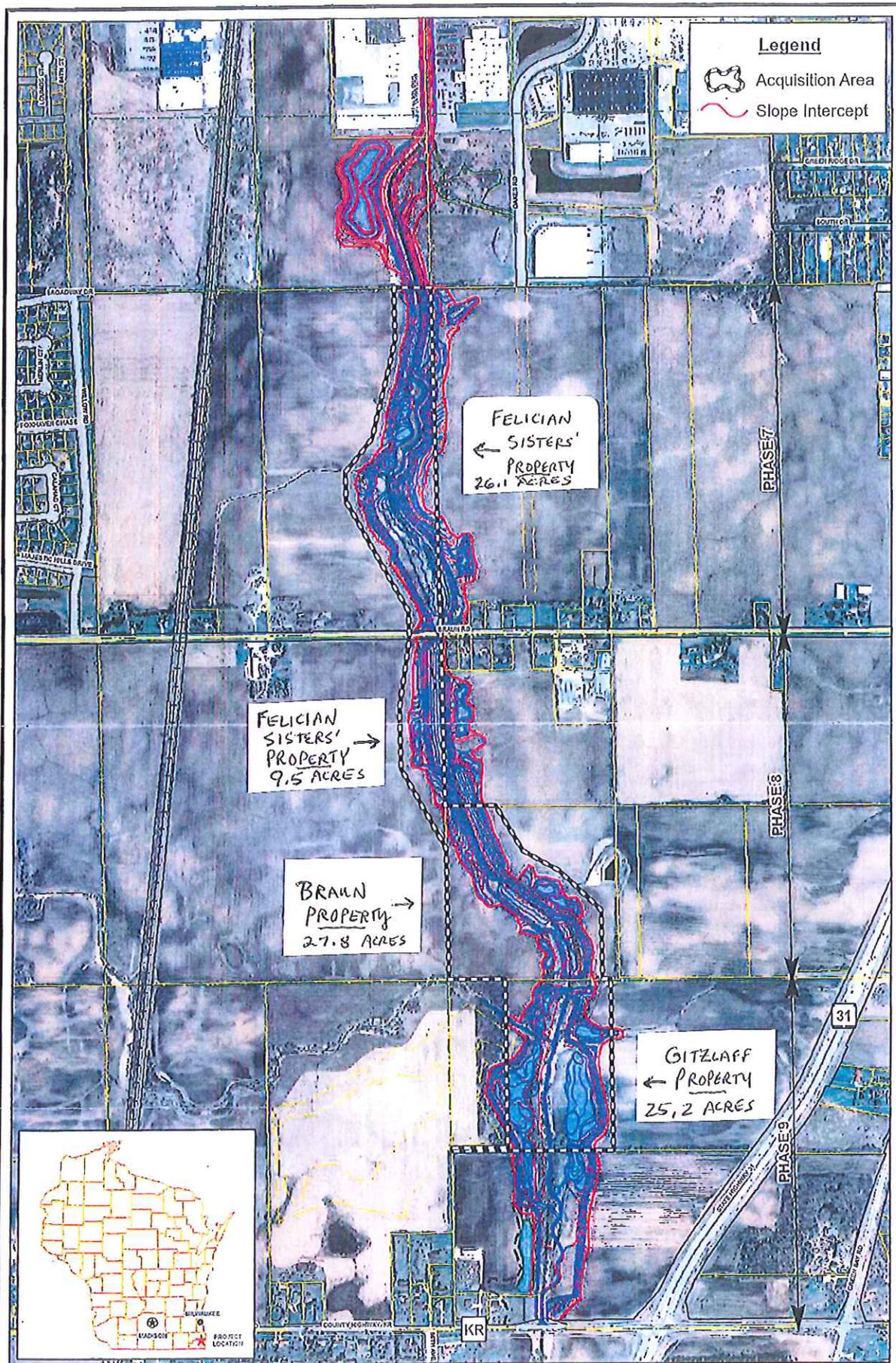
NR 52.05 states that the determination should be based on 5 factors.

- 1) The primary purpose of the project.
This is a trail project. The acquisition in question is a series of narrow strips along the Pike River. Walking and biking are the primary activities planned.
- 2) Laws and ordinances
See above
- 3) User conflicts that may create public safety issues
The surrounding area is an urban area of about 130,000 people. The other segments of the project get consistent use by walkers and bikers. There is very little area suitable for archery hunting on the proposed parcels. All the property except for one small section is within 100 yards of the proposed trail. It is unknown how many archery hunters would attempt to use these areas. If it is more than a few there could be problems of crowding.
- 4) Physical characteristics of the property.
Again this acquisition is a series of narrow parcels along the Pike River. Most of the habitat is grass and shrubs along the river with farm fields surrounding it. Small portions of the farm fields fall within the project boundary. Some fence lines with trees may be within the boundaries, depending on the exact location of survey lines. Very few trees fall within the perimeter of the project. Because of its narrowness, if a deer is shot with archery equipment the odds of it dying within the project boundary is very slim.
- 5) Parcels of 5 acres or less.
Not applicable.

In summary, archery hunting could be allowed on the property with very little danger to public safety. However, the physical characteristics of the property and the strong potential for user conflicts support the prohibition of archery hunting to be necessary.

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists –
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.



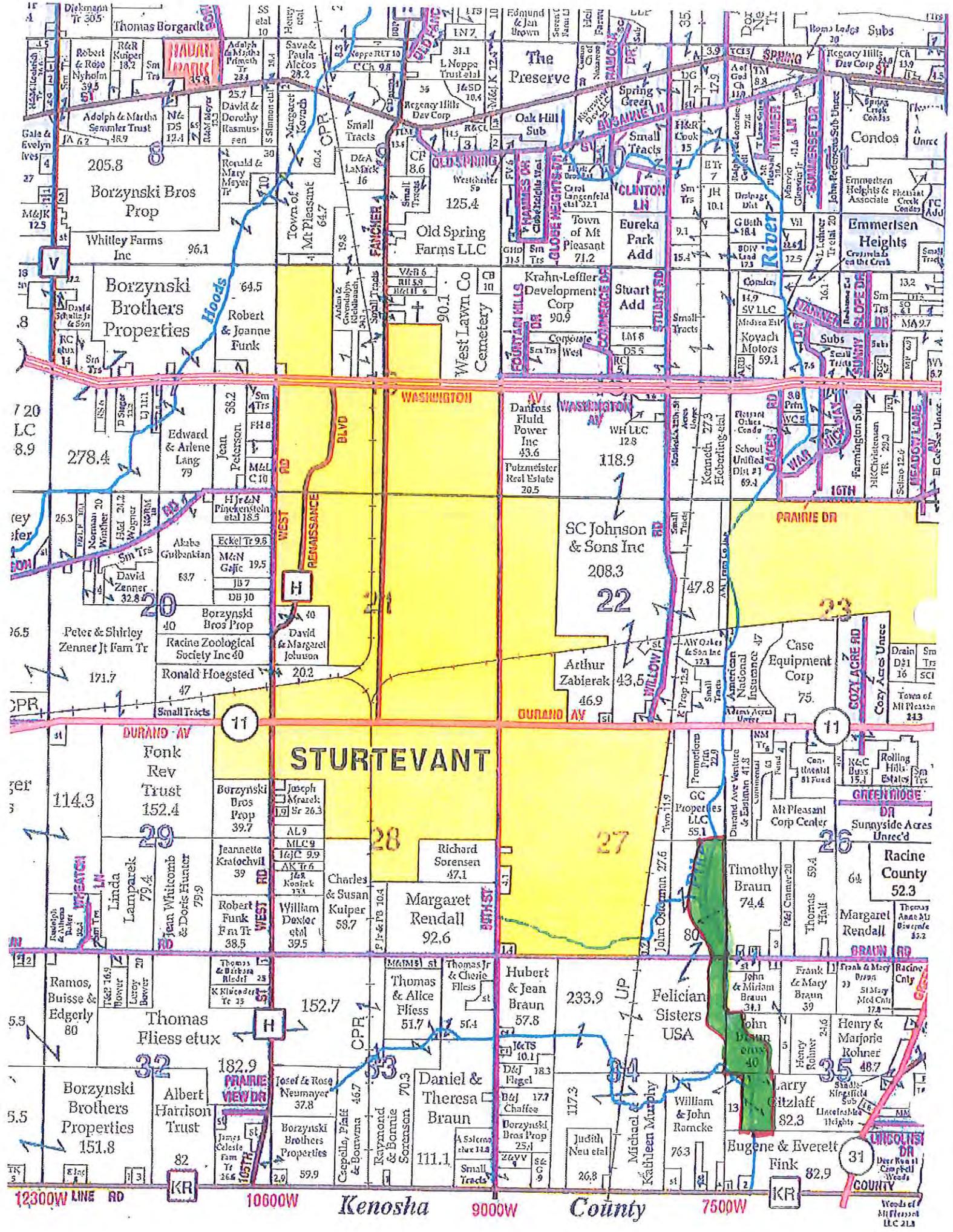
Village of Mt. Pleasant
Racine County, Wisconsin

Pike River
2011 Stewardship Grant



CRISPPELL-SNYDER, INC.
PROFESSIONAL CONSULTANTS

1 inch equals 660 feet



Thomas Borgardt
205.8
Borzynski Bros Prop
Whitley Farms Inc 96.1
Borzynski Brothers Properties 64.5

Robert & Joanne Funk
Edward & Arlene Lang 79
Jean Peterson 38.2

278.4
Hj & N Pincensteln et al 18.5
Alabe Gulbankian 63.7
David Zenner 32.8

171.7
Peter & Shirley Zenner Jt Fam Tr
Ronald Hoegsted 47
Borzynski Bros Prop 40
Racine Zoological Society Inc 40

114.3
Fonk Rev Trust 152.4
Borzynski Bros Prop 39.7

152.7
Thomas Fliess et ux
Borzynski Brothers Properties 151.8
Albert Harrison Trust

182.9
Joseph & Rose Neumayer 37.8
Borzynski Brothers Properties 59.9

117.3
Judith Neu et al 26.8
Michael & Kathleen Murphy
William & John Ramcke

233.9
Hubert & Jean Braun 57.8
Felician Sisters USA
John Braun et ux 40

208.3
SC Johnson & Sons Inc
Arthur Zabierek 43.5
Case Equipment Corp 75

118.9
WH LUC 128
Putzmeister Real Estate 20.5
Kerneth 27.5

118.9
Danfos Fluid Power Inc 43.6
Kerneth 27.5
Kerneth 27.5

118.9
Danfos Fluid Power Inc 43.6
Kerneth 27.5
Kerneth 27.5

125.4
Old Spring Farms LLC
West Lawn Co Cemetery 90.1

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West Lawn Co Cemetery 90.1

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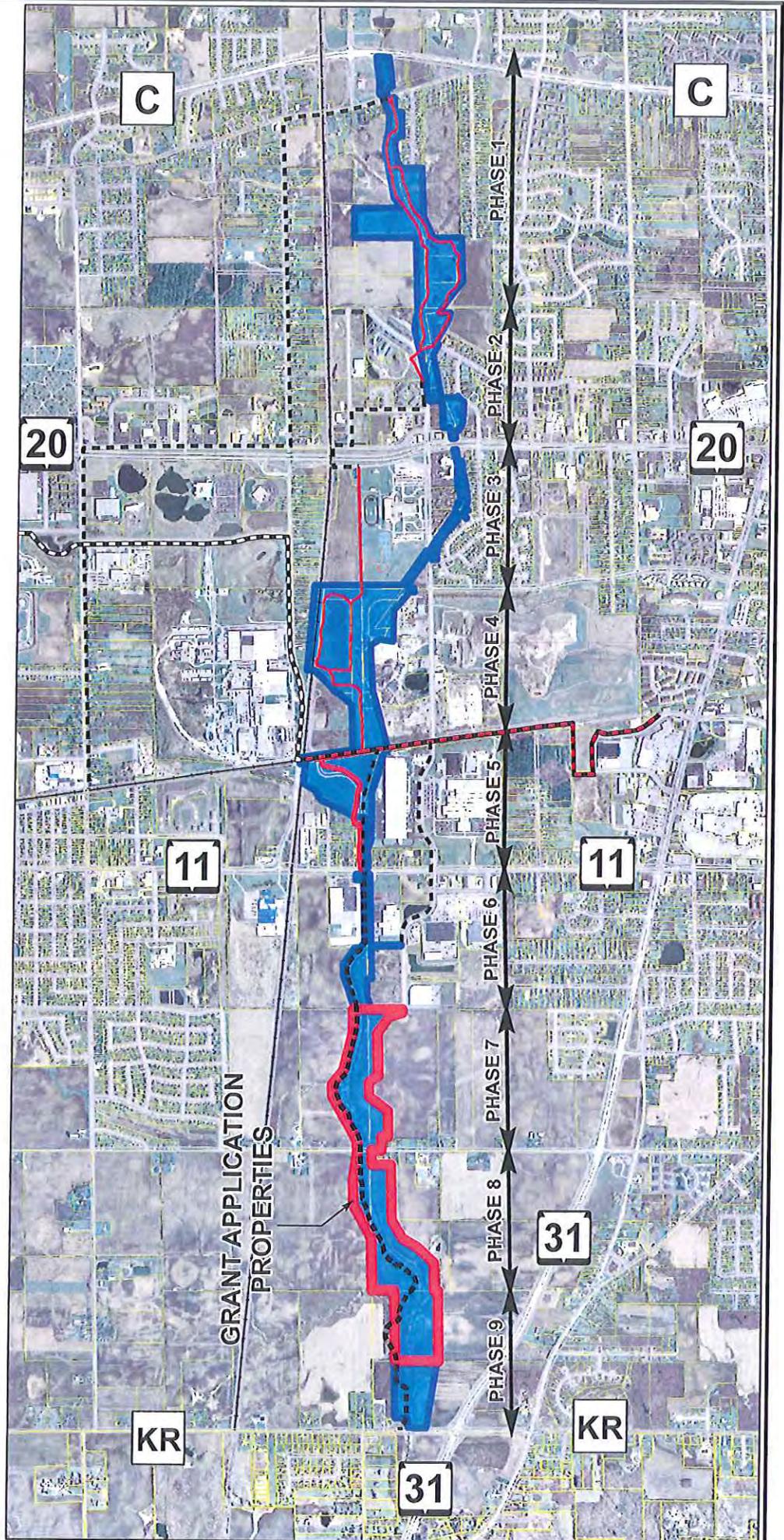
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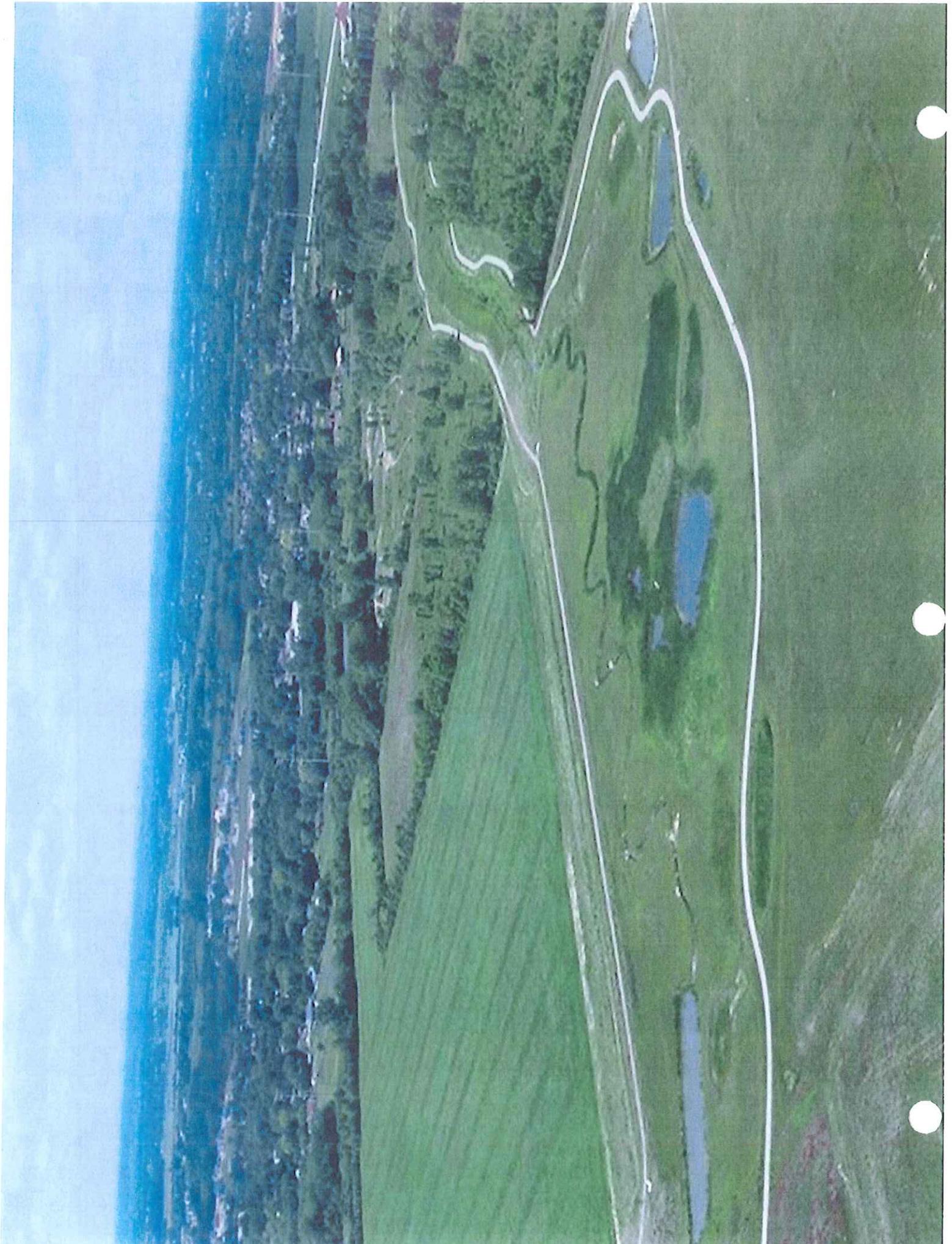
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12300W LINE RD 10600W Kenosha 9000W County 7500W KR

PIKE RIVER - VILLAGE OF MOUNT PLEASANT PHASES 1-9 ACQUISITIONS

1 Inch equals 1/3 Mile













2011

Environmental Corridor Ovation Award Village of Mount Pleasant

ECO Award

The Philip H. Lewis, Jr., Environmental Corridor Ovation (ECO) Award was established in 2007 by the Southeastern Wisconsin Regional Planning Commission, the Milwaukee Metropolitan Sewerage District, and the Wisconsin Department of Natural Resources to recognize and reward excellence in environmental stewardship.

The award is named for the first recipient, Philip H. Lewis, Jr., who is recognized as the founder of the environmental corridor concept. Developed in the 1960s, Dr. Lewis' concepts pushed the envelope and changed the way institutions and the public viewed land and water protection. As a result of his leadership and dedication, the environmental corridor concept has been embraced by many planning agencies across the United States.

The subsequent recipients of this award, G. Andrew Larsen, former Executive Director, Riveredge Nature Center, The Ozaukee Washington Land Trust, Inc., and the Cedar Lakes Conservation Foundation, Inc., followed in the footsteps of Lewis' vision and mission, both spearheading environmental initiatives to increase awareness of this important concept to preserve environmental corridors in the region. This year's fifth annual recipient, the Village of Mount Pleasant is a community dedicated to the restoration and enhancement of environmental corridor areas within the Village, and is highly deserving of the ECO Award.

Village of Mount Pleasant

The Village of Mount Pleasant, in collaboration with the Southeastern Wisconsin Regional Planning Commission, the Wisconsin Department of Natural Resources, the University of Wisconsin-Milwaukee, and Crispell-Snyder, prepared a plan for the restoration of approximately five miles of the Pike River.

The Pike River Restoration Project, currently ongoing in the Village of Mount Pleasant, has four main goals: lower and control the floodplain of the river; improve overall water quality; provide passive recreation areas and access to the river; and restore and enhance the river corridor habitat. The project consists of nine phases; the first five phases have been completed.

Implementation of the project will result in the expansion and enhancement of the existing environmental corridor by creating new riparian areas along the river with improved biodiversity through the installation of ponds, shallow and deep marshes, and a new meandering channel. The project also includes the development of a public trail for hiking, biking, and other low impact recreational activities.

Environmental Corridor Concept

Phillip H. Lewis, Jr., who is recognized as the founder of the environmental corridor concept, inventoried various features of the landscape and found that, when maps of individual features and sites were overlaid, linear patterns having concentrations of features and sites became apparent. He termed these resource-rich areas "environmental corridors."

Dr. Phillip H. Lewis, Jr., realized the importance of preserving these corridors and incorporating the corridor concept into the land planning process. The environmental corridor concept has become an important part of the planning and development practices in southeastern Wisconsin.





NEWS RELEASE

**Wisconsin Department of Natural Resources
Southeast Region**

2300 N. Dr. Martin Luther King Jr Dr, Milwaukee, WI 53212
Phone: (414) 263-8500 TDD: 711
dnr.wi.gov www.wisconsin.gov

DATE: April 19, 2011
CONTACT: Mike Thompson, Environmental Analysis and Review Supervisor
(414) 263-8648
SUBJECT: The Village of Mount Pleasant named as 2011 ECO Award winner

Partnership is recognized for restoration and protection of five miles of river corridor

Milwaukee—The Department of Natural Resources (DNR), Southeastern Wisconsin Regional Planning Commission (SEWRPC) and Milwaukee Metropolitan Sewage District (MMSD) announced today that The Village of Mount Pleasant will receive the 2011 Phillip H. Lewis, Jr., Environmental Corridor Ovation (ECO) Award.

“The Village of Mount Pleasant exemplifies Professor Lewis’ commitment to environmental stewardship,” DNR Southeast Region Director John Hammen said.

The ECO Award grew out of an initiative to “Sustain, Reconnect, and Grow the Environmental Corridors” and was established in 2006, through the efforts of the DNR, SEWRPC and MMSD. It is named for the first recipient, Philip H. Lewis, Jr., the founder of the environmental corridor concept. Environmental corridors are defined as “areas in the landscape containing especially high value natural, scenic, historic, scientific, and recreational features.”

The Village of Mount Pleasant Pike River Restoration Project will lower and control the floodplain along five miles of the river; improve water quality; provide public trails, passive recreation areas and access to the river; and restore and enhance the river corridor habitat with ponds, shallow and deep marshes and a new meandering channel. The project consists of nine phases; the first five phases have been completed.

(more)

The following counties are in the Southeast Region: Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington and Waukesha. The Public Affairs Manager for the Southeast Region is Marcus Smith, (414) 263-8516.

The ECO Award will be presented to the Village of Mount Pleasant at the annual "Sustain, Reconnect, and Grow the Environmental Corridors" celebration. The event is Wednesday, April 20, 2011, at the Havenwoods State Forest and Environmental Awareness Center, located at 6141 N. Hopkins Street on Milwaukee's northwest side. The program begins with a social gathering and refreshments at 3:30 p.m. with welcoming remarks by DNR Southeast Region Director John Hammen at 4:00 p.m. Mr. Dave Schilling, representing SEWRPC, will give an environmental corridor update. Mr. Hammen, Ken Yunker, Executive Director, SEWRPC, and Kevin Shafer, Executive Director, MMSD will present the ECO Award to the Foundation.

This event is free and open to the public. For more information, contact Mr. Mike Thompson, (414) 263-8648 or MichaelC.Thompson@wi.gov.

CORRESPONDENCE/MEMORANDUM

DATE: February 20, 2012

FILE REF: NR 51 – Urban Rivers Grant

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Stewardship Grant for Village of Mount Pleasant: Pike River Restoration –
Phases 7, 8 and 9 Land Purchase

The Department requests that the Board ratify a determination by the Department that the prohibition of one nature-based outdoor activity is necessary on an 88.60-acre purchase of land in the Village of Mount Pleasant, Racine County. The Department proposes to award a grant in the amount of \$304,850 to the Village of Mount Pleasant for the purchase of land on which hunting will be prohibited by local ordinance.

Property to be Purchased

<i>Project Sponsor:</i>	Village of Mount Pleasant
<i>Sellers:</i>	Felician Sisters (two parcels), Braun, Gitzlaff
<i>Financial Information:</i>	See page 3.
<i>Timetable:</i>	The properties were acquired in July, November, and December 2011.

I. PROJECT DETAILS

A. Property to be Purchased

Location and Size: 88.6 acres adjacent to the Pike River Recreational Corridor.

This acquisition serves the following goals:

1. Supports the primary goal of the Knowles-Nelson Urban Rivers Stewardship Grant Program by acquiring 88.6 acres of land along the Pike River for outdoor recreation.
2. Protects approximately 1.5 miles of shoreline along the Pike River.
3. Provides for shoreline restoration along approximately 1.5 miles of the Pike River.
4. Implements the master plan and provides for the construction of a multi-purpose recreation trail along the Pike River with outdoor recreation opportunities that will include fishing, trapping, hiking, cross-county skiing, snowshoeing, bicycling, and non-motorized boat access.
5. Furthers the goals of the *Comprehensive Plan for the Pike River Watershed, SEWRPC, 1987; A Park and Open Space Plan for Racine County; Mt. Pleasant Year 2030 Master Plan; Mount Pleasant Park and Open Space Plan*

Project Description: Stewardship grant funding will assist with the acquisition of four parcels totaling 88.6 acres of land along the Pike River, north and south of Braun Road, in the southern part of the Village of Mount Pleasant. These are the last four parcels needed in the larger Pike River Recreational Corridor plan. The parcels are a series of narrow lots with sloping terrain that is mostly covered in grass and shrubs. The surrounding land use includes agricultural fields and residential and commercial structures near Braun Road.

The Village will restore native habitat while protecting approximately 1.5 miles of shoreline along the Pike River. Future development plans include a multi-purpose recreation trail along the Pike River providing outdoor recreation opportunities. These activities are fishing, trapping, hiking, cross-county skiing, snowshoeing, biking and non-motorized boat access.

Prior Use of Property: Prior to purchase, the property was under private ownership and not open to the public. No recreational activities by the public were allowed on the site.

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

- From Braun Road
- From adjoining Pike River trail segments north of the subject property.

Hunting will be prohibited on the property by Village ordinance. The Department has determined that the prohibition of this nature-based outdoor activity is necessary to protect public safety. See Appendix MP-C for a summary of the Department's determination. The memo attached from Mary Rose Teves, as required by s. NR 52.04(2)(3), Wis. Adm. Code, describes the procedure followed by the Department to make this determination.

II. PROJECT FINANCES

A. Partnerships:

- City of Oconomowoc
- Wisconsin Department of Transportation
- Southeastern Wisconsin Regional Planning Commission
- Root-Pike Watershed Initiative Network
- University of Wisconsin – Milwaukee
- Alice Thompson – Native Vegetation Consultant
- Crispell-Snyder, Inc. – Engineering Consultant
- Department of Natural Resources

B. Appraisals and Purchase Prices

Property	1 st Appraisal	2 nd Appraisal	DNR Certified Value
Felician Sisters (9.5 acres)	\$ 28,600	NA	\$ 28,600
Braun	\$388,000	\$278,000	\$278,000
Gitzlaff	\$229,500	\$ 85,000	\$ 85,000
Felician Sisters (26.1 acres)	\$169,000	\$175,000	\$175,000
<i>Total Value Certified by Department=</i>			<i>\$566,600</i>

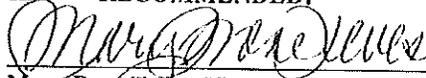
C. Grant Calculation

Total Certified appraised value (All Four Parcels)	\$566,600
Total Associated real estate costs	<u>\$ 43,100</u>
Total Project Costs	\$609,700

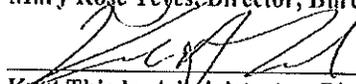
D. Funding Sources

Village of Mount Pleasant	\$304,850
Stewardship Program Grant Award	\$304,850

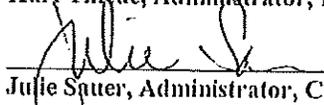
III. RECOMMENDED:


Mary Rose Teves, Director, Bureau of Community Financial Assistance

Feb 17, 2012
Date


Karl Thiede, Administrator, Division of Lands

3-1-2012
Date


Julie Sauer, Administrator, Customer and Employee Services Division

2/17/12
Date

DATE: February 20, 2012

APPENDIX MP-A

TO: Natural Resources Board

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



SUBJECT: Summary of Department Determination to Prohibit One Nature-based Outdoor Activity on the *Pike River Restoration – Phases 7,8 and 9 Land Purchase, Village of Mount Pleasant, Racine County*

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 \$304,850 to the Village of Mount Pleasant for the acquisition of a four parcels of land totaling 88.6 acres located within the Village of Mount Pleasant even though the prohibition of hunting will be necessary to protect public safety.

PROJECT BACKGROUND

The Village of Mount Pleasant, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$304,850 for the acquisition of four parcels for the purposes of developing a multi-purpose recreation trail and providing other outdoor recreation opportunities.

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The Village of Mount Pleasant proposes to prohibit hunting on the Pike River Restoration – Phases 7,8 and 9 land acquisition project. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting to protect public safety

A copy of the Village of Mount Pleasant's ordinance is attached to this Green Sheet as Appendix MP-C. A copy of the prohibition team review is attached to this Green Sheet as Appendix MP-C.

PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was posted on GovDelivery on January 10, 2012. Four comments were received: two in support, one in opposition if hunting wasn't allowed, and one seeking more information about the project.

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

DETERMINATION

The Village of Mount Pleasant has an ordinance that prohibits the use of weapons within the village. The DNR regional Recreational Safety Warden determined that the prohibition of hunting was necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project;
2. The ordinance prohibiting discharging or carrying weapons;
3. User conflicts;
4. The size of the parcels;
5. The narrow shape of the parcels;
6. The surrounding urban area with a population of approximately 130,000
7. The proximity of the project site to homes, roads, and other structures.

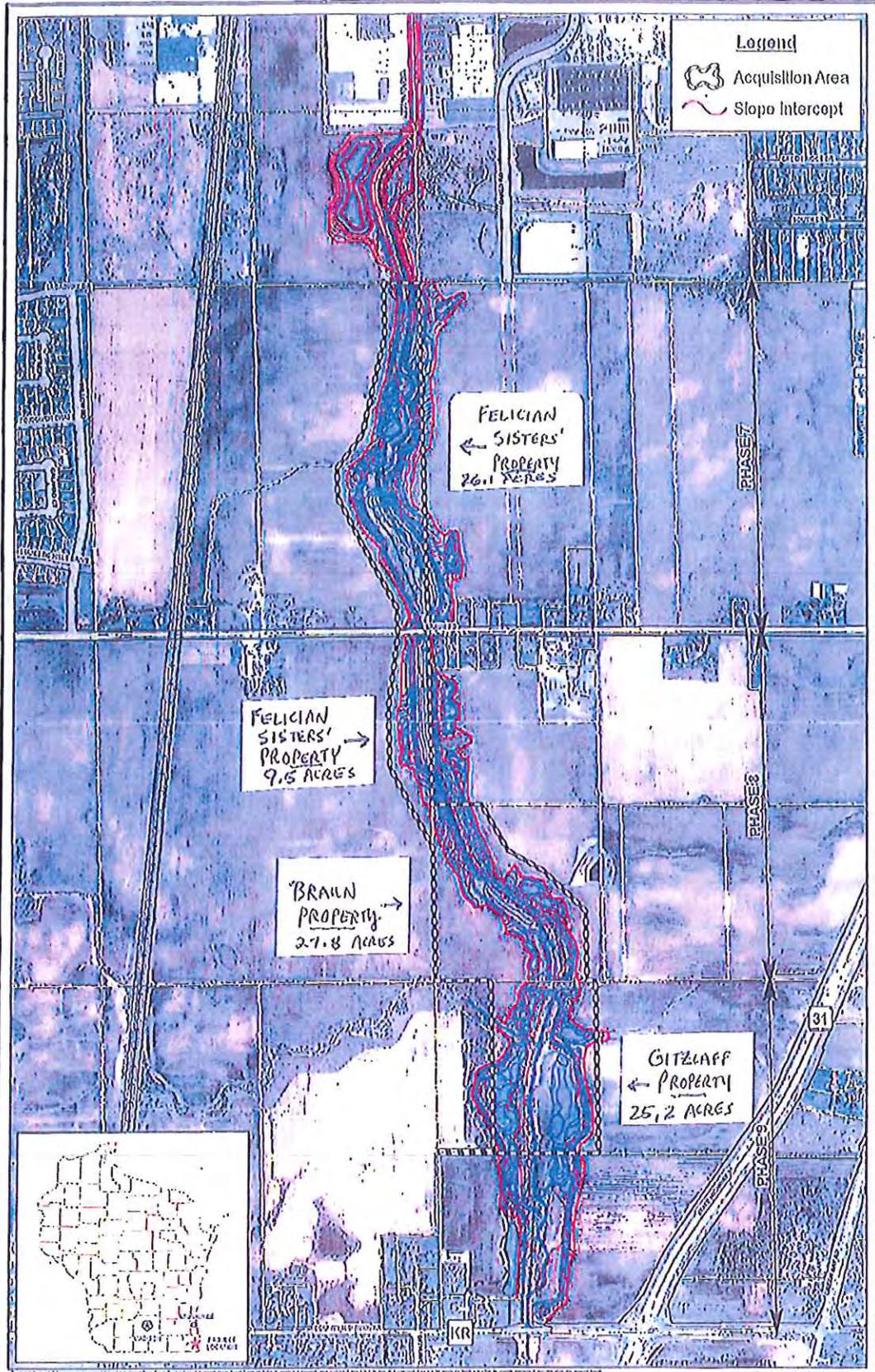
We believe that the hunting prohibition on these parcels is necessary to protect public safety because:

- The parcels are located within the village limits;
- Of the physical characteristics of the property;
- Of the proximity of the parcels to homes, roads, and other structures;
- The parcels will become part of an urban trail system;
- The parcels will be visited by users who have a reasonable expectation of no hunting on property of this type;
- Of a strong potential for user conflicts.

FINAL ACTIONS

Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant award.

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



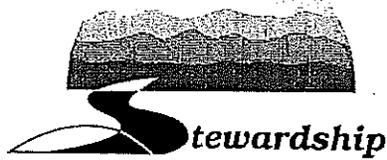
Village of Mt. Pleasant
Racine County, Wisconsin

Pike River
2011 Stewardship Grant



C CRISPILL-SNEYDA, INC.
ENGINEERS & SURVEYORS
1 Inch equals 660 feet

Knowles-Nelson Stewardship Grant Program



**Public Safety Team Analysis of
Nature Based Outdoor Activities on
Projects Purchased with
Stewardship Grant Funds**

Rev. April 2011

NOTE TO DNR STAFF: This completed form will be attached to the WEPA+NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

 Kyle Drake
Regional Recreational Safety Warden

2-2-12
Date

Regional Warden Supervisor

Date

PROJECT DESCRIPTION

Applicant/ Sponsor: Village of Mount Pleasant

Year of Application:
2011-2012

Project Name:
Pike River

Primary Purpose: Habitat Areas Local Parks
 Natural Areas Urban Rivers
 State Trails Urban Greenspace
 Streambank Protection

Project Description:

FINDINGS OF FACT:

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl			
Small Game			
Turkey			
Large Game			

Public Safety Team Narrative:

The application states a prohibition on hunting because of proximity to urban areas and because it is not allowed on the other phases of the Pike River project. Additionally the Village of Mount Pleasant has an ordinance prohibiting the discharge of bows and firearms on the area north of Braun Road (phase 7) except by permit and landowner permission. The area to the south of Braun Road is open for discharge. The question has been asked whether archery hunting should be allowed. Archery hunting, by large, is a safe activity. Very few hunting incidents have occurred because of the discharge of a bow. The vast majority of archery hunters are pursuing whitetail deer and many use elevated devices (tree stands). Most bow shots are taken at 40 yards or less.

NR 52.05 states that the determination should be based on 5 factors.

1) The primary purpose of the project.

This is a trail project. The acquisition in question is a series of narrow strips along the Pike River. Walking and biking are the primary activities planned.

2) Laws and ordinances

See above

3) User conflicts that may create public safety issues

The surrounding area is an urban area of about 130,000 people. The other segments of the project get consistent use by walkers and bikers. There is very little area suitable for archery hunting on the proposed parcels. All the property except for one small section is within 100 yards of the proposed trail. It is unknown how many archery hunters would attempt to use these areas. If it is more than a few there could be problems of crowding.

4) Physical characteristics of the property.

Again this acquisition is a series of narrow parcels along the Pike River. Most of the habitat is grass and shrubs along the river with farm fields surrounding it. Small portions of the farm fields fall within the project boundary. Some fence lines with trees may be within the boundaries, depending on the exact location of survey lines. Very few trees fall within the perimeter of the project. Because of its narrowness, if a deer is shot with archery equipment the odds of it dying within the project boundary is very slim.

5) Parcels of 5 acres or less.

Not applicable.

In summary, archery hunting could be allowed on the property with very little danger to public safety. However, the physical characteristics of the property and the strong potential for user conflicts support the prohibition of archery hunting to be necessary.

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists –
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.

Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING

Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland		
Water		

Public Safety Team Narrative:

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how its relates to public safety for this activity.

No Water On Site

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipality boundary.
- Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.
- Ordinance exists that prohibits trapping or some type of trapping.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore		
Boat		
Public Safety Team Narrative:		
Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.		
<input type="checkbox"/> No Water on Site <input type="checkbox"/> Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____ <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail		
Off-Trail		
Public Safety Team Narrative:		
Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CROSS COUNTRY SKIING

Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)		
On-Trail (un-groomed)		
On-Trail (groomed)		

Public Safety Team Narrative:

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.

Public Safety Factors Considered: Check all that apply.

- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: November 3, 2011 FILE REF: Stewardship Application
TO: Daniel Kaemmerer, SER Financial Assistance Specialist
FROM: Kyle Drake, SER Recreation Safety Warden
SUBJECT: Stewardship Grant Application NBOA Review –Pike River Improvement Project – Phase 7, 8 and 9, Village of Mt. Pleasant, Racine County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by the Village of Mount Pleasant for proposed acquisition of 88.6 acres of land adjacent to the Pike River. Following are my comments and recommendations regarding the Nature-Based Outdoor Activities (NBOA) which would be prohibited for public safety reasons on this property.

Hunting – The proposed acquisition is 88.6 acres and is located within the boundaries of the Village of Mt. Pleasant. This property would be an expansion of the existing Pike River Project which is primarily a hiking and biking trail. The proposed purchase is a narrow strip of land adjacent to about 1.5 miles of the Pike River. The project area is located in the Village of Mt. Pleasant. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. The discharge of firearms and bow is currently prohibited in this section of the Village of Mt. Pleasant for public safety purposes.

Given the factors listed above it is my professional opinion that the prohibition of hunting is necessary to protect public safety on this property.

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

Approved Kevin Mickelberg, SER Regional Warden:

 11-18-11

TRAPPING

DNR Staff Narrative: Trapping will be allowed on the property.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

No Water On Site

Public Safety Factors Considered: Check all that apply.

- Size/shape of parcel
- The sponsor is within its own municipality boundary
- Parcel is within 100 yards of building devoted to human occupancy and per s. NR 13.(1)(b)(12), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.
- Ordinance exists that prohibits trapping or some type of trapping.
- Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

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

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

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	Per State Regulation	Per State Regulation
Water	Per State Regulation	Per State Regulation

FISHING

DNR Staff Narrative: Fishing will be allowed on the property.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

No Water on Site

Public Safety Factors Considered: Check all that apply.

- Ordinance exists -- _____
- Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

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

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

Method	Allowable Activities	List Dates/Seasons (opening and closing)
Shore	Per State Regulation	Per State Regulation
Boat	Per State Regulation	Per State Regulation

HIKING**DNR Staff Narrative:** Hiking will be allowed on the property.**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.**Public Safety Factors Considered:** Check all that apply.

- Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

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

- | | |
|--|--|
| <input type="checkbox"/> Federal listed endangered species | <input type="checkbox"/> State listed endangered species |
| <input type="checkbox"/> Federal listed threatened species | <input type="checkbox"/> State listed threatened species |
| <input type="checkbox"/> Federal listed species of special concern | <input type="checkbox"/> State listed species of special concern |

Location	Allowable Activities	List Dates (opening and closing)
On-Trail	Yes	All year
Off-Trail	Yes	All year

CROSS COUNTRY SKIING**DNR Staff Narrative:** Cross-country skiing will be allowed on the property.**Parcel Size, Shape, and Topography:** Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.**Public Safety Factors Considered:** Check all that apply.

- Visitor's expectations of safety at the site which include user conflicts that may create public safety issues and impact one or more NBOA's activities.
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Parcel is subjected to a non-sponsor ordinance
- Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.

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

- | | |
|--|--|
| <input type="checkbox"/> Federal listed endangered species | <input type="checkbox"/> State listed endangered species |
| <input type="checkbox"/> Federal listed threatened species | <input type="checkbox"/> State listed threatened species |
| <input type="checkbox"/> Federal listed species of special concern | <input type="checkbox"/> State listed species of special concern |

Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	Snow season
On-Trail (un-groomed)	Yes	Snow season
On-Trail (groomed)	No	N/A

Sec. 54-1. Weapons.

(a) *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 context clearly indicates a different meaning:

Permitted weapon means a shotgun with a load not to exceed BB shot, and any bow and arrow, but not including crossbows.

Weapon means any gun, pistol, rifle, airgun or other device used to propel a missile in the form of a ball, bullet, slug, BB shot or pellet, whether the propelling force is gunpowder, an explosive, compressed air, mechanical action or any other force.

(b) *Discharge.*

- (1) *Prohibited area.* No person shall discharge a weapon within the area in the village described as follows:

Commencing at the most southeasterly point of the village, at Lake Michigan, proceed westerly on CTH KR, as extended, to its intersection with STH 31; thence north on STH 31 to its intersection with Braun Road; thence west on Braun Road to its intersection with 90th Street; thence following the westerly boundary line of the Village of Sturtevant to its intersection with CTH H, north of STH 11; thence north on CTH H to its intersection with Fancher Road; thence north on Fancher Road to its intersection with Gittings Road; thence east on Gittings Road to its intersection with Airline Road; thence south on Airline Road to its intersection with CTH C; thence east on CTH C to its intersection with Emmertsen Road; thence north on Emmertsen Road to its intersection with STH 98; thence east on STH 98 to the easternmost village limits.

INCLUDES
PIKE R.
PARKWAY
AREA

- (2) *Farmers.* The prohibition set forth in subsection (b)(1) of this section shall not apply to a farmer owning not less than ten acres who may use a weapon for rodent control on his own premises, provided the missile discharged will stop on or over such farmer's land.

(3) *Use of permitted weapons.*

- a. *Permit required.* No person shall discharge a permitted weapon or use a bow and arrow at any time within the prohibited area described in subsection (b)(1) of this section, except the owner of any land within such area may apply to the police department for a yearly permit to discharge a permitted weapon or use a bow and arrow on such owner's land. Such owner shall then certify to the chief of police that any discharge of a permitted weapon or use of a bow and arrow can occur without danger to any other resident of the village and, in any event, that any discharge of a permitted weapon or use of a bow and arrow can occur not less than 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad right-of-way, dwelling, industrial business, professional or mercantile establishment or any school, hospital or other institution. If the chief of police or his designee is satisfied that such land can be so used, he shall grant

a permit, which shall contain a description of the owner and his land, together with a statement that such permit may be revoked upon conviction of a violation of any ordinance relating to such issuance, or county ordinance or law which relates to illegal weapons discharge. A permit may be denied or revoked if conditions of the land or surrounding lands change so as to no longer be in compliance with this section. If the chief of police or his designee declines to issue such permit, the affected owner may appeal such decision to the village board for review.

- b. *Guests of permittees.* A person who is a guest of the owner who has been issued a permit under subsection (b)(3)a. of this section may discharge a permitted weapon or use a bow and arrow on the land of the permittee, provided such guest has the owner's written permission on his person at the time.

(4) *Possession of weapons.* Notwithstanding any other provision of this section, no person shall have any weapon, whether a permitted weapon or otherwise, in the prohibited area described in subsection (b)(1) of this section where a permit to discharge a permitted weapon or use a bow and arrow has not been issued, unless such weapon, whether a permitted weapon or otherwise, is unloaded and enclosed in a carrying case or other suitable container or is unslung in the case of a bow and arrow.

(5) *Exceptions.*

- a. A person may discharge a weapon within the village only in the following specific cases:
1. As permitted by subsection (b)(2) of this section.
 2. A public official while in the lawful discharge of official duty.
 3. A member of the Armed Forces of the United States or the state while in the lawful discharge of his official duty.
 4. Any person while in the lawful defense of his person or property.
 5. Any person while on a clearly defined target range or shooting gallery, provided the missile discharged will stop on or over the target range or shooting gallery.
 6. Any person outside the prohibited area described in subsection (b)(1) of this section, if he is the owner of such land or a guest of the owner of such land who has written permission of the owner on his person at the time; is at least 500 feet from any public or private street, alley, highway, park, picnic ground, playground, railroad, right-of-way, dwelling, industrial business, professional or mercantile establishment, or any school, hospital or institution; and the missile discharged will stop on or over such land.
- b. Crossbows may be permitted by the chief of police or his designee beyond the prohibited area described in subsection (b)(1) of this section. Any person desiring to use a crossbow shall be properly licensed under law and the chief of police shall issue permits in accordance with subsection (b)(3) of this section.

(Code 1998, § 9.02)

PARKS AND RECREATION

§ 68-1

Sec. 68-1. Prohibited activities; hours; variances.

(a) *Prohibited activities.* No person within the village shall do any of the following within or upon any park or public recreational area operated by the village or park commission:

- (1) *Damage property.* Intentionally mark, deface, disfigure, damage, displace or remove any structure, equipment, facility or other park property, either real or personal, including trees, shrubbery and landscaping.
- (2) *Litter.* Scatter, litter, throw, dispose of or leave any garbage, rubbish, bottle, can, trash, debris or other waste material in any waters in, or contiguous to, any park or public recreational area or any place on the grounds thereof.
- (3) *Animals.* Bring or harbor any dogs, horses or other animals at any time in or upon any park or public recreational area, except when required for activities or amusements authorized by the park commission or village board, whichever body has jurisdiction.
- (4) *Firearms.* Have in his possession or under his control, or discharge any firearm, airgun, sling shot or any other dangerous or deadly weapon or explosive of any kind while in or upon any park or public recreational area, except law enforcement officers.
- (5) *Fireworks.* Use, discharge, explode or bring any fireworks in or upon any park or public recreational area. For purposes of this subsection, the term "fireworks" shall include all material and devices enumerated under Wis. Stats. § 167.10(1), but shall not include paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping. This subsection shall not prohibit pyrotechnic displays authorized by a permit issued by the president in accordance with the provisions of Wis. Stats. § 167.10(3).
- (6) *Drive, ride or park in grass areas.* Drive, operate, park, ride or leave standing any vehicle, motor vehicle, motor driven cycle, bicycle or horse in or upon any park or public recreational area, except on the roads, ways, trails and areas established therefor. Vehicles specifically designed to help individuals whose mobility is handicapped, which access park facilities or public recreational areas, are exempt from this subsection when such vehicles are used for such purposes. Snowmobiles, minibikes, go-carts and all other unlicensed vehicles are prohibited at all times in village parks and public recreational areas.
- (7) *Intoxicating liquor.* Bring into or have in his possession, or consume, any intoxicating liquor, except beer, upon or in any park or public recreational area.
- (8) *Disorderly conduct.* Use any loud, violent, obscene or profane language, conduct himself in a disorderly manner or commit any nuisance while in or upon any park or public recreational area.
- (9) *Bottles.* Bring any bottle of any type into any park.

APPENDIX MP - D

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: February 9, 2012
TO: Lavane Hessler - CF/2
FROM: Dan Kaemmerer - SER
SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval
PROJECT NAME: Village of Mount Pleasant, Pike River Restoration -- Phases 7, 8 and 9 Land Purchase

The Village of Mount Pleasant 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 10, 2012 and the fifteen day public review period ended on February 2, 2012.

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

Summary of comments: Two individuals who commented in support of the project are aware of the village's Pike River restoration efforts and use the existing trail; one individual who commented against the project indicated he opposed the use of Stewardship funds if hunting, trapping and fishing are not allowed (fishing and trapping opportunities are being provided in this project); one individual who lives nearby inquired if the project would negatively impact his produce farm.

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

Daniel H. Kaemmerer
Signature of Contact Person

2/9/12
Date

NBOA Approved with Prohibition Certification:

Mary Rose Teves
Mary Rose Teves, CF Bureau Director

Feb 20, 2012
Date



APPENDIX MP - E



Wisconsin DNR News Release

Village of Mount Pleasant seeks grant for acquisition of land

News Release Published: January 10, 2012 by the Southeast Region

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

Grant requested for Stewardship Urban Rivers project in the Village of Mount Pleasant

MOUNT PLEASANT, Wis. -- The Village of Mount Pleasant has applied for a 50 percent matching grant from the Urban Rivers subprogram of the Knowles-Nelson Stewardship Program to assist with the purchase of 88.6 acres of land in the Village of Mount Pleasant in Racine County. The Village of Mount Pleasant will provide match to the grant award.

The property is being acquired to expand a multi-purpose recreation trail along the Pike River and will include fishing, trapping, hiking, cross-country skiing, snowshoeing, biking and non-motorized boat access. The property includes approximately 1.5 miles of frontage along the Pike River. The project would prohibit the following nature-based outdoor activity (NBOA): hunting.

The Department is proposing to make the determination that the prohibition of hunting is necessary to protect public safety. The Department has examined the following factors in making this determination: size and location of the properties; proximity to homes, buildings and roads; potential user conflicts; and village ordinances. The checklist and the department's initial assessment of the proposal to prohibit hunting may be downloaded from the Stewardship Public Notice Website or you may request a hard copy by contacting the project contact listed below.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Dan Kaemmerer, Community Services Specialist, Wisconsin Department of Natural Resources -- Southeast Region, 2300 N. Dr. Martin Luther King Jr. Drive, Milwaukee, Wisconsin, 53212 or sent by email to Daniel.Kaemmerer@Wisconsin.gov. If you have questions about this project, Dan Kaemmerer can be reached by phone at (414) 263-8704. Written comments will be accepted through February 2, 2012. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

Under s. NR 150.03(3), Wis. Adm. Code, an environmental analysis is not needed because this proposal is considered a Type III action. A Type III action is one that normally does not have the potential to cause significant environmental effects, normally does not significantly affect

energy usage, and normally does not involve unresolved conflicts in the use of available resources.

People can sign up to receive email notices about the availability of future Stewardship Grant project news releases through the DNR website.

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Chapter NR 52

STEWARDSHIP LAND ACCESS

NR 52.01 Purpose and applicability.
NR 52.02 Definitions.
NR 52.03 General provisions.

NR 52.04 Public notice.
NR 52.05 Natural resources board determinations.

NR 52.01 Purpose and applicability. (1) Pursuant to s. 23.0916, Stats., lands acquired in whole or in part with funding from the stewardship program are open for public hunting, trapping, hiking, fishing and cross country skiing unless public access is prohibited pursuant to this chapter. Decisions to prohibit public access for these activities will be reviewed by the department using professional judgment and will be based on sound science, legitimate safety issues, factual data and relevant information. A restriction of a nature based outdoor activity may be considered a prohibition if the restriction prevents a major or a significant amount of the nature based activity from occurring.

(2) The purpose of this chapter is to implement s. 23.0916, Stats., which directs the department to establish standards and criteria for prohibiting public access for hunting, fishing, trapping, hiking and cross-country skiing, defined as nature based outdoor activities under s. 23.0916 (1) (b), Stats. This chapter applies to land acquired in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats. The rules in this chapter are intended to maximize the number of compatible users and uses, to the extent practical, on lands subject to s. 23.0916, Stats.

(3) Pursuant to s. 23.0916 (5) (a), Stats., the natural resources board has determined that ss. NR 1.61 and 51.07 (3) (e) govern public access on all other lands funded in whole or in part with funding from the stewardship program under ss. 23.0915 and 23.0917, Stats., that are not referred to in sub. (1) or (2).

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.02 Definitions. In this chapter

(1) "Accommodate usership patterns" means to consider the factors found in s. NR 52.05 (1) (c) when making a determination to prohibit an NBOA.

(2) "Department" means the Wisconsin department of natural resources

(3) "Department land" means land acquired by the department in fee title, or with an easement on former managed forest land on or after October 27, 2007, with stewardship program funds under s. 23.0917, Stats.

(4) "Former managed forest land" has the meaning given in s. 23.0916 (1) (a), Stats.

(5) "Hunting" means shooting, shooting at, taking, catching or killing any wild animal, other than by trapping, or pursuing for the purpose of shooting, shooting at, taking, catching or killing any wild animal.

(6) "Natural values" has the meaning given in s. 23.27 (1) (f), Stats.

(7) "NBOA" means the nature based public outdoor activity of hunting, fishing, trapping, hiking or cross-country skiing as described in s. 23.0916 (1) (b), Stats.

(8) "Non-department land" means land acquired in fee title, or with an easement on former managed forest land on or after October 27, 2007, by a non-profit conservation organization or local unit of government with the assistance of a stewardship program grant under s. 23.0917, Stats.

(9) "Primary purpose" means the recreational or conservation purpose for which the property is being acquired as guided by ss. 23.09 (2), (20) (am), 23.0915, and 23.0917, Stats., by s. NR 51.05, and by state, regional or local plans that support the project.

(10) "Prohibit access for an NBOA" means not to allow the activity in its entirety, or to restrict the activity so that a major or significant amount of the activity is not allowed.

Note: A temporary restriction of an NBOA for department approved land management practices is not considered a prohibition of an NBOA.

(11) "Stewardship program" means the Knowles-Nelson Stewardship Program authorized under ss. 23.0915 and 23.0917, Stats.

(12) "Unique animal or plant community" means a natural community composed of different plant and animal species, along with their associated geological and archaeological features, that exist together in a specific area, time and habitat. A unique animal or plant community is one identified as endangered, threatened, rare or ecologically sensitive. A unique plant or animal community may also be critical species habitat or an ecological reference area. The sources for identifying unique animal and plant communities include reports or databases, such as the natural heritage inventory, wildlife action plan, regional planning commission reports or other publications routinely referenced by conservation biologists. Individual game species shall not be considered as unique animal species for purposes of this chapter.

Note: References for, or copies of such databases, publications and reports may be viewed or obtained at the Department of Natural Resources, Bureau of Endangered Resources, 101 S. Webster Street, PO Box 7921, Madison, WI 53707-7921.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.03 General provisions. (1) DEPARTMENT LAND.

(a) All department land transactions are subject to s. NR 1.41.

(b) The department shall incorporate an evaluation of the requirements of s. 23.0916 (3), Stats., in master plans under ch. NR 44, feasibility studies and other planning documents that include land acquisition as an implementation strategy. This paragraph applies to new plans as well as any plan updates that may be undertaken for existing department projects that are subject to s. 23.0916 (3), Stats.

(2) NON-DEPARTMENT LAND. In addition to the requirements of ch. NR 51, stewardship program grant applications to acquire non-department lands subject to s. 23.0916 (2), Stats., shall include all of the following:

(a) A description of the public uses proposed for the property being acquired and a checklist indicating which of the specific NBOAs shall be permitted on the property. The checklist shall be in a format determined by the department and shall include at a minimum:

1. An indication as to whether a specific NBOA shall be allowed on the property.

2. For hunting, the checklist shall include information for allowing waterfowl, small game, turkey and big game hunting and shall include gun and archery hunting.

3. For trapping, the checklist shall include information for allowing water trapping and upland trapping.

4. For fishing, the checklist shall include information for permitting shore fishing and boat fishing.

5. For hiking, the checklist shall include information for allowing trail hiking and hiking off-trail.

6. For cross-country skiing, the checklist shall include information for allowing groomed trail skiing and off-trail skiing.

(b) An explanation of the primary purpose for the acquisition. The primary purpose for the acquisition shall be based on s. 23.09 (2), (20) (am), 23.0915, or 23.0917, Stats., and s. NR 51.05 and on state, regional or local plans that support the acquisition. The application shall include the name of the plan being used and a description of the formal or informal public input received.

(c) A description of the NBOAs to be prohibited on the property and the reason for the prohibition. The reason for the prohibition shall be consistent with s. NR 52.05 and the applicant shall address in the application the specific factors in s. NR 52.05 that apply.

(3) DETERMINATIONS MADE IN ACCORDANCE WITH S. 23.0916, STATS., AND S. NR 52.05. (a) When a determination has been made in accordance with s. 23.0916, Stats., and s. NR 52.05 to prohibit one or more NBOAs on department land the feasibility study and master plan for the project where the NBOA will be prohibited shall be amended to describe the prohibited activity and a rule change may be initiated to enforce it.

(b) The stewardship grant contracts executed between the department and sponsor under s. NR 51.07 that are subject to s. 23.0916, Stats., and this chapter, shall describe any determination to prohibit one or more NBOAs and require the sponsor to contact the department if any of the factors identified in s. NR 52.05 changes such that a prohibition may be necessary, or is no longer necessary. The department shall evaluate those changes to determine the applicability to this chapter.

(4) Public use of lands purchased in whole or in part with funding from the stewardship program under s. 23.0917, Stats., shall be subject to all applicable federal, state and local laws; including but not limited to the public trust doctrine.

(5) Contributions of separate property used as sponsor match under subch. I of ch. NR 51, are not subject to this chapter.

(6) An organization with an identified policy prohibiting or restricting one or more NBOAs must comply with the provisions of this chapter regardless of the organization's policies.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.04 Public notice. (1) In addition to the public notice requirements of ch. NR 150, the department shall provide individual notification over the internet to any person requesting to receive a notice of any proposal to prohibit an NBOA on department or non-department land subject to s. 23.0916 (2) or (3), Stats. Any public notice regarding a proposal to prohibit an NBOA shall include all of the following:

(a) The name, address and phone number of the department's contact person for the project.

(b) The checklist described in s. NR 52.03 (2) (a).

(c) A summary of the NBOAs to be prohibited and the factors that were considered under s. NR 52.05.

(d) The department's initial assessment of the proposal to prohibit the NBOA pursuant to s. 23.0916 (2) (b) or (3) (b), Stats. The department's assessment shall include an evaluation of s. NR 52.05 (1) (a) to (c) and shall involve the department's resource management professionals at the local, regional and statewide level.

(2) (a) Public comments concerning the proposal to prohibit an NBOA shall be submitted in writing to the department. The comment period shall be 15 business days beginning on the day immediately following the day the department sends out the notice electronically.

(b) Objections must show the proposed prohibition of an NBOA to be inconsistent with s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05.

(c) If an objection is received during the 15 business day comment period the department shall have up to 15 additional business days following the close of the comment period to evaluate the public comment, including any objections. The department shall contact anyone that submitted an objection under par. (a) and the person that requested the stewardship program funding to notify them that the objection was received and to gain more information about the proposal to prohibit an NBOA.

(d) The department shall create a written summary of its determination on the proposal to prohibit one or more NBOAs at the conclusion of the public comment and evaluation periods in pars. (c) and (d). The department's written determination shall be based on s. 23.0916 (2) (b) or (3) (b), Stats., and s. NR 52.05 and the department shall provide the written summary to anyone that submitted an objection in accordance with par. (a), and to the person that requested the stewardship program funding.

(e) The department shall submit to the natural resources board for each regularly scheduled meeting a report that summarizes determinations made under par. (d). The report shall contain the information made available to the public under s. NR 52.04 (1), public comments, including any objections, gathered under s. NR 52.04 (2), and the department's written determination made under par. (d). The department shall deliver the report to the natural resource board and make the information available to the public over the internet at least five working days preceding the next regularly scheduled meeting of the board. The natural resources board shall allow public participation to receive public testimony regarding the department's determinations and vote whether to ratify prohibitions on non-department land that appear on the monthly report.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.

NR 52.05 Natural resources board determinations.

(1) In accordance with s. 23.0916, Stats., the natural resources board has determined that it is necessary to prohibit one or more NBOAs on department or non-department land for one or more of the following reasons listed below. In accordance with s. 15.05 (1) (b), Stats., the department shall make administrative determinations for each individual proposal to prohibit an NBOA, under the direction of the board, utilizing the process established in ss. NR 52.03 and 52.04, and based on the following reasons and factors.

(a) To protect public safety. One or more of the factors to consider when evaluating a proposal to prohibit an NBOA to protect public safety include:

1. The primary purpose for the project.

2. Laws and ordinances that may impact one or more NBOAs on the property.

Note: NBOAs may be affected by local laws or ordinances and may change as local laws or ordinances change.

3. User conflicts that may create public safety issues and impact one or more NBOAs on the property.

4. The physical characteristics of the property including size, shape, groundcover, topography or proximity to inhabited buildings that create public safety issues and influence NBOAs on the property.

5. A proposal to prohibit one or more NBOAs on a parcel 5 acres or smaller, located within the boundaries of cities and villages, shall be determined to be necessary in order to protect public safety and shall not be subject to s. NR 52.04 unless:

a. The parcel is adjacent to a parcel where the NBOAs to be prohibited already exist or;

b. The parcel is adjacent to a public waterway.

(b) To protect a unique animal or plant community. One or more of the factors to consider when evaluating a proposal to pro-

hibit an NBOA to protect a unique animal or plant community include:

1. The primary purpose for the project.
2. The necessity to prohibit an NBOA to protect and enhance the biological diversity, composition and ecological functions of natural communities exhibiting relatively little human disturbance or that have the capacity to be easily restored to such conditions.
3. The potential for an NBOA to impact the natural values of the site, according to s. 23.28 (3), Stats.
4. The potential for an NBOA to accelerate or increase over time and cause damage to the natural values of a site.
5. The potential for an NBOA to increase the risk of poaching rare plant or animal species, or the removal or destruction of rare geological or archeological features.

(c) To accommodate usership patterns. One or more of the factors to consider when evaluating the necessity to prohibit an NBOA to accommodate usership patterns include:

1. The primary purpose for the project.
2. User incompatibility and how this incompatibility may lead to the primary purpose of the project being significantly altered or curtailed.
3. The complexity, feasibility, practicality and cost effectiveness of separating activities by time and space or any other manner that might mitigate user incompatibility and or reduce the need for enforcement.
4. The size, shape and location of the property as well as surrounding land uses, including the use of public lands immediately adjacent to the property which may or may not have been funded with stewardship funds. The use of adjacent lands shall not be used as the sole factor in making a determination to prohibit an NBOA to accommodate usership patterns.
5. The mix of NBOAs at the location of the property that, to the extent practicable, will provide a quality experience for all compatible users and uses.

History: CR 09-077; cr. Register July 2010 No. 655, eff. 8-1-10.