

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** Ratification of Dept. determination that prohibitions of nature-based outdoor activity (NBOA) is necessary: Oconomowoc, Waukesha Co; Madison, Dane Co; NHLT, Dane & Sauk-Columbia Co.; Mt. Pleasant, Racine Co.

**FOR:** MARCH 2012 BOARD MEETING

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

**SUMMARY:**

Item is modified to show correct county for the Natural Heritage Land Trust project, Town of Newport (Columbia Co). No changes were made to project details earlier provided.

Review under ch. NR 52 is required and has been undertaken for the following projects. The Department is requesting that the Board ratify the Department's determinations that the prohibition of at least one NBOA is necessary for public safety for the following grant projects:

City of Oconomowoc, Waukesha County -- 0.302 acre acquisition to expand City Beach Park; prohibition of hunting and trapping.

City of Madison, Dane County -- 0.68 acre acquisition to expand Esther Beach Park; prohibition of hunting.

Natural Heritage Land Trust, City of Madison, Dane County -- 5.8 acre acquisition to expand Cherokee Marsh Conservation Park; prohibition of hunting and trapping.

Natural Heritage Land Trust, Town of Newport, Sauk Columbia County -- 17.0 acre acquisition to expand the Kingsley Bend Mound Group; prohibition of gun hunting and trapping.

Village of Mount Pleasant, Racine County -- 88.6 acre acquisition to expand the Pike River Corridor; prohibition on hunting

**RECOMMENDATION:** Ratify the Department determination that NBOA prohibitions are necessary on these projects: City of Oconomowoc; City of Madison; NHLT, Dane & Sauk Columbia Co., Village of Mount Pleasant, Racine Co

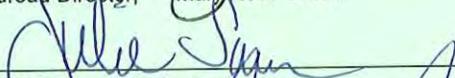
**LIST OF ATTACHED MATERIALS:**

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

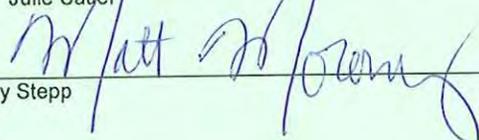
**APPROVED:**

  
\_\_\_\_\_  
Bureau Director, Mary Rose Teves

03/26/2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Administrator, Julie Sauer

03/26/2012  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Secretary, Cathy Stepp

3/26/12  
\_\_\_\_\_  
Date

cc: NRB Liaison  
DNR Rules Coordinator

## Table of Contents

For each of these four grant projects, this package contains the related attached as appendices. Those include:

- **Appendix 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 B** -- Project Maps
- **Appendix 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 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 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 are:

- A letter sent to the Natural Resources board in support of Natural Heritage Land Trust’s acquisition of the Wheeler Triangle parcel.
- A copy of Chapter NR 52 for your reference

Please see the following page for a detailed Table of Contents.

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## CORRESPONDENCE/MEMORANDUM

DATE: February 20, 2012

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

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

**SUBJECT: Stewardship Grant for City of Oconomowoc: Lac La Belle Land Purchase**

The Department requests that the Board ratify a determination that the prohibition of two nature-based outdoor activities is necessary on a 0.302 acre purchase of land in the City of Oconomowoc, Waukesha County. The Department proposes to award a grant in the amount of \$151,795 to the City of Oconomowoc for the purchase of land on which hunting and trapping will be prohibited by local ordinance.

**Property to be Purchased**

**Project Sponsor:** City of Oconomowoc  
**Seller:** 3S-Partnership  
**Financial Information:** See page 4.  
**Timetable:** The property was acquired December 10, 2010

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

**Location and Size:** 0.302 acres adjacent to City Beach Park located on Lac La Belle. See attached map for location.

This acquisition serves the following goals:

1. The acquisition supports the primary goal of the Acquisition and Development of Local Parks subprogram of the Knowles-Nelson Stewardship Grant Program by acquiring 0.302 acres of land on Lac La Belle for outdoor recreation, expanding the city's City Beach Park
2. The purchase will provide public outdoor recreation opportunities for fishing, hiking, cross-country skiing, swimming, non-motorized boat access, and nature appreciation.
3. The property will also further the goals of the *City of Oconomowoc Comprehensive Land use Plan, 2010 – 2030*.

**Project Description:** Stewardship Program grant funding will assist with the acquisition of 0.302 acres in the City of Oconomowoc to expand City Beach Park. This expansion will provide areas for fishing, hiking, cross-country skiing, swimming, non-motorized boat access, and nature appreciation opportunities. The City plans to further develop the park to include boat mooring sites, a boat launch, picnic areas, shoreline fishing, and restroom facilities.

**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. When the City acquired the property in December 2010, they demolished all structures and open the property to the public.

Memo to Natural Resources Board

February 20, 2012

**Proposed Public Use:** The property will be open to the public year-round. Access to the property is available off of West Wisconsin Avenue (STH 16) and adjoining public land. (See Appendix O-B for a map of the area.)

Recreation opportunities include fishing, hiking, cross-country skiing, swimming, non-motorized boat access and nature appreciation. Appendix O-C shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

Hunting and trapping will be prohibited on the property by City ordinance. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety. See Appendix O-A for a summary of the Department's determination. The memo attached from Mary Rose Teves, as required by 52.04(2)(e), Wis. Adm. Code, describes the procedure followed by the Department to make this determination.

## II. PROJECT FINANCES

### A. Partnerships:

- City of Oconomowoc
- Department of Natural Resources.

### B. Appraisals

As required by s. 23.091(7)(e), Wis. Stats., two appraisals were used to determine the fair market value of the land.

Appraisal 1	\$495,000
Appraisal 2	\$300,000
<i>Value Certified by Department</i>	<i>\$300,000</i>

### C. Grant Calculation

Certified appraised value	\$300,000
Associated real estate costs	<u>\$3,590</u>
<b>Total Project Costs</b>	<b>\$303,590</b>

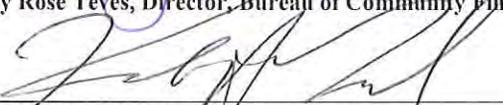
### D. Funding Sources

City of Oconomowoc	\$151,795
Stewardship Grant Award	\$151,795

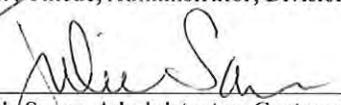
## III. RECOMMENDED:

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

Feb 17, 2012  
Date

  
\_\_\_\_\_  
Kurt 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 O-A

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Determination to Prohibit Two Nature-based Outdoor Activities on the *Lac La Belle Land Purchase, City of Oconomowoc***

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 \$151,795 to the City of Oconomowoc for the acquisition of three parcels of land totaling 0.302 acres located within the City of Oconomowoc, Waukesha County, even though the prohibition of hunting and trapping will be necessary to protect public safety.

#### PROJECT BACKGROUND

The City of Oconomowoc, a local unit of government eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$151,795 for the acquisition of this parcel to expand City Beach Park for the purpose of providing lakefront 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 City of Oconomowoc proposes to prohibit two NBOAs on the Lac La Belle land acquisition project. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping to protect public safety.

A copy of the City's ordinance is attached to this Green Sheet as Appendix O-C. A copy of the prohibition team review is attached to this Green Sheet as Appendix O-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. One comment was received: none in support and one in opposition.

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

#### DETERMINATION

The City of Oconomowoc has an ordinance that prohibits the carrying or discharge of a dangerous weapon. The DNR regional Recreational Safety Warden determined that the

prohibition of hunting and trapping was necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project;
2. An ordinance prohibiting discharging or carrying dangerous weapons;
3. User conflicts;
4. The size of the parcels;
5. The proximity to homes and other structures;
6. The proximity to roads;
7. Recreational use of adjoining lands.

We believe that the hunting and trapping prohibitions on this property are necessary to protect public safety because the parcel:

- is located within the City limits;
- is less than one acre in size;
- is adjacent to park land with similar recreational uses;
- has proximity to homes, other structures, and roads; and
- will be visited by users who have a reasonable expectation of no hunting or trapping on a property of this type.

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

City of Oconomowoc GIS

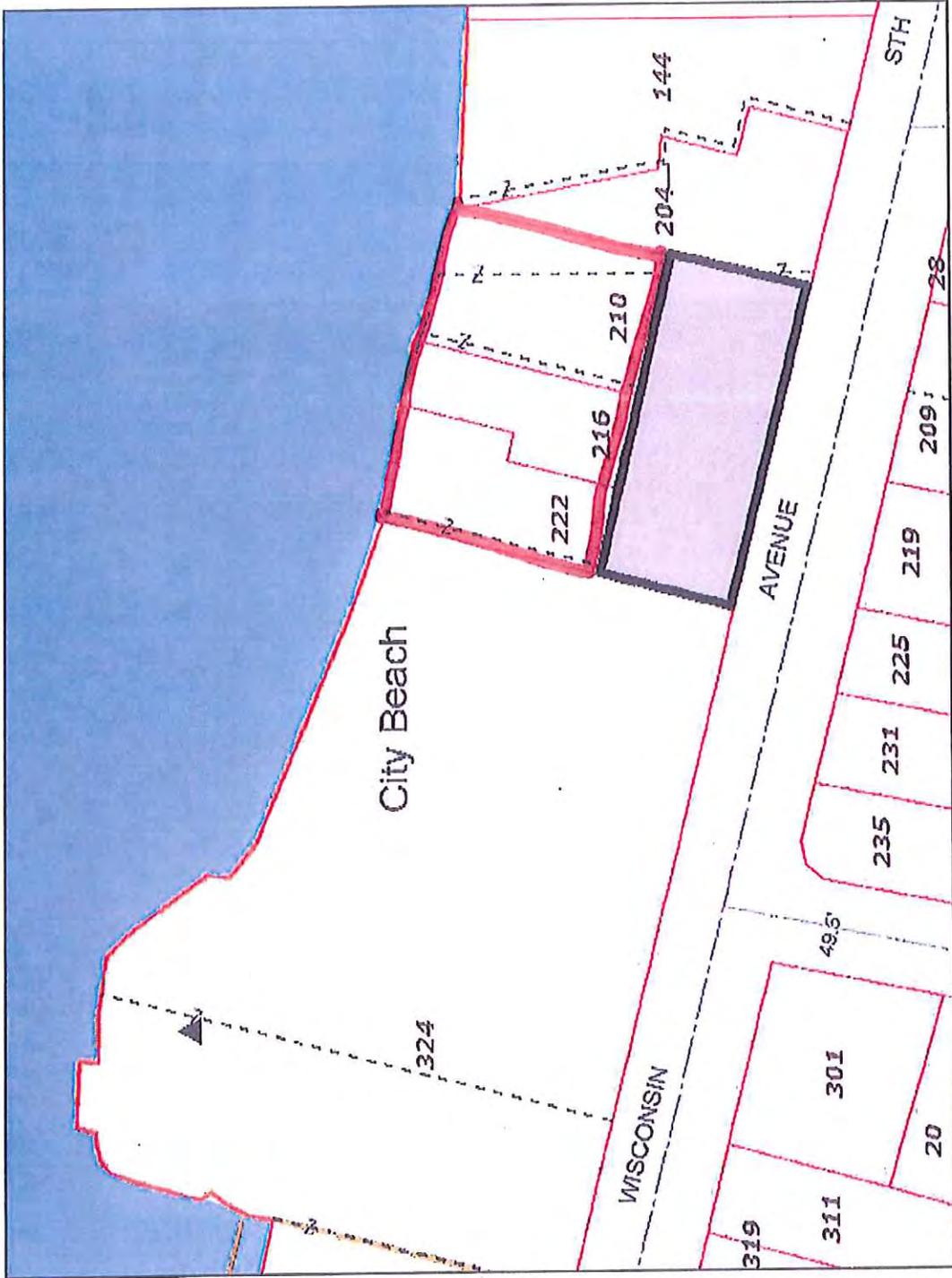


- Legend**
- Right of Way Centerlines
  - - - Right of Way
  - ▭ Civil Divisions
  - ▭ Township Lines
  - ▭ Water



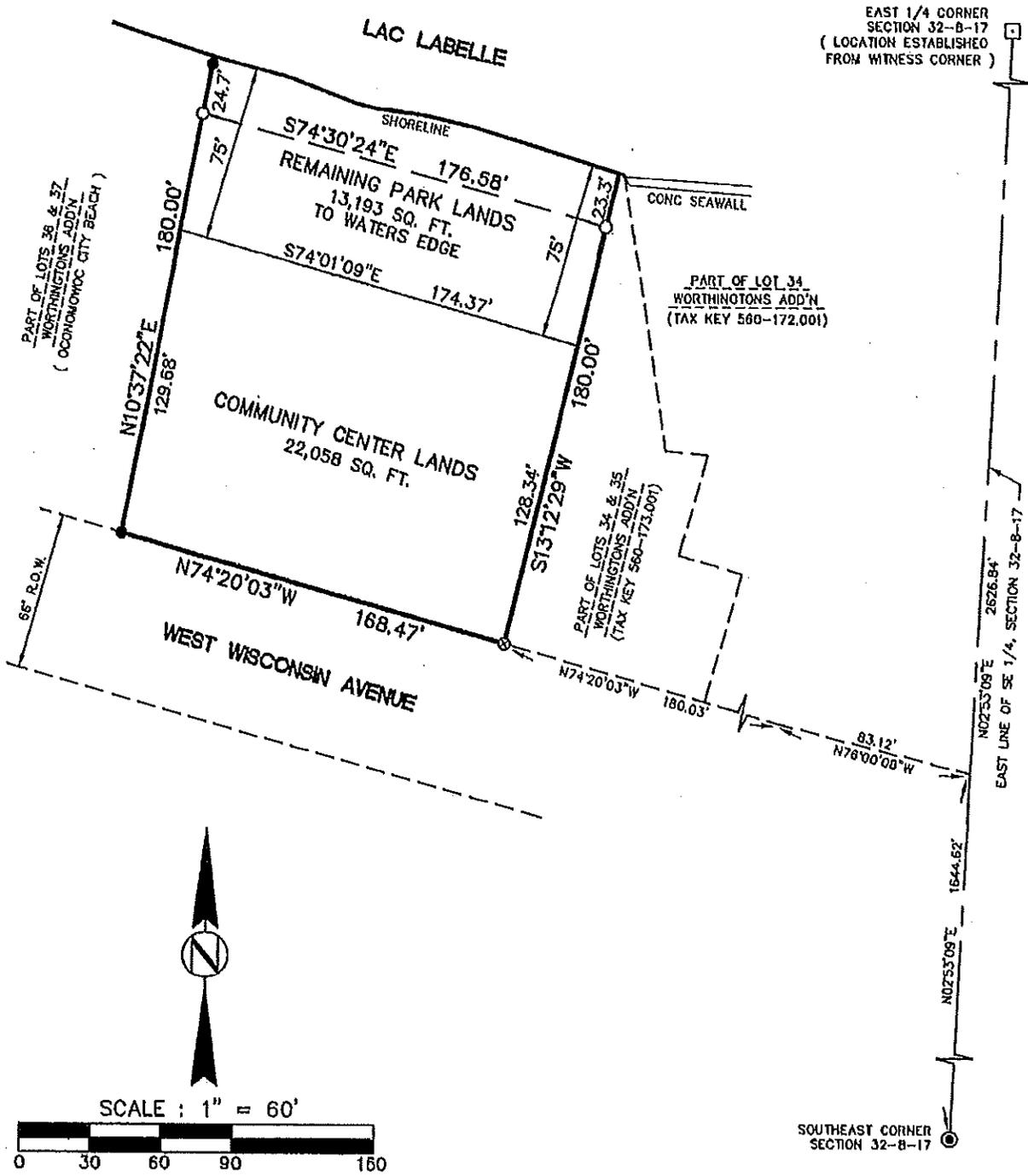
1 inch equals 100 feet

DISCLAIMER: This data is provided by the City of Oconomowoc for informational purposes only. The City does not warrant or guarantee the accuracy or reliability of this data. The recipient of this data assumes any risk of its use for any purpose.



# EXHIBIT A

BEING A PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 10856,  
 LOCATED IN THE NE 1/4 OF THE SE 1/4 OF SECTION 32, T.8N.  
 R.17E., CITY OF OCONOMOWOC, WAUKESHA COUNTY, WISCONSIN



## CORRESPONDENCE/MEMORANDUM

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 –City Beach Park, City of Oconomowoc, Waukesha County

I have completed my review of the "Public Access and Acceptable Uses" document as part of the Knowles-Nelson Stewardship Grant application submitted by the City of Oconomowoc for proposed acquisition of .302 acres of land adjacent to City Beach Park, City of Oconomowoc. 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 .302 acres and is located within the boundaries of the City of Oconomowoc. This property would be an expansion of the existing City Beach Park. The proposed purchase is a narrow strip of land adjacent to Lac La Belle. The area is located in downtown Oconomowoc and is heavily urbanized. The city beach is located adjacent to this property as is a band shell and public boat launch. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. The discharge of firearms and bow is currently prohibited by the City of Oconomowoc on lands under their control. Additionally the City of Oconomowoc has restrictions on the discharge of firearms in their city 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 – The proposed acquisition is .302 acres and is located within the boundaries of the City of Oconomowoc. This property would be an expansion of the existing City Beach Park. The proposed purchase is a narrow strip of land adjacent to Lac La Belle. The area is located in downtown Oconomowoc and is heavily urbanized. The city beach is located adjacent to this property as is a band shell and public boat launch. The grant project access and acceptable uses proposed would accommodate multiple "user group" activities. The City of Oconomowoc does have an ordinance prohibiting trapping at this site.

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

Fishing, hiking, and cross-country skiing – Hiking and cross-country skiing are not prohibited on this property. Fishing will be allowed at this site.

Approved Kevin Mickelberg, SER Regional Warden:

*Kevin Mickelberg* 11-23-11



**DNR Staff 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. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

Applicant/ Sponsor: City of Oconomowoc Year of Application: 2011

Project Name and Primary Purpose (after acquisition): Lac La Belle Property Acquisition; lakefront outdoor recreation opportunities.

Project Description: See WEPA Notice Plan(s) or Reports Identifying Project Area as Priority: City of Oconomowoc Comprehensive Land use Plan, 2010 – 2030

**Proposed NBOA – Applicant Narrative and Checklist**  
**HUNTING**

DNR Staff Narrative: Property will not be open to hunting.

**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. The property is only .3 acres and is located in downtown Oconomowoc, surrounded by residential and commercial development. It is also located adjacent to Lac La Belle and is adjacent to the city's beach. The discharge of firearms and bow-and-arrow is also prohibited by city ordinances. Please see the initial assessment of the NBOA prohibition conducted by the local recreation safety warden, pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.

**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 park
- Throwing or shooting missiles, arrows, spears, etc.
- 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

	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	None	None	N/A
Small Game	None	None	N/A
Turkey	None	None	N/A
Large Game	None	None	N/A

**TRAPPING**

**DNR Staff Narrative:** The property will not be open to trapping.

**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. The property is only .3 acres and is located in downtown Oconomowoc, surrounded by residential and commercial development. It is also located adjacent to Lac La Belle, adjacent to the city's beach. Trapping is also prohibited by city ordinance. Please see the initial assessment of the NBOA prohibition conducted by the local recreation safety warden, pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.

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

Location	Allowable Species	List Dates/Seasons (opening and closing)
Upland	None	N/A
Water	None	N/A

**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
- Federal listed threatened species
- Federal listed species of special concern
- State listed endangered species
- State listed threatened species
- 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 but the size and location of the parcel is not conducive to this activity.		
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. <input type="checkbox"/> 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. <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"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply. <input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> State listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed species of special concern		
Location	Allowable Activities	List Dates (opening and closing)
On-Trail	No	N/A
Off-Trail	Yes	All year

CROSS COUNTRY SKIING		
DNR Staff Narrative: Cross-country skiing will be allowed on the property but the size and location of the parcel is not conducive to this activity.		
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. <input type="checkbox"/> 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. <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"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply. <input type="checkbox"/> Federal listed endangered species <input type="checkbox"/> State listed endangered species <input type="checkbox"/> Federal listed threatened species <input type="checkbox"/> State listed threatened species <input type="checkbox"/> Federal listed species of special concern <input type="checkbox"/> State listed species of special concern		
Type of Trail	Allowable Activities	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	Snow season
On-Trail (un-groomed)	No	N/A
On-Trail (groomed)	No	N/A

9.02 - DISCHARGING AND CARRYING WEAPONS. (Rep. & recr. #10-0776)

(1)

[PROHIBITED.] No person, except an authorized police officer, shall discharge any firearm, spring gun or air gun within the City. This prohibition shall not apply to a shotgun, muzzle loader, bow, crossbow, or other like weapons or instruments, air rifle, pellet gun, or like instruments, provided the use thereof complies with the requirements of subsection (4)(a) through (c) below.

(2)

[PERMITTED.] Any person may openly possess, carry or bear any firearm or facsimile firearm, or have under his or her control any firearm or facsimile firearm, on any public street, sidewalk, boulevard, boardwalk, alley, public parking lot if he or she complies with this section or the Wisconsin Statutes and Administrative Code sections specifically adopted under this section, with the exception of the following:

(a)

On any land located in City parks or within any public building owned by the City, which is similar to §§29.089(2) and 941.235, Wis. Stats.

(b)

Within any public building or athletic field owned by the Oconomowoc Area School District, which is similar to §948.605, Wis. Stats.

(c)

Within any premises for which a Class "B" or "Class B" license or permit has been issued by the City pursuant to Ch. 125, Wis. Stats., which is similar to §941.237, Wis. Stats.

(d)

In or on school grounds or within 1,000 feet from the grounds of a school, which is similar to §948.605, Wis. Stats.

(e)

While any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance, which is similar to §941.20(1)(b) and (1)(bm), Wis. Stats.

(f)

Giving or providing a firearm to a person under the age of 18 unless for target practice under adult supervision, which is similar to, §948.60, Wis. Stats.

(g)

If the firearm is a facsimile firearm, no person may openly possess, carry, or display any facsimile firearm under circumstances that could reasonably be expected to alarm, intimidate, threaten or terrify another person, which is similar to §941.2965, Wis. Stats.

(3)

[REMOVAL FROM PROPERTY.] If a property owner or tenant objects to any individual carrying a weapon or firearm and does not wish to allow

Individuals to exercise the right to openly carry weapons or firearms within their establishment and makes a complaint to the Police Department to remove the individual from the property and the individual refuses, the individual may be removed against their will pursuant to §9.16 of the Municipal Code.

(4)

CONDITIONS OF DISCHARGE WITHIN THE BOUNDARIES OF THE CITY:

A shotgun, muzzle loader, bow or crossbow, or other like weapon or instrument may be discharged within the boundaries of the City, but only under the following conditions and regulations:

(a)

Shotguns, muzzle loaders, or like weapons or instruments designed and used to propel a single slug, multiple pellets or "shot" may only be discharged in the City where not prohibited by this ordinance, and then according to the following regulations. No such weapons or instruments shall be discharged on or onto lands less than 200 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.

(b)

Bows, crossbows, or other like weapons or instruments designed and used to propel an arrow, dart or other similar missiles may only be discharged in the City where not prohibited by this section, and then only within the following regulations. No such weapons or instruments shall be discharged on or onto land less than 100 yards from the boundary of an adjacent platted subdivision. In addition, no such weapons or instruments shall be discharged within 100 yards from a habitable building on any other adjacent property, unless the owner of such adjacent property or habitable building has given written permission to be closer. In no case shall such weapons or instruments be discharged in a direction that could result in the projectile landing on or flying over any adjacent properties unless the owner(s) of such adjacent properties have given written permission to do so.

(c)

Prohibited Areas. No instrument referred to in subsections (3)(a) and (b) above shall be discharged in the following areas of the City:

1.

On parkland and land owned by the City.

2.

On land not owned by the person unless written permission has been obtained.

3.

The following described property: The South half of Section 6 and the North half of Section 8.

(5)

**POSSESSION OF FIREARMS AND WEAPONS BY MINORS PROHIBITED.**

No parent, guardian, or other adult person having legal custody of a child under the age of 16 years shall permit such minor to have in his/her possession and control for use within the City any firearm or other dangerous weapon as enumerated in subsection (1).

(6)

**SALE OF FIREARMS AND WEAPONS.**

(a)

Sale to Minors. No person shall sell or give away to any child under the age of 16 any sling shot, blow gun, bean shooter, air gun, pellet gun, dart gun, bow and arrow, switchblade knife or jackknife having a blade 3½ inches or longer without permission from both his/her parents or legal guardian and the Police Department.

(b)

Records. Any person selling firearms or other deadly weapons shall keep a record of the sale thereof, and such list shall be open to inspection by the Police Department. Such record shall include the name, address, age and birth date of the purchaser and the article purchased.

(7)

[STATE PROVISIONS ADOPTED.] The City adopts those provisions of the Wisconsin Statutes and the Administrative Code enumerated under subsection (2) above, as from time to time amended by the Wisconsin Legislature, together with all definitions of relevant terms and all exceptions contained in such provisions, as if fully set forth at length in this section.

**9.03 - THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.

**9.19 - USE OF ANIMAL TRAPS RESTRICTED. (Rep. & recr. #03-0584)**

(1)

**PROHIBITED TRAPS.** No person shall operate, set or maintain any steel-jawed, dry set trap or similar device for the purpose of catching, trapping or destroying any domestic or nondomestic animals in the City of Oconomowoc.

(2)

**EXCEPTIONS.**

(a)

The provisions of §9.19(1) do not apply to the use of any traps specifically designed to kill rats, mice, gophers or moles.

(b)

The provisions of §9.10(1) do not apply to areas of the City that are zoned conservancy or rural agricultural or in or adjacent to stormwater retention or detention ponds. (Am. #11-0799)

(3)

PERMITTED TRAPS. Cage-type live traps are permitted for the purpose of trapping and removing nondomestic animals from the City. Release of trapped nondomestic animals on another's property shall be done only with the permission of the property owner.

**21.091 - HORSES IN PARKS AND OTHER PUBLIC AREAS PROHIBITED.**  
(Cr. #80-53; Am. #06-0655)

No person shall ride, lead, graze, tie up, or drive a horse within any public park or parking lot within the City, or upon any property of the Oconomowoc Area School District, except while performing in authorized civic affairs or events or by permit issued by the Parks, Recreation and Forestry Department after approval by the Parks and Recreation Board.

CORRESPONDENCE/MEMORANDUM

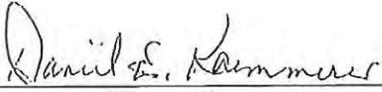
DATE: February 6, 2012  
TO: Lavane Hessler – CF/2  
FROM: Dan Kaemmerer, SER  
SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval  
PROJECT NAME: City of Oconomowoc; Lac La Belle (3S-Partnership) Acquisition

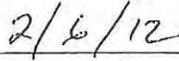
The Lac La Belle (3S-Partnership) land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on January 10, 2012 and the fifteen day public review period ended on January 31, 2012.

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

Summary of comments: One individual commented that he opposed the use of Stewardship funds if hunting, trapping and fishing are not allowed (fishing opportunities are being allowed in this project).

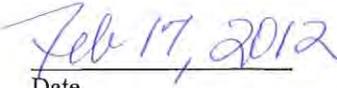
In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

  
\_\_\_\_\_  
Signature of Contact Person

  
\_\_\_\_\_  
Date

NBOA Approved with Prohibition Certification:

  
\_\_\_\_\_  
Mary Rose Teves, CF Bureau Director

  
\_\_\_\_\_  
Date





## Wisconsin DNR News Release

### City of Oconomowoc 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 Green Space and Acquisition and Development of Local Parks project in the City of Oconomowoc**

OCONOMOWOC, Wis. – The City of Oconomowoc has applied for a combined 50 percent matching grant from the Urban Green Space and Acquisition and Development of Local Parks subprograms of the from the Knowles-Nelson Stewardship Program to assist with the purchase of 0.302 acres of land in the City of Oconomowoc in Waukesha County. The City of Oconomowoc will provide match to the grant award.

The property is being acquired to expand outdoor recreation activities on Lac La Belle and will include fishing, hiking, cross-country skiing, swimming, non-motorized boat access, and nature appreciation. The project would prohibit the following nature-based outdoor activities: hunting and trapping.

The department is proposing to make the determination that the prohibition of hunting and trapping is necessary to protect public safety. The Department has examined the following factors in making this determination: size and location of the property; proximity of buildings and roads; surrounding development; expectations of visitors; and city ordinances prohibiting the discharge of weapons and throwing or shooting of projectiles.

The department's initial assessment of allowed Nature Based Outdoor Activities (pdf) 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](mailto: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 January 31, 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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**DATE:** February 20, 2012

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

**TO:** Natural Resources Board

**FROM:** Cathy Stepp, Secretary

**SUBJECT:** Stewardship Grant for the City of Madison: Esther Beach Park Expansion Land Purchase

The Department requests that the Board ratify a determination that the prohibition of one nature-based outdoor activity is necessary on a 0.68 acre purchase of land in the City of Madison, Dane County. The Department proposes to award a grant in the amount of \$410,928.50 to the City of Madison for the purchase of land on which hunting will be prohibited by local ordinance.

**Property to be Purchased**

*Project Sponsor:* City of Madison  
*Seller:* Harold J. & Betty F. Willmore Living Trust  
*Financial Information:* See page 22.  
*Timetable:* The City acquired the property on December 22, 2010.

**I. PROJECT DETAILS**

**A. Property to be Purchased**

*Location and Size:* 0.68 acres adjacent to Esther Beach Park.

This acquisition serves the following goals:

1. The acquisition supports the primary goal of the Acquisition & Development of Local Parks subprogram of the Knowles-Nelson Stewardship Grant Program by expanding Esther Beach Park.
2. This project will further protect the lakefront from development.
3. The purchase will increase passive recreational activities of trapping, hiking, fishing, cross country skiing, swimming, picnicking, non-motorized boat launching, snow shoeing, and ice skating.
4. The property will provide lake access to Lake Monona.

*Project Description:* Stewardship Program grant funding will assist with the acquisition of 0.68 acres adjacent to the existing Esther Beach Park. This acquisition will increase the neighborhood park and provide passive recreational activities as listed in the goals above. Future City development plans include constructing a parking lot, picnic shelter, and landscaping.

*Prior Use of Property:* Prior to purchase, the property was under private ownership and so was not open to the public for recreation. The current property is a vacant lot. There are no structures on the property.

*Proposed Public Use:* The City will open the property to the public year round. Access to the property is available from Waunona Way and Lake Monona. (See Appendix M-B for a map of the area.)

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

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

**II. PROJECT FINANCES**

**A. Partnerships:**

- City of Madison
- Department of Natural Resources

**B. Appraisals**

As required by s. 23.0917(7)(e), Wis. Stats., two appraisals were used to determine the fair market value of the land.

Appraisal 1	\$1,066,000
Appraisal 2	\$ 820,000
Value certified by Department	\$ 820,000

The purchase price was \$991,000.

**C. Grant Calculation**

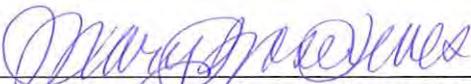
As required by s. 23.090(20)(b), Wis. Stats., financial assistance is limited to 50% of the amount needed to purchase the property not to exceed the Department certified value plus associated eligible real estate costs.

Certified appraised value	\$820,000
Associated eligible real estate costs	<u>\$ 1,857</u>
<b>Total Maximum Project Costs</b>	<b>\$821,857</b>

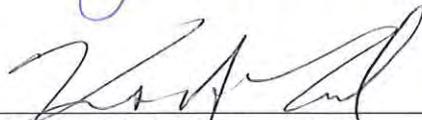
**D. Funding Sources**

City of Madison	\$410,928.50
Stewardship Grant Award	\$410,928.50

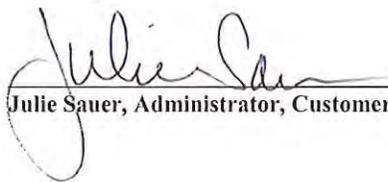
**III. RECOMMENDED:**

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

Feb 17, 2012  
Date

  
\_\_\_\_\_  
Kurt Thiede, Administrator, Division of Lands

3-1-12  
Date

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

2/17/12  
Date

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DATE: February 20, 2012

APPENDIX M-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 *Esther Beach Expansion* Land Purchase, City of Madison, Dane 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 \$410,928.50 to the City of Madison for the acquisition of 0.68 acres, in 2 parcels, located within the City of Madison, Dane County, even though the prohibition of hunting will be necessary to protect public safety.

#### PROJECT BACKGROUND

The City of Madison, a municipality eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$410,928.50 for the acquisition of this parcel for the purposes of expansion of Esther Beach Park.

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 City of Madison proposes to prohibit hunting in Esther Beach Park. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting to protect public safety.

A copy of the City's ordinance is attached to this Green Sheet as Appendix M-C. A copy of the prohibition team review is attached to this Green Sheet as Appendix M-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 5, 2012. One comment was received in opposing the grant because it didn't allow hunting and trapping.

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

#### DETERMINATION

The City has an ordinance that prohibits the carrying or discharge of a dangerous weapon. The DNR regional Recreational Safety Warden determined that the prohibition on hunting was necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project;
2. An ordinance prohibiting discharging or carrying dangerous weapons;
3. User conflicts;
4. The size of the parcels;
5. Proximity to homes;
6. Proximity to roads;
7. Recreational use of adjacent properties

We believe that the hunting prohibition on this property is necessary to protect public safety because the parcel:

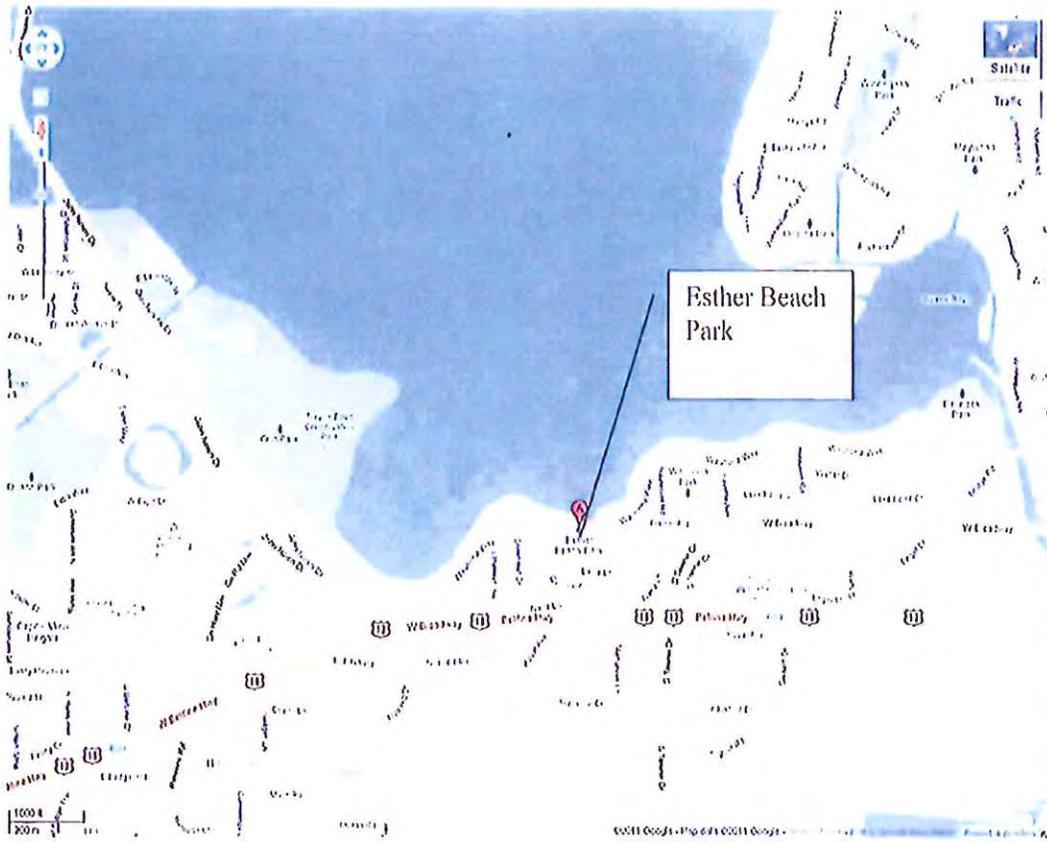
- is located within the City limits;
- is less than one acre in size;
- is adjacent to park land with similar recreational uses;
- has proximity to homes and roads; and
- will be visited by users who have a reasonable expectation of no hunting or trapping on a property of this type.

#### 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.

APPENDIX M - B

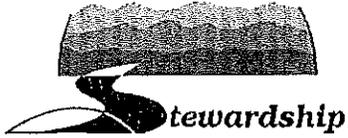




# APPENDIX M - C

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

<p><i>Catherine Moyer</i> 12-15-2011 Regional Recreational Safety Warden Date</p>	<p><i>[Signature]</i> 12-15-11 Regional Warden Supervisor Date</p>
---	--

### PROJECT DESCRIPTION

Applicant/ Sponsor: City of Madison	Year of Application: 2011
--	---------------------------

Project Name: Esther Beach Park Expansion Acquisition Project	Primary Purpose: <input type="checkbox"/> Habitat Areas <input checked="" type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection
--	--

Project Description: This project is for the acquisition of two properties totaling .68 acres (29,960 square feet) for the expansion of Esther Beach Park in the City of Madison. The park is bordered by residential development on the east and west, Lake Monona to the north, and Waunona Way road to the south. The two parcels are east of the park and will allow for expansion of passive recreation facilities, including a boat launch (existing) which will be preserved as a kayak/canoe launch, development of a playground and a shelter building for picnicking. The shelter and additional acreage will increase opportunities for the public to participate in multi-seasonal, water-based recreation such as fishing, ice-skating, cross country skiing (with direct access to Lake Monona) and snow shoeing (with direct access to Lake Monona). The purchase will preserve an existing oak grove and provide for construction of a 30 ft. wide native shoreline vegetative buffer.

### FINDINGS OF FACT:

**Proposed NBOA Prohibition or Restrictions**

<b>HUNTING</b>			
	<b>Gun Prohibition/Restriction</b>	<b>Archery Prohibition/Restriction</b>	<b>List Dates/Seasons (opening and closing)</b>
Waterfowl	Prohibited	Prohibited	
Small Game	Prohibited	Prohibited	
Turkey	Prohibited	Prohibited	
Large Game	Prohibited	Prohibited	
<p><b>Public Safety Team Narrative:</b> The two proposed parcels are very small, totaling .68 acres, within the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development to the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Planned development of the parcels will include passive recreation facilities, including a boat launch (existing) which will be preserved as a kayak/canoe launch, development of a playground and a shelter for picnicking. The shelter and additional acreage will increase opportunities for the public to participate in fishing, ice-skating, cross country skiing and snow shoeing.</p> <p>Allowance of hunting would create a user conflict and a public safety issue due to the physical characteristics and small size of the property, high activity and planned use by the population as a city park and beach area, it's proximity to a public road, vehicles, dwellings occupied by humans (including within 100 yards of the property), and its proposed improvements.</p> <p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site. Two parcels, totaling .68 acres, within the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development on the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Topography is flat, mostly open, and includes a shoreline with beach area.</p> <p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input checked="" type="checkbox"/> The sponsor is within its own municipality boundary</p> <p><input checked="" type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy</p> <p><input checked="" type="checkbox"/> Parcel is within 50 feet of the center line of highways &amp; roads</p> <p><input type="checkbox"/> Parcel is within 1700 feet of school grounds, hospital, or sanatorium</p> <p><input checked="" type="checkbox"/> Ordinance exists –</p> <p style="padding-left: 20px;"><input checked="" type="checkbox"/> Discharge or carrying a weapon    <input checked="" type="checkbox"/> Hunting within a park    <input checked="" type="checkbox"/> Throwing or shooting missiles, arrows, spears, etc.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input checked="" type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input checked="" 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:</p> <p><input type="checkbox"/> Other _____</p>			
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b>		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	Restricted by permit	
Water	Restricted by permit	
<p><b>Public Safety Team Narrative:</b> The two proposed parcels are very small, totaling .68 acres, with in the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development to the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Planned development of the parcels will include passive recreation facilities, including a boat launch (existing) which will be preserved as a kayak/canoe launch, development of a playground and a shelter for picnicking. The shelter and additional acreage will increase opportunities for the public to participate in fishing, ice-skating, cross country skiing and snow shoeing.</p> <p>The two parcels are within 100 yards of a residence, and as such NR 10.13(1)(b)12 restricts the use of certain types of traps on areas within 100 yards of inhabited buildings.</p> <p>Additionally, allowance of trapping in general would create a user conflict and a public safety issue due to the physical characteristics and small size of the property, high activity and planned use by the population as a city park and beach area, its proximity to a public road, vehicles, dwellings occupied by humans (including within 100 yards of the property), and its proposed improvements.</p>		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how its relates to public safety for this activity. Two parcels, totaling .88 acres, with in the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development on the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Topography is flat, mostly open, and includes a shoreline with beach area.</p>		
<p><input type="checkbox"/> No Water On Site</p> <p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input checked="" type="checkbox"/> The sponsor is within its own municipality boundary.</p> <p><input checked="" type="checkbox"/> 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.</p> <p><input checked="" type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input checked="" type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input checked="" type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input checked="" 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:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	
Boat	Non-motorized only allowed to use boat launch.	
Public Safety Team Narrative:		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity. Two parcels, totalling .68 acres, with in the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development to the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Topography is flat, mostly open, and includes a shoreline with beach area.</p>		
<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	None	
Off-Trail	None	
Public Safety Team Narrative:		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity. Two parcels, totalling .68 acres, with in the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development to the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Topography is flat, mostly open, and includes a shoreline and beach area.</p>		
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
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)	None	
On-Trail (un-groomed)	None	
On-Trail (groomed)	None	
<b>Public Safety Team Narrative:</b>		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity. Two parcels, totaling .68 acres, with in the municipal boundaries of the City of Madison, and would become part of the Esther Beach Park. The parcels are bordered by residential development to the east, Esther Beach Park to the west, Lake Monona to the north, and Waunona Way road to the south. Topography is flat, mostly open, and includes a shoreline and beach area.</p>		
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
<p><b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

- (5) No person under the age of eighteen (18) shall go armed with or possess a firearm of any type, or a pneumatic pellet gun or a spring-loaded pellet gun and no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or spring-loaded pellet gun or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm, pneumatic pellet gun or spring-loaded pellet gun under the supervision of an adult when such firearm, pneumatic pellet gun or spring-loaded pellet gun is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm, pneumatic pellet gun or spring-loaded pellet gun to a person under eighteen (18) years of age for use only in target practice or any hunting under her/his direct supervision. (Am. by Ord. 9777, 5-12-89)
- (6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.
- (7) It shall be unlawful for any person to possess, carry or go armed with any firearm on or about their person within the City of Madison, unless the firearm is both unloaded and enclosed or encased within a carrying case. This provision does not apply to the following:
- (a) Any peace officer or law enforcement officer.
  - (b) Any member of the armed forces or national guard while going armed in the line of duty;
  - (c) A correctional officer while going armed in the line of duty;
  - (d) A private detective or private security person while going armed in accordance with rules promulgated by the state Department of Regulation and Licensing.
  - (e) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes without ammunition or with blank ammunition.
  - (f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks and other financial institutions while actually employed in the shipment, transportation or delivery of any money, bullion, bonds or any other thing of value within the city. Such individuals while in the performance of their duties shall be completely attired in the uniform of their employer.
  - (g) Individuals engaged in live theatrical performances wherein firearms without ammunition or with blank ammunition are used as props;
  - (h) Individuals engaged in historical reenactments of battles, etc., while using firearms without ammunition or with blank ammunition.
  - (i) The owner or employee authorized by the owner of a business while on the business premises.
  - (j) Individuals in possession of firearms within their own home.
  - (k) Individuals in possession of firearms on property where hunting is permitted, provided such individual is otherwise authorized to possess or use a firearm.
  - (l) Individuals engaged in the display or sale of firearms in conjunction with a gun show or exhibition while on the premises of the gun show or exhibition.
  - (m) Individuals in possession of a valid federal firearms dealer license issued by the United States Department of Treasury and their customers, while engaged in business transactions with unloaded weapons on the business premises.
  - (n) Individuals in possession of firearms on a premises for purposes of conducting or participating in hunter safety training courses on that premises.

**25.25 BOWS AND ARROWS.**

- (1) Except as provided in Subsection (2), no person shall shoot with or discharge a bow, crossbow, or similar device which propels or projects an arrow or similar projectile within the limits of the City of Madison and within the area encompassed by the waters of Lakes Mendota, Monona, and Wingra, including those parts of the Yahara River, Starkweather Creek and Wingra Creek over which the City of Madison has jurisdiction.
- (2) This section shall not apply:
  - (a) To the shooting or discharging of toy arrows or arrows which have a tip made of rubber or similar material.
  - (b) To any supervised archery range, which constitutes an amusement establishment under Chapter 28 (Zoning Code) of the Madison General Ordinances and which is constructed and maintained so as not to endanger life, limb or property.
  - (c) Within the interior of a single-family dwelling.
  - (d) To persons while participating in sanctioned archery competitions sponsored by the Wisconsin Amateur Sports Corporation as part of the Badger State Games when such persons are shooting at archery ranges set up in City parks at locations and upon conditions which have been approved in advance by the Park Superintendent. (Cr. by Ord. 8586, 6-6-85)
  - (e) To persons while participating in archery competitions at locations and upon conditions approved in advance by the Madison Chief of Police. (Cr. by Ord. 10,471, 7-8-92)

**25.26 PAINTBALL MARKER/"GUNS".**

- (1) In this section:
  - (a) "Paintball marker/"gun"" shall be defined as any device which, in the manner it is used, intended to be used, or designed to be used, is capable of launching, propelling, expelling, or otherwise causing any item, device or article which carries or may be altered to become capable of carrying paint, ink, or any colored liquid, to an intended target and thereby causing a mark or stain on any surface which it may contact.
  - (b) "Projectile" means any item that is caused to be expelled from a paintball marker/"gun" at an enhanced velocity.
- (2) Unlawful Possession of a Paintball Marker/"Gun". It shall be unlawful for any person to possess, carry or go armed with any paintball marker/"gun" on or about his or her person within areas of the City of Madison held open for use by the public, unless the paintball marker/"gun" is both unloaded and disconnected from an air supply or enclosed within a carrying case. This provision does not apply to the following:
  - (a) Any peace officer or law enforcement officer during the course of his or her employment;
  - (b) Any merchant, or authorized employee of said merchant, who sells or displays paintball marker/"guns" during the normal and ordinary course of business, while on the business premises, or at a gun show or exhibition;
  - (c) Individuals on a privately owned premises, held open for use by the public, that is authorized by the Chief of Police, or designated representative, as a paintball marker/"gun" recreational area;
  - (d) Individuals engaged in live theatrical performances or historical reenactments, wherein paintball marker/"guns" are used as props; or
  - (e) A person who has obtained the written permission from the Chief of Police, or designated representative.
- (3) Unlawful Firing or Discharge of a Paintball Marker/"Gun". It shall be unlawful for any person to fire or discharge a paintball marker/"gun" within the City of Madison. This provision does not apply to a property owner, or authorized guest of the property owner, firing or discharging a paintball marker/"gun" on the property owner's private property, provided that no portion of the projectile from the paintball marker/"gun" crosses the property line.

- (2) Open Container. No person may possess an open can, bottle, cup, flask, glass or other container which contains any alcohol beverages in any parking lot of a park operated by the City of Madison. Appropriate signs shall be erected at the entrances to the park parking lots indicating this regulation.
  - (3) Glass Container. No person may possess any cup, glass, flask, bottle or other container made of glass or other shatterable material designed or used for holding a beverage in City of Madison parks. Appropriate signs shall be erected at the entrances to parks indicating this regulation. The Common Council may, by resolution, waive the prohibition against containers made of glass or other shatterable material designed or used for holding a beverage, for special events in designated parks where the use of such containers is indigenous to the event. (Am. by Ord. 10081, 9-5-90)
  - (4) Penalty. Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than thirty dollars (\$30) nor more than two hundred dollars (\$200) for the first offense; not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for the second offense within one year of the date of the first offense; not less than seventy-five dollars (\$75) nor more than two hundred dollars (\$200) for the third offense within one year of the date of the first offense; and not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) for fourth and subsequent offenses within one year of the date of the first offense.
- (Am. by Ord. 10,033, 5-29-90; Ord. 12,657, 8-10-00; Ord. 12,935, 12-11-01)

#### 8.25 TRAPPING ON PUBLIC LANDS PROHIBITED EXCEPT BY PERMIT.

- (1) It shall be unlawful to engage in the act of trapping on any lands owned by the City of Madison without having first secured a written permit from the City Clerk.
- (2) "Trapping" as used in this section includes taking, or attempting to take, any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast or otherwise capture a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein.
- (3) Persons desiring to trap on City owned lands shall make application in writing to the City Clerk to so do, on a form provided by him describing thereon the City owned lands upon which they wish to trap. Said application shall be accompanied by a permit fee of five dollars (\$5). The City Clerk shall forward such application to the City department or departments having jurisdiction over the City lands. The City Clerk shall issue such trapping permit only after receiving written approval therefor from such department having jurisdiction over the City owned lands upon which the proposed trapping is to occur.
- (4) Any persons who shall violate any of the provisions of this section shall be subject to a forfeiture of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day that a condition exists which violates a provision of this section shall be determined to be a separate offense. (Am. by Ord. 13,760, Adopted 12-14-04)
- (5) Notwithstanding any other provision of this ordinance, the applicant shall as part of his application agree upon issuance of a permit to indemnify and hold harmless the City of Madison, its agents, employees, servants and assigns from any claims, demands, damages, actions, causes of action or suits of whatsoever kind or nature arising out of said applicant's act of trapping on City owned lands.

APPENDIX M - D

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: January 26, 2012

TO: Lavane Hessler – CF/2

FROM: Mary Rothenmaier - SCR

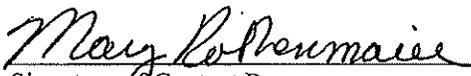
SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

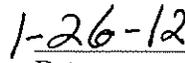
PROJECT NAME: City of Madison - Esther Beach Park

The City of Madison - Esther Beach Park land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on January 5, 2012 and the fifteen day public review period ended on January 25, 2012.

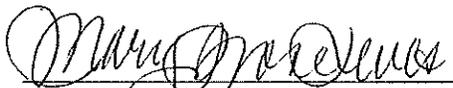
The Department received 1 comment opposed to the project that mentioned NBOA. The commenter opposed the grant because it does not allow for hunting, fishing or trapping.

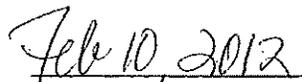
In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

  
Signature of Contact Person

  
Date

NBOA Approved with Prohibition Certification:

  
Mary Rose Teves, CF Bureau Director

  
Date



## Wisconsin DNR News Release

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### City of Madison seeks grant for acquisition of land

News Release Published: January 5, 2012 by the South Central Region

Contact(s): Beth Norquist, Community Service Specialist 715-839-3751

MADISON – The City of Madison has applied for a 50 percent matching grant from the Acquisition and Development of Local Parks subprogram of the Knowles-Nelson Stewardship Program to assist with the purchase of 0.68 acres of land in the City of Madison in Dane County. The City of Madison will provide match to the grant award.

The property is being acquired to expand Esther Beach Park and will include fishing, trapping by permit, hiking, cross-country skiing, kayaking/canoeing, picnicking, ice-skating, snowshoeing, and nature appreciation. The property includes approximately 130 feet of frontage along the Lake Monona.

The project would prohibit the following nature-based outdoor activities: hunting and trapping. The department has made the determination that the prohibition of NBOA is necessary to protect public safety. The department examined the following factors in making this determination: proximity to buildings; proximity to roads; a local ordinance prohibiting the discharge or carrying of weapons and the throwing or shooting of projectiles; proximity to a public waterway; and visitor's expectations.

The department's initial assessment of allowed Nature Based Outdoor Activities for this property Esther Beach NBOA assessment [PDF 79KB] area available on the Stewardship Public Notice page of the DNR website or is available by contacting Beth Norquist can be reached by phone at 715-839-3751. The related City of Madison ordinances [PDF 1.6MB] are also available.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of care of Beth Norquist, Community Service Specialist, Wisconsin Department of Natural Resources, PO Box 4001, Eau Claire, WI 54702-4001 or sent by email to [Elizabeth.Norquist@Wisconsin.gov](mailto:Elizabeth.Norquist@Wisconsin.gov). If you have questions about this project, Beth Norquist can be reached by phone at 715-839-3751. Written comments will be accepted through January 25, 2012.

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**DATE:** February 27, 2012 **FILE REF:** NR 51 – Habitat Area Grant

**TO:** Natural Resources Board

**FROM:** Cathy Stepp, Secretary

**SUBJECT:** Stewardship Grant for Natural Heritage Land Trust: Cherokee Marsh Conservation Park-Cherokee Park Inc. Land Purchase

The Department requests that the Board ratify a determination that prohibition of two nature-based outdoor activities is necessary to protect public safety on a 5.8 acre purchase of land in the City of Madison, Dane County to be purchased with a Stewardship grant. The Department proposes to award a grant in the amount of \$220,158 to the Natural Heritage Land Trust for the purchase of land on which hunting and trapping will be prohibited by local ordinance and state statute.

**Property to be Purchased**

***Project Sponsor:*** Natural Heritage Land Trust  
***Seller:*** Cherokee Park Inc.  
***Financial Information:*** See page 42  
***Timetable:*** The transaction is scheduled to close as soon as possible. Natural Heritage Land Trust will transfer this property to the City of Madison after purchase, with long-term management to be handled by the City of Madison.

**I. PROJECT DETAILS**

**A. Property to be Purchased**

***Location and Size:*** 5.8 acres adjacent to Cherokee Marsh Conservation Park. (See map attached as *Appendix CM-B*).

This acquisition will serve the following goals:

1. The acquisition supports the primary goal of the Knowles-Nelson Habitat Area Stewardship Program by adding 5.2 acres of uplands and 0.6 acres of wetlands to the Cherokee Marsh Conservation Park.
2. The purchase would incorporate the last privately owned parcel in the south unit into the Park and so further the conservation goals of the Dane County Parks and Open Space Plan and the City of Madison's Park and Open Space and Comprehensive Plans.
3. The purchase supports priorities recognized in the Wisconsin Land Legacy Report by protecting land in the Upper Yahara Rivers and Lakes area.
4. The Cherokee Marsh complex is one of the highest quality and largest wetlands in Dane County and has been identified as a "wetland gem," one of the 100 most significant wetlands in the state.

Natural Heritage Land Trust plans to donate the property to the City of Madison. The City of Madison will restore and protect the property as part of the city's Cherokee Marsh Conservation Park project. Natural upland habitat will be restored by removing invasive species and planting prairie-wetland edge plants. The City of Madison is currently working on a wetland restoration project immediately west of this parcel and would incorporate this property into the plan. The Park complex has an extensive trail

system. The trails will continue onto the property with a proposed wildlife viewing area. From this side of the marsh, it will provide a good vantage point for viewing.

The benefits of purchasing this parcel include:

- Protection of upland habitat in the Cherokee Marsh Conservation Park, which is mostly wetlands with limited uplands on this side of the marsh. The marsh is frequented by migratory birds: The uplands on this site provide wildlife viewing opportunities over the marsh. A viewing area planned on this property would enhance the recreational opportunities.
- The larger Cherokee Marsh complex is over 4000 acres. This parcel would be contiguous to the south unit of over 1000 acres and connect those acres to public roads.
- This parcel will allow for expansion of a hiking trail system of the Park which is used extensively for outdoor recreation and education.

**Prior Use of Property:** The property is currently vacant, under private ownership and is not open to the public.

**Proposed Public Use:** The property will be open to the public year round. Access to the property is available from Wheeler Road and Comanche Way (see *Appendix CM-B* for map of the property)

Recreational opportunities will include hiking, cross country skiing, bird and wildlife watching, nature study, photography, and the enjoyment of the scenic views. *CM-C* shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

Hunting and trapping will be prohibited on the property by City ordinance and state statute. The Department has determined that prohibition of these two nature-based outdoor activities is necessary to protect public safety. See *Appendix CM-A* for a summary of the Department's determination. The memo attached from Mary Rose Teves as *CM-A* as required by 52.04(2)(e), Wis. Adm. Code. describes the procedures followed by Department to make this determination.

## II. PROJECT FINANCES

### A. Partnerships: City of Madison

### B. Appraisals

As required by S. 23.0917(7)(e) two appraisals were used to determine the fair market value of the land.

1 <sup>st</sup> Appraisal	\$760,000
2 <sup>nd</sup> Appraisal	\$436,600
Value certified by Department	\$436,600

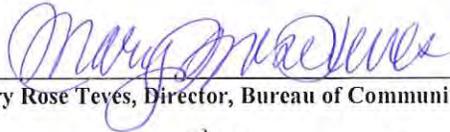
### C. Grant Calculation

Certified appraised property value	\$436,600.00
Grant-eligible associated real estate costs	\$ 3,715.00
<b>Total Project Costs</b>	<b>\$440,315.00</b>

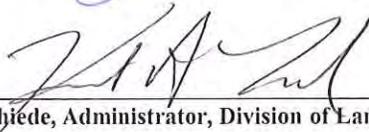
### D. Funding Sources

Natural Heritage Land Trust	\$ 1,557.00
Cherokee Park Inc., owner donation	\$ 56,600.00
City of Madison	\$ 81,000.00
Dane County	\$ 81,000.00
<b>Stewardship Grant Award</b>	<b>\$220,158.00</b>

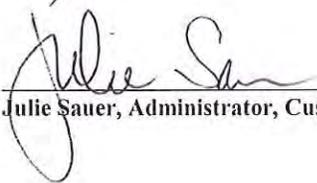
**III. RECOMMENDED:**

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

Feb 17, 2012  
Date

  
\_\_\_\_\_  
Kurt Thiede, Administrator, Division of Lands

3-1-12  
Date

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

2/17/12  
Date

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## CORRESPONDENCE/MEMORANDUM

DATE: February 27, 2012

APPENDIX CM-A

TO: Natural Resources Board

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

SUBJECT: **Summary of Department Determination to Prohibit two Nature-based Outdoor Activities on the Cherokee Marsh Conservation Park-Cherokee Park, Inc. Property Land Purchase, Natural Heritage Land Trust**

I recommend that the NRB exercise its authority under s. 23.0916(2)(b) and s. NR 52.05, Wis. Adm. Code, to ratify the Department's decision to award a Stewardship grant of \$220,158.00 to the Natural Heritage Land Trust for the acquisition of 5.8 acres, in one parcel, located within the City of Madison, Dane County even though the prohibition of hunting and trapping will be necessary to protect public safety.

#### PROJECT BACKGROUND

The Natural Heritage Land Trust, a Non-profit Conservation organization eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$220,158.00 for the acquisition of this parcel for the purposes of habitat area protection and public recreation.

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 Natural Heritage Land Trust proposes to transfer ownership of this property to the City of Madison. The property, located within City limits, is subject to a City ordinance prohibiting both trapping and possession and discharge of firearms. The entire property is located within 1,700 feet of a school: state law prohibits hunting within 1,700 feet of schools in S. 29.301(1)(b), Wisc. Stats.. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit hunting and trapping to protect public safety.

A copy of the prohibition team review, the City ordinance and relevant statute are attached to this Green Sheet.

#### PUBLIC NOTICE AND COMMENTS

I certify that public notice requirements identified in s. NR 52.04, Wis. Adm. Code, have been followed for this Stewardship project. Public notice about this proposed project was first posted on GovDelivery on December 21, 2011. Three comments were received: two comments in support and one comment in opposition. A fourth communication in support of the project was sent to the Natural Resources Board (Appendix CM-F).

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

## DETERMINATION

The DNR regional Recreational Safety Warden determined that the prohibition on hunting and trapping was necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project
2. An ordinance prohibiting discharging or carrying a firearm or bow in the park
3. User conflicts
4. The size of the parcels
5. Proximity to a school
6. Proximity to a residential area
7. Proximity to roads

It was determined that the hunting and trapping prohibitions on this parcel are necessary to protect public safety because the parcel is located within the City limits, is adjacent to homes, within 1700 feet of a school (where hunting is prohibited by S. 29.301(1)(b) Wisc. Stats.), will be visited by users who have a reasonable expectation of no hunting on a parcel of this type, and a city ordinance prohibiting hunting, trapping and carrying/dischARGE of a firearm or bow and arrow in a conservation park (City of Madison ordinance Sec. 8.4 (5)(b)).

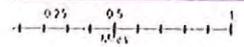
## FINAL ACTIONS

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

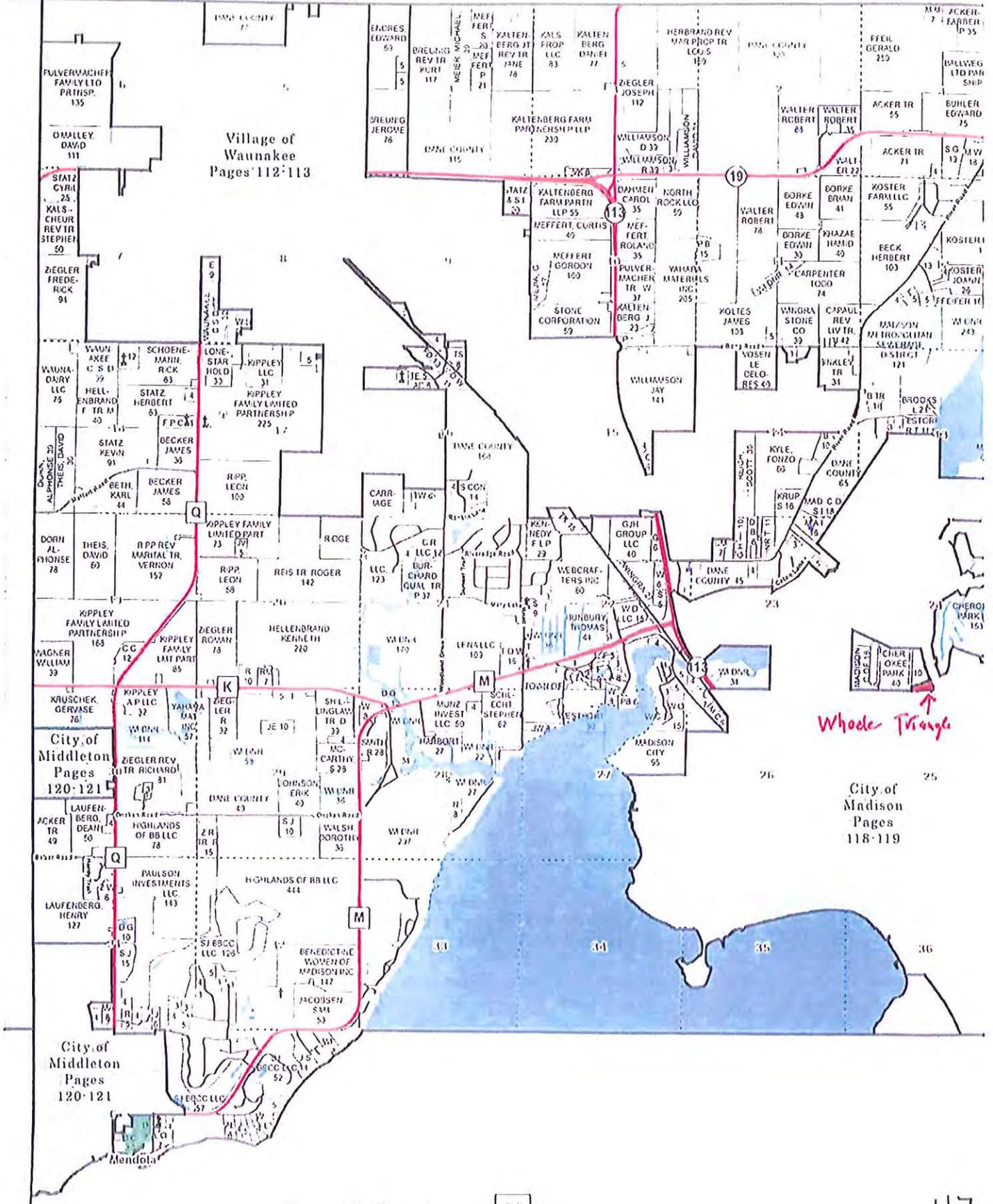
This memo of determination is submitted to the Natural Resources Board as required in s. NR 52.04(2)(e), Wis. Adm. Code.

APPENDIX CM - B

of Westport T-08-N R-09-1

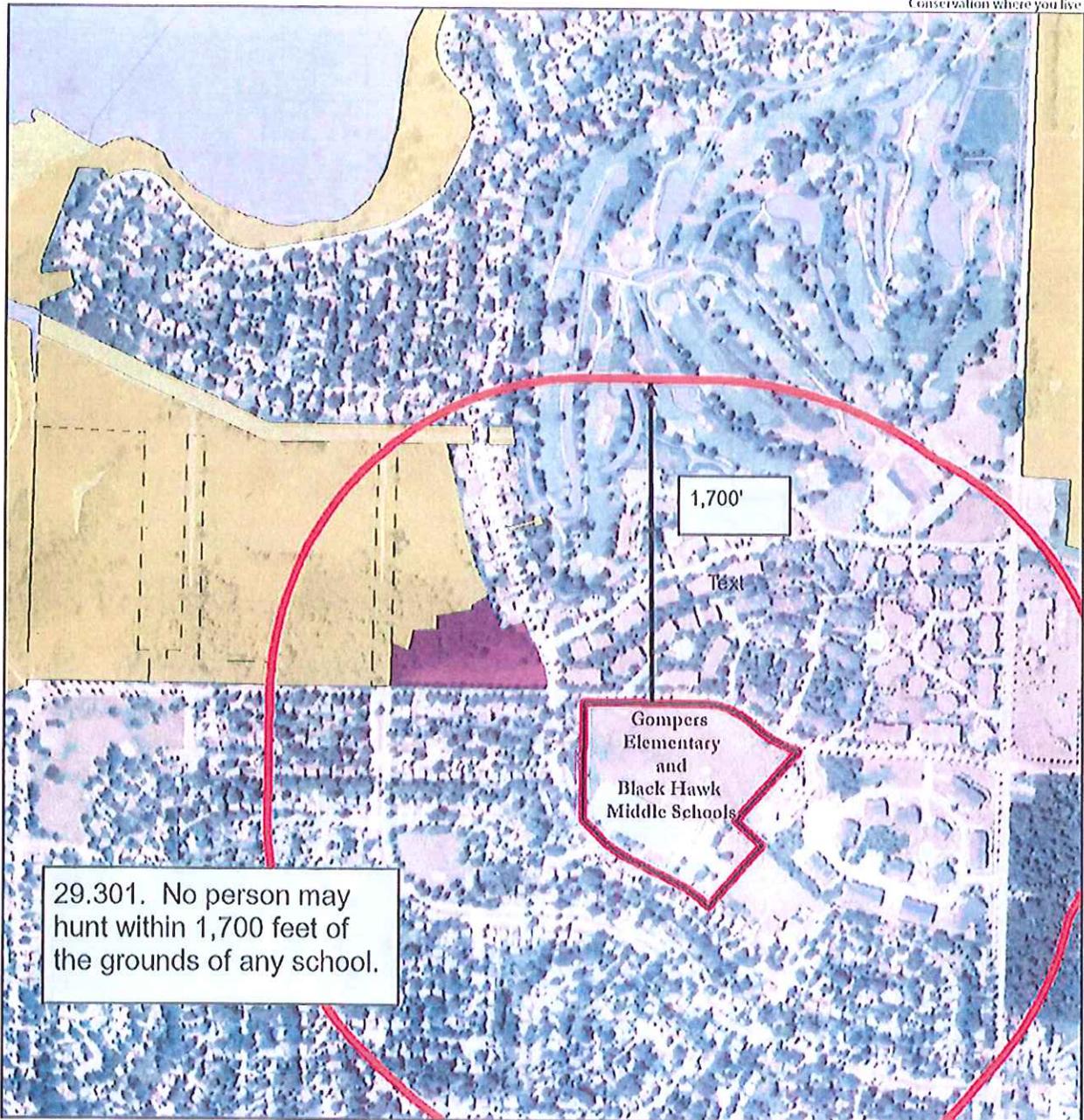


Town of Vienna Pages 12-13

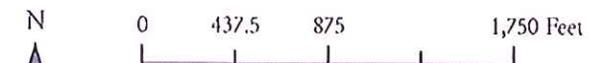


Wholen Triangle

# Hunting Restriction at Proposed Wheeler Triangle Addition to Cherokee Marsh



- Wheeler Triangle
- Gompers Elementary/Black Hawk Middle School
- 1700' Buffer around Schools
- City of Madison Conservation Lands

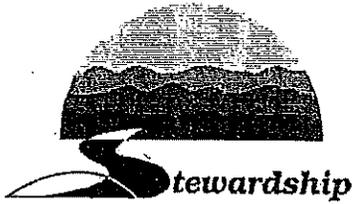


2006 aerial imagery from USDA-FSA Aerial Photography Field Office. Additional data produced and copyrighted by Dane County, and other graphics produced by the Natural Heritage Land Trust.

CM\_WT\_NBOA.mxd

# APPENDIX CM - C

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. OF Staff completes the project proposal section prior to submitting to public safety team for review.

### PUBLIC SAFETY REVIEW TEAM

<i>Catherine Nozger</i> Regional Recreational Safety Warden	<i>12-09-2011</i> Date	<i>Jim Plants</i> Regional Warden Supervisor	<i>12-9-11</i> Date
--	---------------------------	---	------------------------

### PROJECT DESCRIPTION

Applicant/ Sponsor: Natural Heritage Land Trust Year of Application: 2011

Project Name: Cherokee Marsh Conservation Park	Primary Purpose: <input checked="" type="checkbox"/> Habitat Areas <input type="checkbox"/> Natural Areas <input type="checkbox"/> State Trails <input type="checkbox"/> Streambank Protection	<input type="checkbox"/> Local Parks <input type="checkbox"/> Urban Rivers <input type="checkbox"/> Urban Greenspace
---	---	--

Project Description: A 5.8 acre parcel in the South Unit of the Cherokee Marsh Conservation Park. The site would be restored to a prairie-wetland edge habitat with a marsh overlook. It is contiguous to approximately 1000 acres already protected by the project. After acquisition, NHLT would donate the property to the City of Madison.

### FINDINGS OF FACT

*(This section is currently blank.)*

**Proposed NBOA Prohibition or Restrictions**

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

**Public Safety Team Narrative:** The proposed acquisition is a 5.8 acre parcel located within the municipal boundaries of the City of Madison and contiguous to approximately 1000 acres of the City of Madison's Cherokee Marsh Conservation Park. After acquisition the Natural Heritage Land Trust would donate the parcel to the City of Madison, which would then become an addition to the Cherokee Marsh Conservation Park. The City of Madison has an ordinance restricting hunting, possessing, carrying and/or discharging any firearm, bow, or crossbow of any kind within a Conservation Park.

The entire parcel is located within 1700 feet of Gompers Elementary and Black Hawk Middle School grounds and in accordance with ss. 29.301(1)(b) prohibits hunting. The parcel's south and east boundaries are adjacent to public roads and residential homes.

Restricting hunting and the use/possession of firearms and archery related equipment is necessary to protect public safety, given the parcels proximity to roads, vehicles, and dwellings occupied by humans, along with the fact that the parcel would become part of a Conservation Park (which has an ordinance prohibiting hunting and the use of firearms) and the fact that hunting is prohibited by state law due to the parcel being wholly located within 1700 feet of a school.

**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.

This is a 5.8 acre irregular shaped parcel that is flat to gently sloping. There is residential development to the south and east and conservation park land to the north and west. The parcel would be restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner.

**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	Yes	
Water	Yes	

**Public Safety Team Narrative:** The proposed acquisition is a 5.8 acre parcel located within the municipal boundaries of the City of Madison and contiguous to approximately 1000 acres of the City of Madison's Cherokee Marsh Conservation Park. After acquisition the Natural Heritage Land Trust would donate the parcel to the City of Madison, which would then become an addition to the Cherokee Marsh Conservation Park. The parcel would be restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner. The City of Madison is currently working on a wetland restoration project immediately west of the parcel, which will include walking paths to provide access and viewing opportunities. The City of Madison has an ordinance restricting trapping within a Conservation Park.

The entire parcel is located within 1700 feet of Gompers Elementary and Black Hawk Middle School grounds and the parcel's south and east boundaries are adjacent to public roads and within 100 yards from residential homes. As such, NR 10.13(1)(b)12 would restrict the use of certain types of traps on areas within 100 yards of inhabited buildings. The parcel would also become part of a Conservation Park and the City of Madison has an ordinance restricting trapping within a Conservation Park.

Several factors dictate that trapping on this parcel is a public safety concern. These factors include:

- The proximity of a portion of the parcel to roads and dwellings occupied by humans.
- The difficulty in determining where and what type of trapping is allowed due to the fact that the use of certain types of traps would be restricted on only certain areas of the parcel due to NR 10.13(1)(b)12. And the fact that the parcel is adjoining a Conservation Park, which has an ordinance prohibiting trapping.
- The probability that the public will encounter a trap due to the parcel being restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner.
- Additionally the adjoining Conservation Park has a hiking trail system used as an outdoor education site for school groups. The Conservation Park is also used by the general public for hiking, skiing, nature study, bird watching, landscape viewing, and other nature based activities. It is reasonable to assume that the public is accustomed to and would reasonably expect continued and consistent application of the City of Madison ordinance restricting trapping on the Conservation Park and any adjoining property.

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

This is a 5.8 acre irregular shaped parcel that is flat to gently sloping. There is residential development to the south and east and conservation park land to the north and west. The parcel would be restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner.

- 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	No water on site	
Boat	No water on site	
Public Safety Team Narrative:		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.</p> <p>This is a 5.8 acre irregular shaped parcel that is flat to gently sloping. There is residential development to the south and east and conservation park land to the north and west. The parcel would be restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner.</p>		
<p><input checked="" type="checkbox"/> No Water on Site</p> <p><input type="checkbox"/> Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Ordinance exists – <input type="checkbox"/> _____</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
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	No	Year round
Off-Trail	Yes	Year round
Public Safety Team Narrative:		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.</p> <p>This is a 5.8 acre irregular shaped parcel that is flat to gently sloping. There is residential development to the south and east and conservation park land to the north and west. The parcel would be restored to a prairie-wetland edge habitat, with a marsh/wildlife overlook in the southeast corner.</p>		
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
<p><b>Prohibition or Restriction Necessary to Protect Public Safety:</b>      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	Yes	Year round
On-Trail (un-groomed)	No	Year round
On-Trail (groomed)	No	Year round
Public Safety Team Narrative:		
<p><b>Parcel Size, Shape, and Topography:</b> Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity.</p> <p>This is a 5.8 acre irregular shaped parcel that is flat to gently sloping.</p>		
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><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:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety:		<input type="checkbox"/> Yes <input type="checkbox"/> No

## CHAPTER 8

### PUBLIC PROPERTY

#### Section

- 8.01 Purchasing Agent To Have Charge Of Personal Property.
- 8.02 Inventory.
- 8.03 Persons In Charge Of City Property To Be Responsible For Same.
- 8.04 Property Unsuitable For Use To Be Reported To Purchasing Agent.
- 8.05 Transfer Of Personal Property From One Department To Another.
- 8.06 Disposal Of Personal Property Valued At Less Than Two Hundred Dollars.
- 8.07 Disposal Of Personal Property Valued At More Than Two Hundred Dollars.
- 8.075 Disposal Of Surplus City Real Property. (Cr. by ORD-07-00130, 10-5-07)
- 8.08 City Buildings--Plans And Specifications To Be Filed In The Building Inspection Division of the Department of Planning and Community and Economic Development--Director of the Building Inspection Division To Be Superintendent Of Construction Of Public Works. (Am. by Ord. 8081, 7-29-83; ORD-08-00109, 10-7-08)
- 8.09 Eight Hour Day On Contract For Municipal Buildings.
- 8.10 Civic Recreation Center.
- 8.11 Forest Hill Cemetery.
- 8.12 Madison Public Library.
- 8.13 Fleet Service Division.
- 8.14 Municipal Parking Facilities.
- 8.15 Regulation of Private Use of Greenways, Park Lands, and the Southwest Bike Path . (Cr. by Ord. 5672, 11-17-76; Am. by ORD-08-00019, 2-23-08)
- 8.16 Unauthorized Motorized Vehicles Prohibited On Public Lands.
- 8.17 Vending In Public Parks. (Am. by Ord. 12,511, 12-20-99)
- 8.18 Parking Regulated In Certain Parks. (Am. by ORD-05-00212, 1-19-06)
- 8.185 Watercraft And/Or Other Boating Equipment Storage on City Property Prohibited. (Cr. by Ord. 9778, 5-12-89)
- 8.188 Anchoring and Mooring of Watercraft Regulated. (Cr. by Ord. 9779, 5-12-89)
- 8.19 Animals Prohibited in Certain Areas. (Am. by Ord. 4247, 6-22-73)
- 8.20 Fishing In Lake Monona At South Livingston Street Prohibited.
- 8.21 Public Parks To Be Closed During Certain Hours.
- 8.215 Use Of Parks For Lake Access. (Am. by Ord. 9265, 9-14-87; Ord. 13,603, 5-11-04)
- 8.22 Fishing In Certain Areas In Tenney Park Prohibited.
- 8.23 Use Of Public Golf Courses Restricted To Golfing Purposes.
- 8.24 Alcohol Beverage Control and Container Control On Certain Public Property. (Am. by Ord. 8404, 8-7-84; Am. by Ord. 10033, 5-29-90)
- 8.25 Trapping On Public Lands Prohibited Except By Permit.
- 8.26 Temporary Structure Prohibited Without Permit. (Cr. by Ord. 10,432, 5-1-92)
- 8.265 Lodging in Parks Prohibited. (Cr. by Ord. 10,849, 2-28-94)
- 8.27 Snow Mobile and Cross-Country Ski Regulations. (Am. by Ord. 12,512, 12-20-99)
- 8.28 Naming of Parks. (Cr. by Ord. 4392, 11-30-73)
- 8.29 Public Address Systems in Parks. (Cr. by Ord. 5307, 2-10-76)
- 8.30 Radio-Controlled Toys Prohibited in Parks. (Am. by Ord. 11,981, 12-12-97)
- 8.31 Bicycles in Parks. (Cr. by Ord. 5510, 6-19-76)
- 8.32 Reserved For Future Use. (R. by Ord. 12,931, 12-11-01)

- 8.33 Madison Arts Commission and Madison Arts Commission Plan. (Am. by Ord. 11,209, 3-31-95)
- 8.34 Gambling in Parks Prohibited. (Cr. by Ord. 8900, 6-26-86)
- 8.35 Preservation of Shoreline Parks. (Cr. by Charter Ord. 65, Adopted by Referendum 4-7-92)
- 8.36 Play Golf on City Lands Restricted to Golf Courses. (Cr. by Ord. 10,699, 7-30-93)
- 8.37 Play of Tournament without Permit Prohibited. (Cr. by Ord. 11,221, 3-31-95)
- 8.38 Monona Terrace Community and Convention Center. (Cr. by Ord. 12,168, 7-20-98)
- 8.39 Olin Terrace Use Permit. (Cr. by Ord. 12,168, 7-20-98)
- ~~8.40 Preservation of Conservation Parks (Cr. by Ord. 12,372, 5-10-99)~~
- 8.41 Downtown Coordinating Committee. (Cr. by Ord. 12,655, 7-28-00)
- 8.42 Feeding Birds on Public Property Prohibited. (Cr. by Ord. 13,130, 8-28-02)
- 8.43 Public Swimming Pools. (Cr. by ORD-05-00085, 5-10-05)

**8.01 PURCHASING AGENT TO HAVE CHARGE OF PERSONAL PROPERTY.**

In addition to the duties and powers vested in the Purchasing Agent under the provisions of Section 4.27(2)(a) of the City Ordinances, there is hereby vested in him the supervision of all movable property belonging to the City unless express provision is made to the contrary by ordinance. Said Purchasing Agent shall be accountable for all personal property belonging to the City and shall make such provision for storage and care of such property as shall be necessary or desirable for the safekeeping of such property.

- 8.02 INVENTORY.** The Purchasing Agent shall keep and maintain a perpetual inventory of personal property of such City, and shall file copies of inventory with the Finance Director. He shall notify the Finance Director of purchase of new equipment and the disposition of any City property belonging to the City, by sale or otherwise. (Am. by Ord. 8762, 12-31-85; ORD-11-00037, 3-8-11)

**8.03 PERSONS IN CHARGE OF CITY PROPERTY TO BE RESPONSIBLE FOR SAME.**

Any officer or employee of the City receiving supplies, articles or materials shall be responsible to the Mayor and the Purchasing Agent for the preservation of the same in good order and condition, reasonable wear and tear excepted; and except as to such supplies, articles or materials as are consumed in the business of the City each such officer or employee shall be responsible for any loss or damage caused by negligence, abuse or misconduct on his part.

**8.04 PROPERTY UNSUITABLE FOR USE TO BE REPORTED TO PURCHASING AGENT.**

It shall be the duty of any officer or employee of the City having in his possession or under his immediate control any personal property belonging to the City to report and turn over any such personal property which has become unsuitable for use by such department because of deterioration or for any other reason, to the Purchasing Agent who shall dispose of the same as hereinafter provided.

**8.05 TRANSFER OF PERSONAL PROPERTY FROM ONE DEPARTMENT TO ANOTHER.**

If at any time the Purchasing Agent shall find that any such property reported to be used in some other department of the City, he may turn such property over to the department needing the same upon receipt of a requisition therefor from the head of such department; and the one department shall thereupon be credited with the return of such property, which shall be charged to the department receiving the same. Every such transaction shall be reported by the Purchasing Agent to the Finance Director. (Am. by ORD-11-00037, 3-8-11)

- 8.06 DISPOSAL OF PERSONAL PROPERTY VALUED AT LESS THAN TWO HUNDRED DOLLARS.** The Purchasing Agent shall have the power to dispose of or sell any personal property belonging to the City, which has become deteriorated or unfit for City use, and which shall have an estimated value of not more than two hundred dollars (\$200), said value to be determined by the Purchasing Agent, without securing bids therefor. Proceeds of such sale shall be paid to the City Treasurer.

- (3) Hours. Conservation parks are open to the public between 4:00 a.m. and one hour after sunset. It shall be unlawful for any person to be in a conservation park at any other time unless that person has special permission from the Parks Superintendent.
- (4) Rules. Conservation park visitors shall obey the following rules:
- (a) Stay on designated and maintained trails at all times unless permission to be elsewhere in the park has been granted by the Parks Superintendent.
  - (b) Drive motor vehicles on entrance roads and in parking lots only.
  - (c) Ride or walk bicycles on entrance roads, in parking lots and on trails that are clearly designated for bicycles.
- Any person who violates a rule is in violation of this ordinance.
- (5) Prohibitions. ~~In the City's conservation parks shall be unlawful to:~~
- (a) possess, sell, give away or consume any alcohol beverages in all areas of the park including any parking lot.
  - (b) ~~hunt, trap, possess, carry or discharge any firearm, pneumatic or spring-loaded pellet gun, or any bow or cross-bow of any kind whether or not coaxed or trigger locked, whether loaded or unloaded, unless permission has been granted by the Parks Superintendent, Mayor, or Chief of Police.~~
  - (c) remove, damage or disturb any plant, wood, timber, rocks, stone, earth, signs, fences, or other materials which are part of the natural environment, unless written permission has been given by the Parks Superintendent.
  - (d) remove, damage, pursue, molest, or disturb any wildlife, unless written permission has been granted by the Parks Superintendent or unless this provision conflicts with a special order of the State Department of Natural Resources.
  - (e) camp or build fires.
  - (f) bring dogs, horses or other pets into the park, except as set forth in Sec. 8.19(1)(a)1. and 2.; and (2), M.G.O.
  - (g) disturb research projects.
  - (h) dump or leave any waste, trash, debris, rubbish, pollutant, leaves, earth or other fill in the park except in receptacles provided for such purpose, unless special permission has been granted by the Parks Superintendent.
  - (i) deface, alter or disfigure any natural conditions, real or personal property in the park.
  - (j) drive snowmobiles or all terrain vehicles in the park.
  - (k) release or abandon any pet or wildlife in the park or introduce any plant, chemical or other agent in the park, unless permission to do so has been granted by the Parks Superintendent.
- (6) Maintenance.
- (a) The City of Madison Parks Division may conduct controlled burns of vegetation and brush piles within areas designated as conservation parks for the purpose of managing and maintaining the conservation parkland area.
  - (b) The burning of vegetation and brush piles in conservation parks is a land management practice that naturally promotes weeding and fertilizing.
  - (c) Such controlled burns shall be conducted only on public property and shall comply with the standards set forth in a burning permit issued by the City of Madison Fire Department
- (Cr. by Ord. 13,657, 7-28-04)

20.241 WILD ANIMALS AND PLANTS

s. 29.301(1)(b), Stats.

(4) **INDIVIDUAL LICENSES REQUIRED.** If a trapper employs any person in trapping, a license is required for each person employed.  
History: 1997 a. 248 s. 284, 285, 437; 2003 a. 281.

SUBCHAPTER IV

HUNTING AND TRAPPING REGULATION

**20.301. General provisions on hunting and trapping.** (1) **PROHIBITION ON HUNTING IN SCHOOLS.** (a) **PROHIBITION ON HUNTING IN SCHOOLS.** "School" means a public or private elementary or secondary school, including a charter school, or a technical college.  
(b) No person may hunt within 1,700 feet of any hospital, school, or the grounds of any school. The department may designate the form for or furnish signs designating the restricted area. No person may be convicted of a violation of this paragraph unless the restricted area is designated by the signs.  
(c) Notwithstanding par. (b), this subsection does not prohibit hunting in a school forest if the school board allows hunting under s. 20.303(8).

(2) **COLOR OF CLOTHING.** In the areas in which there is a season for the hunting of deer with firearms, no person may hunt any game except waterfowl during that season unless at least 50% of each article of the person's outer clothing above the waist, including a cap, hat or other head covering, is of a highly visible color commonly referred to as hunter orange, blaze orange, fluorescent orange, flame orange or fluorescent blaze orange. This requirement does not apply to persons hunting from 30 minutes after sunset to 30 minutes before sunrise during a firearm deer hunting season if the person is hunting for other game that the department authorizes to be hunted during that firearm deer hunting season. Any person violating this subsection shall forfeit not more than \$10.

(3) **BACK TAG DISPLAY.** No person may hunt deer unless the back tag issued to the person with the license authorizing deer hunting is attached to the center of the person's coat, shirt, jacket or similar outermost garment where it can clearly be seen.

History: 1975 c. 36, 365, 421; 1979 c. 39; 1977 a. 151; 1977 s. 248 s. 41; Stats. 1997 a. 29, 301; 1999 a. 22; 2005 s. 117, 290.

**20.304. Restrictions on hunting and use of firearms by persons under 16 years of age.** (1) **PERSONS UNDER 12 YEARS OF AGE.** (a) **PROHIBITION ON HUNTING.** No person under 12 years of age may hunt with a firearm or bow and arrow.

(b) **RESTRICTIONS ON POSSESSION OR CONTROL OF A FIREARM.** No person under 12 years of age may have in his or her possession or control any firearm unless he or she is enrolled in the course of instruction under the hunter education program and he or she is carrying the firearm in a case and unloaded to or from that case under the supervision of his or her parent or guardian, or by a person at least 18 years of age who is designated by the parent or guardian, or is handling or operating the firearm during that class under the supervision of an instructor.

(c) **RESTRICTIONS ON OBTAINING HUNTING APPROVAL.** Except as provided under par. (d), no person under 12 years of age may obtain any approval authorizing hunting.

(d) **RESTRICTIONS ON VALIDITY OF CERTIFICATE OF ACCOMPLISHMENT.** A person under 12 years of age may obtain a certificate of accomplishment if he or she complies with the requirements of s. 29.391 (4) but that certificate is not valid for the hunting of small game until that person becomes 12 years of age.

(2) **PERSONS 12 TO 14 YEARS OF AGE.** (a) **RESTRICTIONS ON HUNTING.** No person 12 years of age or older but under 14 years of age may hunt unless he or she is accompanied by his or her parent or guardian, or by a person at least 18 years of age who is designated by the parent or guardian.

(b) **RESTRICTIONS ON POSSESSION OR CONTROL OF A FIREARM.** No person 12 years of age or older but under 14 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian; or

2. Is enrolled in the course of instruction under the hunter education program and is carrying the firearm in a case and unloaded to or from that case or is handling or operating the firearm during that class under the supervision of an instructor.

(3) **PERSONS 14 TO 16 YEARS OF AGE.** (a) **RESTRICTIONS ON HUNTING.** No person 14 years of age or older but under 16 years of age may hunt unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian;

2. Is issued a certificate of accomplishment that states that he or she successfully completed the course of instruction under the hunter education program or has a similar certificate, license, or other evidence satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a hunter education course recognized by the department.

(b) **RESTRICTIONS ON POSSESSION OR CONTROL OF A FIREARM.** No person 14 years of age or older but under 16 years of age may have in his or her possession or control any firearm unless he or she:

1. Is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian;

2. Is enrolled in the course of instruction under the hunter education program and is carrying the firearm in a case and unloaded to or from that case or is handling or operating the firearm during that class under the supervision of an instructor; or

3. Is issued a certificate of accomplishment that states that he or she successfully completed the course of instruction under the hunter education program or has a similar certificate, license, or other evidence satisfactory to the department indicating that he or she has successfully completed in another state, country, or province a hunter education course recognized by the department.

(4) **PARENTAL OBLIGATION.** No parent or guardian of a child under 16 years of age may authorize or knowingly permit the child to violate this section.

(5) **HUNTER EDUCATION PROGRAM.** The prohibition specified in sub. (1) (a) and the restrictions specified in subs. (1) (b) to (d), (2), and (3) do not apply to a person who is hunting with a mentor and who complies with the requirements specified under s. 29.592.

(6) **EXCEPTIONS.** (a) Notwithstanding subs. (1) to (3), a person 12 years of age or older may possess or control a firearm and may hunt with a firearm, bow and arrow, or crossbow on land under the ownership of the person or the person's family if no license is required and if the firing of firearms is permitted on that land.

(b) 1. In this paragraph, "target practice" includes trap shooting or a similar sport shooting activity regardless of whether the activity involves shooting at a fixed or a moving target.

2. The restrictions on the possession and control of a firearm under sub. (1) do not apply to a person using a firearm in target practice if he or she is accompanied by his or her parent or guardian or by a person at least 18 years of age who is designated by the parent or guardian.

History: 1983 s. 420; 1997 a. 197; 1997 s. 249 s. 431; Stats. 1997 a. 29, 301; 2003 s. 281; 2009 s. 30.

Cross Reference: See also s. NR 10.001, Wis. Code, rules.

**20.307. Hunting with aid of aircraft prohibited.** (1) No person may hunt any animal with the aid of an aircraft, including the use of an aircraft to spot, group or drive, or otherwise attempt to affect the behavior of, animals for hunters on the ground.

Text from the 2007-08 Wis. Stats. database updated by the Legislative Reference Bureau. Only printed statutes are certified under s. 35.18 (2), stats. Statutory changes effective prior to 0-1-09 are printed as if currently in effect. Statutory changes effective on or after 0-1-09 are designated by NRS. Report errors at (608) 266-3601, FAX 264-6948, http://www.legis.wisconsin.gov/statelibrary

CORRESPONDENCE/MEMORANDUM

DATE: January 19, 2012

TO: Pam Foster Felt – CF/2

FROM: Mary Zickermann-SCR

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

PROJECT NAME: Natural Heritage Land Trust-Cherokee Marsh Conservation Park  
Cherokee Park, Inc. Property

The Cherokee Park Inc, land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on December 21, 2011 and the fifteen day public review period ended on January 12, 2012.

Grant staff received three comments concerning this proposal which is summarized below:

Summary of comments:

- Two comments in support of the project discussed the conservation and recreational value of the proposed grant property. Both comments supported the NBOA prohibition of hunting and trapping.
- One comment against the project due to the prohibition of hunting and trapping on the property.

In addition, one letter in support of the grant award, signed by 44 individuals was sent directly to the Natural Resources Board.

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

Mary Zickermann  
Mary Zickermann

1-23-12  
Date

Approved:  
Mary Zickermann

Feb. 10, 2012

## APPENDIX CM - E



## Wisconsin DNR News Release

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### Natural Heritage Land Trust seeks grant for acquisition of land

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

Contact(s): Mary Zickermann, Community Services Specialist, 608-275-3218

Grant requested for Stewardship Habitat Area project in the City of Madison

MADISON – The Natural Heritage Land Trust has applied for a 50 percent matching grant from the Knowles-Nelson Stewardship Program to assist with the purchase of 5.8 acres of land in the City of Madison in Dane County. The Natural Heritage Land Trust will provide match to the grant award.

The property will be restored to a prairie-wetland edge habitat. It will be donated to the City of Madison as part of the Cherokee Marsh Conservation Park. The property will be open to the public for low impact recreational activities including hiking and cross-country skiing, snowshoeing, nature study and bird watching. There is no water on the property. A local ordinance will prohibit the following nature-based outdoor activities (NBOAs): hunting and trapping.

The department is proposing to make the determination that the prohibition of these NBOAs is necessary to protect public safety. The department has examined the following factors in making this determination: the property's proximity to school grounds, residences, a public road and an existing ordinance. The checklist of these factors considered and the department's initial assessment of allowed Nature Based Outdoor Activities (pdf) may be downloaded from the Stewardship Public Notice page of the DNR website, or you may request a hard copy by contacting the project contact listed below.

Public written comments on the proposed acquisition will be accepted through January 12, 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. Written comments can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Mary Zickermann, Community Services Specialist, 3911 Fish Hatchery Road, Fitchburg, WI 53711; or sent by email to Mary Zickermann, [mary.zickermann@wisconsin.gov](mailto:mary.zickermann@wisconsin.gov). If you have questions about this project, Mary Zickermann can be reached by phone at (608)275-3218.

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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January 5, 2011

RECEIVED

Laurie Ross  
Natural Resources Board Liaison  
PO Box 7921  
Madison WI 53707-7921

JAN 17 2012

DNR  
OFFICE OF THE  
SECRETARY

Re: Purchase of the Wheeler Triangle

Dear Members of the Natural Resources Board,

As Wisconsin sportsmen, we strongly support the purchase of the Wheeler Triangle. This small parcel of upland is absolutely vital to the preservation of the Cherokee Marsh and Lake. Many of us enjoy fishing the lake throughout the year, especially crappies through the ice, and hunting waterfowl in the fall.

The development of Wheeler Triangle would undoubtedly have a negative impact on the Cherokee Marsh and Lake as well as the surrounding public areas that are available for hunting and fishing. The upland is precious habitat for numerous species including sandhill cranes, wood ducks, geese, owls, turkeys, rabbits, squirrels, and deer. The marsh is critical to maintaining water levels and quality throughout the chain of Madison Lakes.

The development of the Wheeler Triangle would also have a negative impact on the lives of many future sportsmen. Many of our sons, daughters, and grandchild caught their first fish in the lake and have experienced first-hand the beauty of nature by exploring the upland, marsh, and lake. The Wheeler Triangle, Cherokee Marsh, and Cherokee Lake are rare treasures for children growing up in a city of 200,000 people.

We recognize how important conservation is because we have seen how the loss of habitat and decrease in water quality has affected hunting and fishing in our lifetimes. The purchase of the Wheeler Triangle is a small investment with a big return for young and old sportsmen alike.

Sincerely,

Rachel Holly Juli Anderson Robert L. Banta Sharon Banta

Dolores Nichols Pete Anderson Al Baces Tim R. Henry

Ken Schaefer Bruce Scoville Heraldine Scoville R. J. Hoffmann

John M. Lawrence Thomas E. Adkin Nick Mah Mary Lou Hill

Bob Buser Walt Berg Kenneth E. Hilling Edna Mulcahy  
Whiss

ELDON BOETH Bob Richard C. Hayes V. H. A. K.

Joe Marling Sally Matusek Stev Bally Emily Kelly

Paul Sioic John Miller Steve Brennan Ann Hall

Mary Ellen Nick Miller Bill Lane

Jeffrey Keck Richard H. O'Leary Nicole M. Popper

Ann Lynn Kyle Ann Vonnie (E. Nichols)

Margaret A. Miller Jerry Wiers Josie Nichols

## CORRESPONDENCE/MEMORANDUM

**DATE:** February 20, 2012

**TO:** Natural Resources Board

**FROM:** Cathy Stepp, Secretary

**SUBJECT:** Stewardship Grant for the Natural Heritage Land Trust:  
The Kimball 2 Addition Land Purchase

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

The Department requests that the Board ratify a determination that the prohibition of two nature-based outdoor activities is necessary on a 17.0 acre purchase of land in the Town of Newport, Columbia County. The Department proposes to award a grant in the amount of \$31,460 to the Natural Heritage Land Trust for the purchase of land on which gun hunting and trapping will be prohibited by tribal ordinance.

**Property to be Purchased**

*Project Sponsor:* Natural Heritage Land Trust  
*Seller:* Richard L. Kimball  
*Financial Information:* See page 66.  
*Timetable:* The property was acquired June 29, 2011

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

*Location and Size:* 17.0 acres in the Town of Newport, Columbia County.

This acquisition serves the following goals:

1. The acquisition supports the primary goal of the Acquisition & Development of Local Parks subprogram of the Knowles-Nelson Stewardship Grant Program to further protect a cultural and natural resource site at the Kingsley Bend Mound Group.
2. The Kingsley Bend Mound Group consists of several animal effigies and linear mounds and seven conical mounds.
3. The property will provide opportunities for nature-based outdoor recreation such as archery hunting, hiking, cross-country skiing, and nature appreciation.

***Project Description:*** Stewardship Program grant funding will assist with the acquisition of 17 acres along the Kingsley Bend Mound Group. The Kingsley Bend Mound Group (Crossing Group 47CO58) consists of several animal effigies and linear mounds and seven conical mounds. The reference “Indian Mounds of Wisconsin” (*Robert A. Birmingham and Leslie E. Eisenberg, UW Press, 2000*) noted the following:

*“Originally there were at least 22 conical, linear, and effigy mounds. As is characteristic of many effigy mound groups in south-central Wisconsin, the forms are symbolic of the three natural realms of air (bird), earth (bear), and water (water spirit or panther). A highly stylized long-tailed water spirit or panther effigy as well as several linear and conical mounds are preserved in the wayside. Other mounds of the group are on private lands nearby.”*

The Natural Heritage Land Trust will transfer the property to the Ho-Chunk Nation upon receipt of the grant.

***Prior Use of Property:*** Prior to purchase, the property was under private ownership and was not open to the public. The previous land owner did not hunt or trap on the property.

**Proposed Public Use:** The property will be open to the public year-round. Access to the property is available from County Highway "O" and State Highway 16. (See Appendix K-B for a map of the area.)

Recreational opportunities include archery hunting, hiking, cross country skiing, snowshoeing, bird and wildlife watching, photography, and the enjoyment of the scenic views. Appendix K-C shows the Nature-based Outdoor Activities (NBOA) Staff Analysis Checklist prepared by Department staff for this property.

Gun hunting and trapping will be prohibited on the property by tribal ordinance. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety. See Appendix K-A for a summary of the Department's determination. The memo attached from Mary Rose Teves, as required by s. NR 52.04(2)(e), Wis. Adm. Code, describes the procedure followed by the Department to make this determination.

**II. PROJECT FINANCES**

**A. Partnerships:**

- Natural Heritage Land Trust
- Ho-Chunk Nation
- Department of Natural Resources

**B. Appraisals**

Appraisal	\$60,000.00
Value certified by Department	\$60,000.00

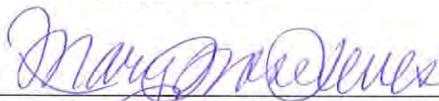
**C. Grant Calculation**

Certified appraised value	\$60,000.00
Associated eligible real estate costs	<u>\$ 2,920.00</u>
<b>Total Project Costs</b>	<b>\$62,920.00</b>

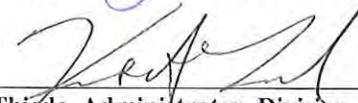
**D. Funding Sources**

Natural Heritage Land Trust	\$31,460.00
Stewardship Grant Award	\$31,460.00

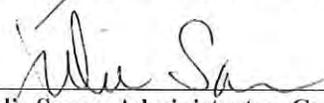
**III. RECOMMENDED:**

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

Feb 17, 2012  
Date

  
\_\_\_\_\_  
Kurt Thiede, Administrator, Division of Lands

3-1-2012  
Date

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

2/17/12  
Date

## CORRESPONDENCE/MEMORANDUM

DATE: February 20, 2012

APPENDIX K-A

TO: Natural Resources Board

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



SUBJECT: **Summary of Department Determination to Prohibit Two Nature-based Outdoor Activities on the Kimball 2 Addition Kingsley Bend Mound Land Purchase, Natural Heritage Land Trust.**

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 \$31,460 to the Natural Heritage Land Trust (NHLT) for the acquisition of 17 acres located within the Town of Newport, Columbia County, even though the prohibition of gun hunting and trapping will be necessary to protect public safety. This property will be transferred to the Ho-Chunk Nation.

#### PROJECT BACKGROUND

The Natural Heritage Land Trust, a nonprofit conservation organization eligible to receive grant funds from the Knowles-Nelson Stewardship Program, has requested a Stewardship grant of \$31,460 for the acquisition of this parcel for the purposes of protecting the cultural and natural resource site at the Kingsley Bend Mound Group.

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 Natural Heritage Land Trust proposes to transfer ownership of this property to the Ho-Chunk Nation. The property will be subjected to an ordinance prohibiting gun hunting and trapping within the recreational area. Review under ch. NR 52 was undertaken to determine whether it is necessary to prohibit gun hunting & trapping to protect public safety.

A copy of the prohibition team review is attached to this Green Sheet as Appendix K-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 24, 2011. Nine comments were received: 8 comments were in support and 1 comment was in general opposition of the project.

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

## DETERMINATION

The Ho-Chunk Nation has a gun hunting and trapping policy that prohibits trapping near housing areas. The DNR regional Recreational Safety Warden determined that the prohibition on gun hunting and trapping were necessary to protect public safety. The warden reviewed the following factors:

1. The primary purpose of the project;
2. A gun hunting and trapping policy prohibiting gun hunting and trapping near housing areas;
3. User conflicts;
4. The size of the parcels;
5. Limited acreage due to dwellings in the area
6. Proximity of homes.

We believe that the gun hunting and trapping prohibitions on this parcel are necessary to protect public safety given that the parcel has limited acreage, proximity of the parcel to homes, the primary purpose of the project, and reasonable expectation by users of no gun hunting and trapping on a parcel of this type, and the existence of an ordinance prohibiting gun hunting and trapping.

## FINAL ACTIONS

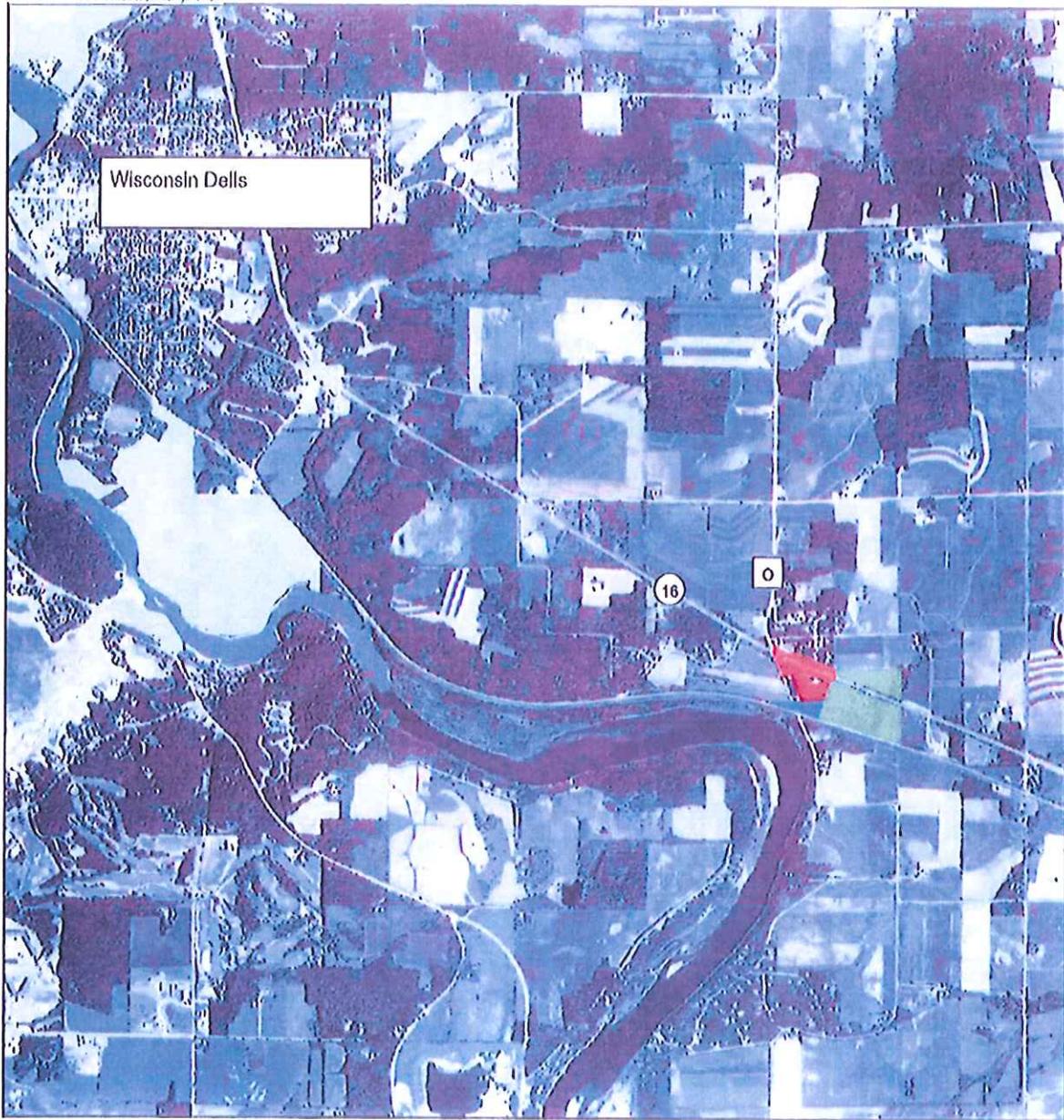
Per s. NR 52.04(2)(d), Wis. Adm. Code, a copy of this determination will be provided to the individuals who objected to a Stewardship grant award.

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

APPENDIX K - B

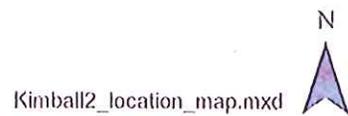
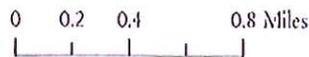


# Kimball 2 Addition to Kingsley Bend Mound Group Project Location Map



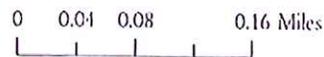
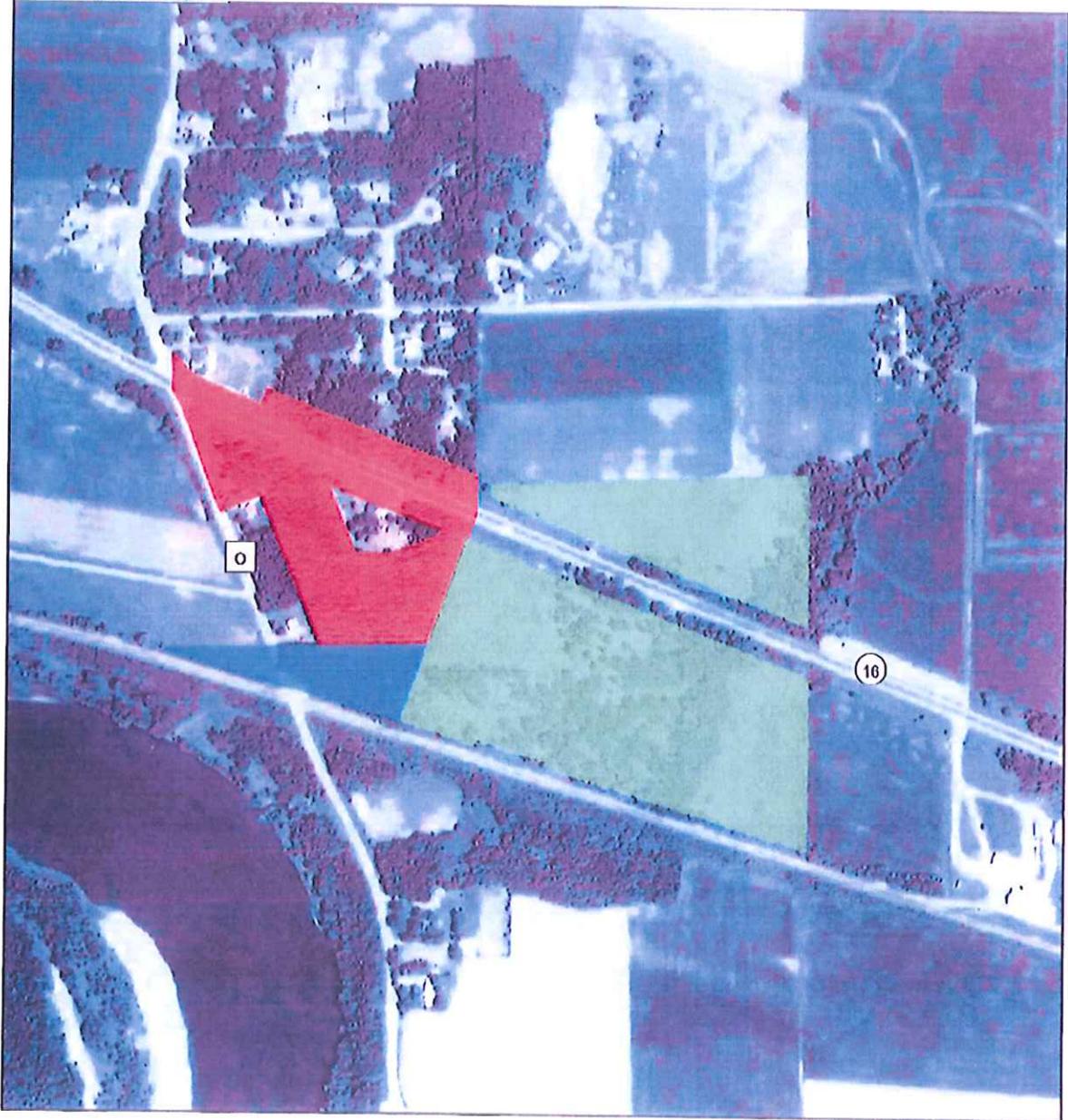
**Legend**

-  Ho Chunk Nation
-  Kimball 1 Addition (2009) (now owned by Ho Chunk Nation)
-  Kimball 2 Proposed Addition
-  DNR Project Boundaries





# Kimball 2 Addition to Kingsley Bend Mound Group Project Boundary Map



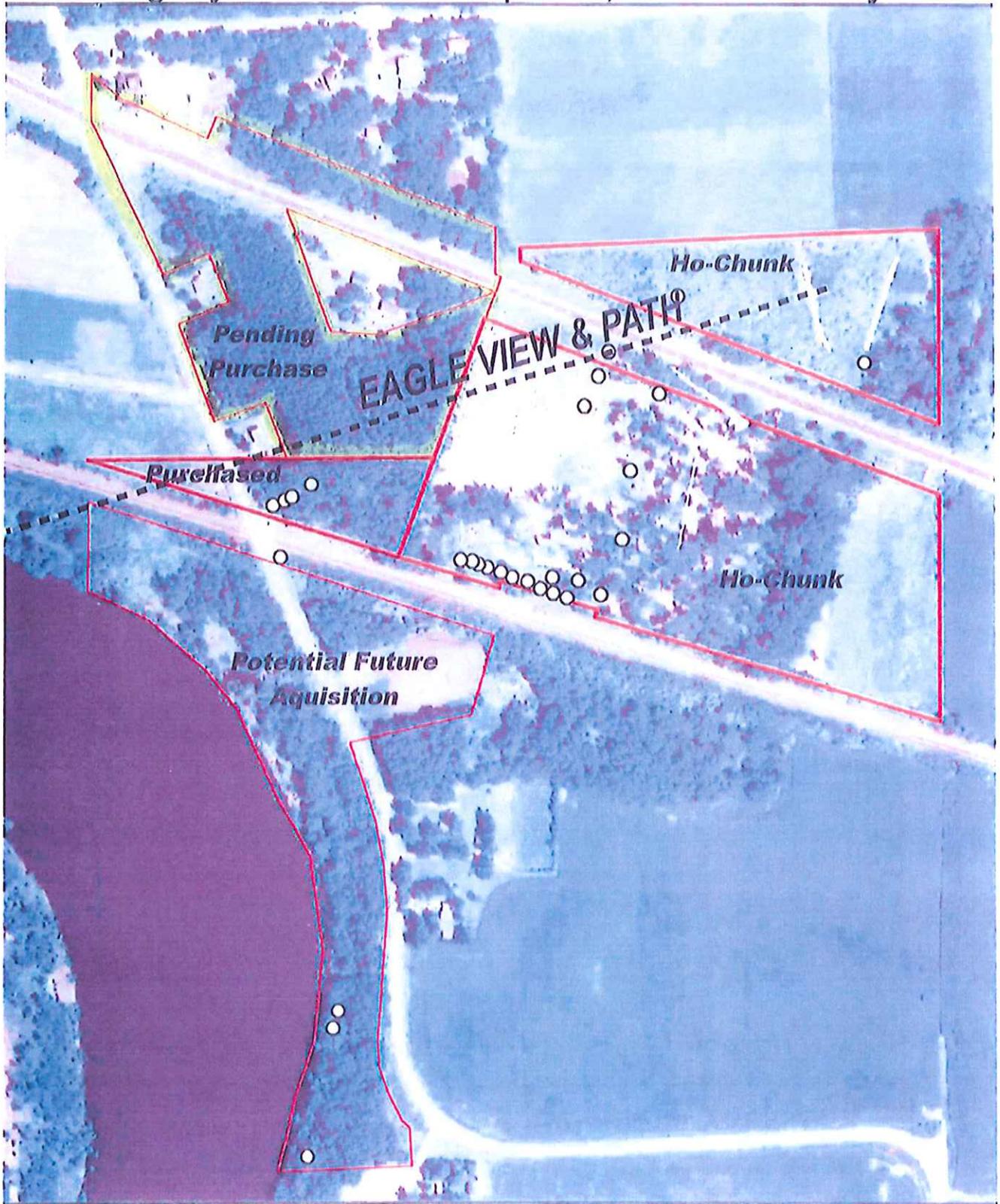
### Legend

- Ho Chunk Nation
- Kimball 1 Addition (2009) (now owned by Ho Chunk Nation)
- Kimball 2 Proposed Addition

Kimball2\_basic.mxd



# Kingsley Bend Mounds Properties, Columbia County WI

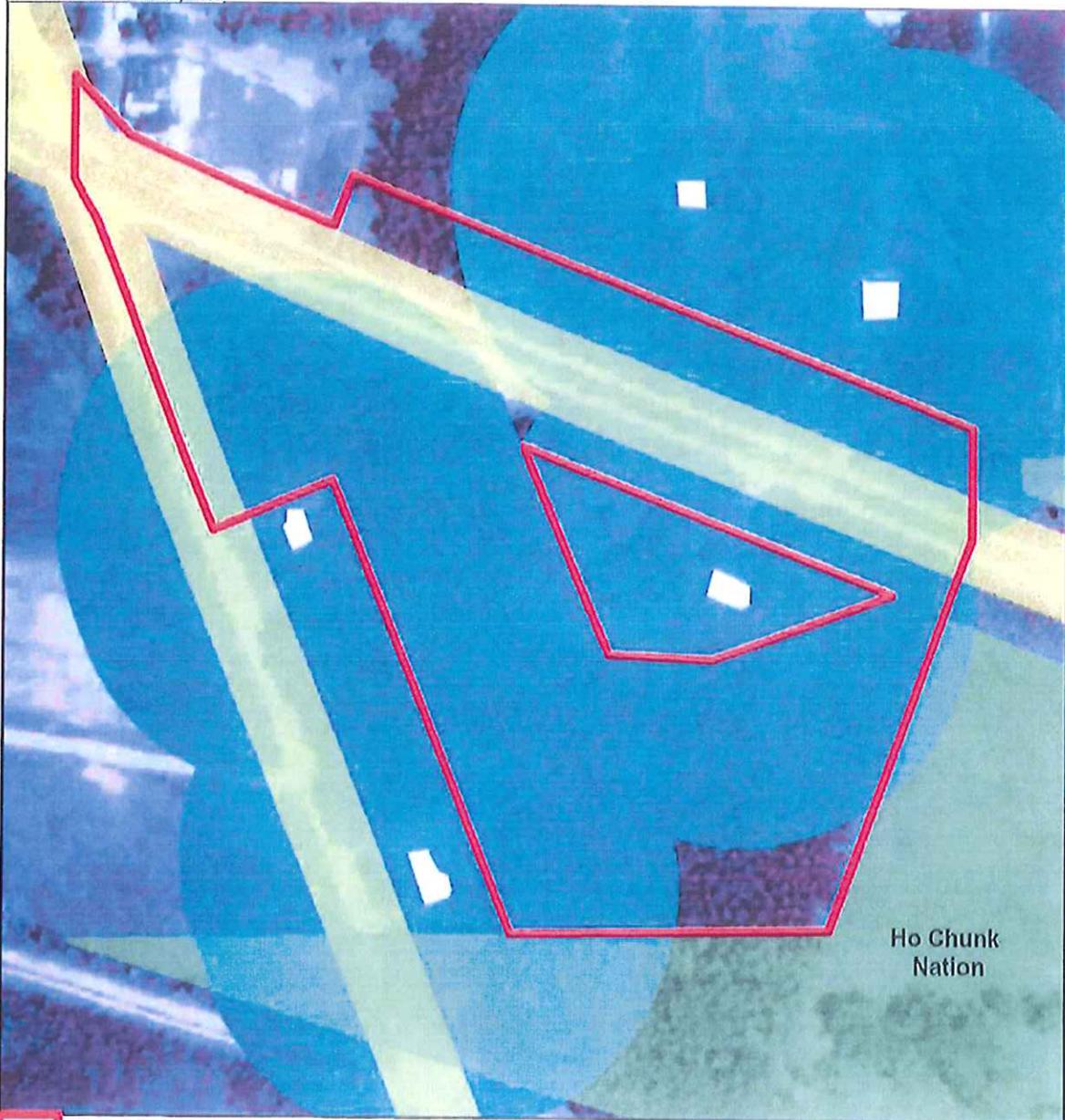


Reference map only  
HCH/DNR GIS 2011

Map "Eagle View and Path"



# Kimball 2 Addition to Kingsley Bend - effect of state hunting safety restrictions on hunting opportunities



- Kimball 2 Property
  - Houses
  - 50' buffer from road centerlines
  - 300' buffer around houses
- 0 70 140 280 Feet



941.20 No discharge of firearm within 300' of a house.  
 NR 10.13 No trap placement (60sq.in. + size) within 300'  
 of a house.  
 167.31 No discharge of firearm or shot of arrow within 50'  
 of road centerline.

Kimball2\_NHQA\_houses.mxd

## APPENDIX K - C

State of Wisconsin

### CORRESPONDENCE/MEMORANDUM

---

DATE: January 23, 2012

TO: Lavane Hessler, Stewardship Grant Manager

FROM: Catherina Nooyen, SCR Recreational Safety Warden

SUBJECT: Addendum to previous review of proposed Stewardship Grant for Natural Heritage Land Trust (NHLT)-Kingsley Bend Mound

This is an addendum to two previous memos submitted by RSW Catherina Nooyen related to the Stewardship Grant for the Natural Heritage Land Trust (NHLT)-Kingsley Bend Mound. This memo is meant to eliminate any confusion from the previous memos and clearly address the question of archery hunting.

I have reviewed the restrictions imposed on the property in question by the Ho-Chunk Nation that will not allow firearm hunting or trapping by anyone on the property. It appears that these restrictions are reasonable given the limited acreage of the proposed purchase, state law restrictions on hunting within 50 feet of a roadway and the number of dwellings currently existing on or close to the border of the property which affect firearm discharge and placement of traps.

Upon additional review, it was determined that archery hunting is not a safety concern and should not be restricted on the property. Recently received information indicates that the Ho-Chunk Nation is not prohibiting archery hunting on the property.

Hiking and cross country skiing are also not prohibited on this property. Since the site does not contain water, fishing is not addressed in the review.

**CORRESPONDENCE/MEMORANDUM**

**State of Wisconsin**

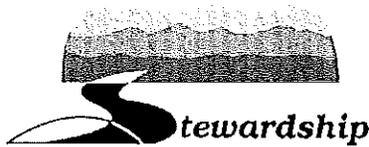
**DATE:** December 16, 2010  
**TO:** Mary Rothenmaier, Stewardship Grant Manager  
**FROM:** Catherina Nooyen, SCR Recreational Safety Warden  
**SUBJECT:** Review of proposed Stewardship Grant for Natural Heritage Land Trust (NHLT)-Kingsley Bend Mound

I have reviewed the updated restrictions imposed on the property in question by the Ho-Chunk Nation that will not allow firearm hunting, bow hunting, or trapping by anyone on the property. It appears that these restrictions are reasonable given the limited acreage of the proposed purchase, state law restrictions on hunting within 50 feet of a roadway and the number of dwellings currently existing on or close to the border of the property which affect firearm discharge and placement of traps.



Knowles-Nelson Stewardship Grant Program

**DNR Staff 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. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

**Applicant/ Sponsor:** Natural Heritage Land Trust **Year of Application:** 2011

**Project Name and Primary Purpose (after acquisition):** Kimball 2 – Kingsley Bend Mound Group  
To protect the natural landscape at Kingsley Bend Mound Group.

**Project Description:** See WEPA Notice **Plan(s) or Reports Identifying Project Area as Priority:**  
Town of Newport Comprehensive Plan

**Proposed NBOA – Applicant Narrative and Checklist**

**HUNTING**

**DNR Staff Narrative:** The Ho Chunk Nation sets hunting policy on nation lands in accordance with state safety regulations. Archery hunting will be allowed on the site.

**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.
- 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
  - X Ordinance exists –
    - Discharge or carrying a weapon
    - Hunting within park
    - Throwing or shooting missiles, arrows, spears, etc.
  - X 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
  - X 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

	Allowable species (Gun)	Allowable species (bow)	List Dates/Seasons (opening and closing)
Waterfowl	Prohibited by Nation	Per state regulations	Per state regulations
Small Game	Prohibited by Nation	Per state regulations	Per state regulations
Turkey	Prohibited by Nation	Per state regulations	Per state regulations
Large Game	Prohibited by nation	Per state regulations	Per state regulations

**TRAPPING**

**DNR Staff Narrative:** The Ho Chunk Nation sets trapping policy on nation lands in accordance with state safety standards. Trapping will not be allowed on the site.

**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.

**X 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	Prohibited by Nation	Prohibited
Water	No water on site.	NA

**FISHING**

**DNR Staff Narrative:** There is no water on the site.

**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.

**X 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	No water on site.	NA
Boat	No water on site.	NA

HIKING		
DNR Staff Narrative: Hiking will be allowed on the site.		
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.		
<p>Public Safety Factors Considered: Check all that apply.</p> <input type="checkbox"/> 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. <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"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
<p>Unique Plant and Animal Communities Factors Considered: Check all that apply.</p> <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	Open all year
Off-Trail	Yes	Open all year

CROSS COUNTRY SKIING		
DNR Staff Narrative: Cross country skiing will be allowed on the site.		
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.		
<p>Public Safety Factors Considered: Check all that apply.</p> <input type="checkbox"/> 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. <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"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
<p>Unique Plant and Animal Communities Factors Considered: Check all that apply.</p> <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 conditions.
On-Trail (un-groomed)	Yes	Snow conditions.
On-Trail (groomed)	No	No trails are currently groomed.

DATE: January 6, 2012

APPENDIX K - D

TO: Lavane Hessler – CF/2

FROM: Mary Rothenmaier - SCR

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

PROJECT NAME: Natural Heritage Land Trust, Kimball 2 Addition Kingsley Bend Mound Group

The Kimball 2 Addition land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on January 24, 2011 and the fifteen day public review period ended on February 14, 2011.

The Department received 9 comments concerning this proposal which is summarize below:

Summary of comments:

8 comments were in general support of the project mainly because they thought it important to preserve the archeological and cultural resources and the impressive restoration work the Ho Chunk Nation is doing on the site.

One comment was in general opposition of the project.

None of the comments mentioned NBOA.

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

Mary Rothenmaier  
Signature of Contact Person

1-6-12  
Date

NBOA Approved with Prohibition Certification:

Mary Rose Teyes  
Mary Rose Teyes, CF Bureau Director

Feb 10, 2012  
Date

APPENDIX K - E



## Wisconsin DNR News Release

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### Natural Heritage Land Trust Seeks Stewardship Grant for Acquisition of Land In Town Of Newport

News Release Published: January 24, 2011 by the South Central Region

Contact(s): Mary Rothenmaier, Stewardship Grants Specialist, Fitchburg: 608-275-3322

WISCONSIN DELLS, Wis. – Natural Heritage Land Trust (NHLT) has applied for a 50 percent matching grant from the Acquisition and Development of Local Parks subprogram of the Knowles-Nelson Stewardship Program to assist with the purchase of 17 acres of land in the Town of Newport, Columbia County. NHLT will provide match to the grant award.

The property is being acquired to expand and buffer Kinglsey Bend Mound Group and will include hiking, cross-county skiing and snowshoeing, nature appreciation, educational tours. There is no water on the property.

Public written comments on the proposed acquisition can be mailed to Julie Sauer, Administrator, Division of Customer and Employee Services, care of Mary Rothenmaier, 3911 Fish Hatchery Rd., Fitchburg, WI 53711 or sent by email to [Mary.Rothenmaier@Wisconsin.gov](mailto:Mary.Rothenmaier@Wisconsin.gov).

Questions about this project can be directed to Mary Rothenmaier at 608-275-3322. Written comments will be accepted through Feb. 14. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

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

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## 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 <sup>st</sup> Appraisal	2 <sup>nd</sup> 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>

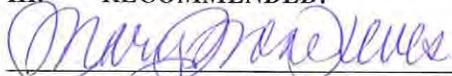
**C. Grant Calculation**

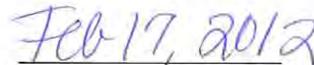
Total Certified appraised value (All Four Parcels)	\$566,600
Total Associated real estate costs	\$ 43,100
<b>Total Project Costs</b>	<b>\$609,700</b>

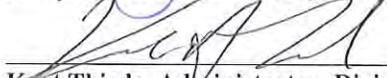
**D. Funding Sources**

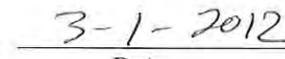
Village of Mount Pleasant	\$304,850
Stewardship Program Grant Award	\$304,850

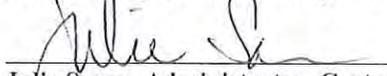
**III. RECOMMENDED:**

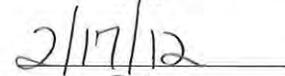
  
Mary Rose Teves, Director, Bureau of Community Financial Assistance

  
Date

  
Kurt Thiede, Administrator, Division of Lands

  
Date

  
Julie Sauer, Administrator, Customer and Employee Services Division

  
Date

## CORRESPONDENCE/MEMORANDUM

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.

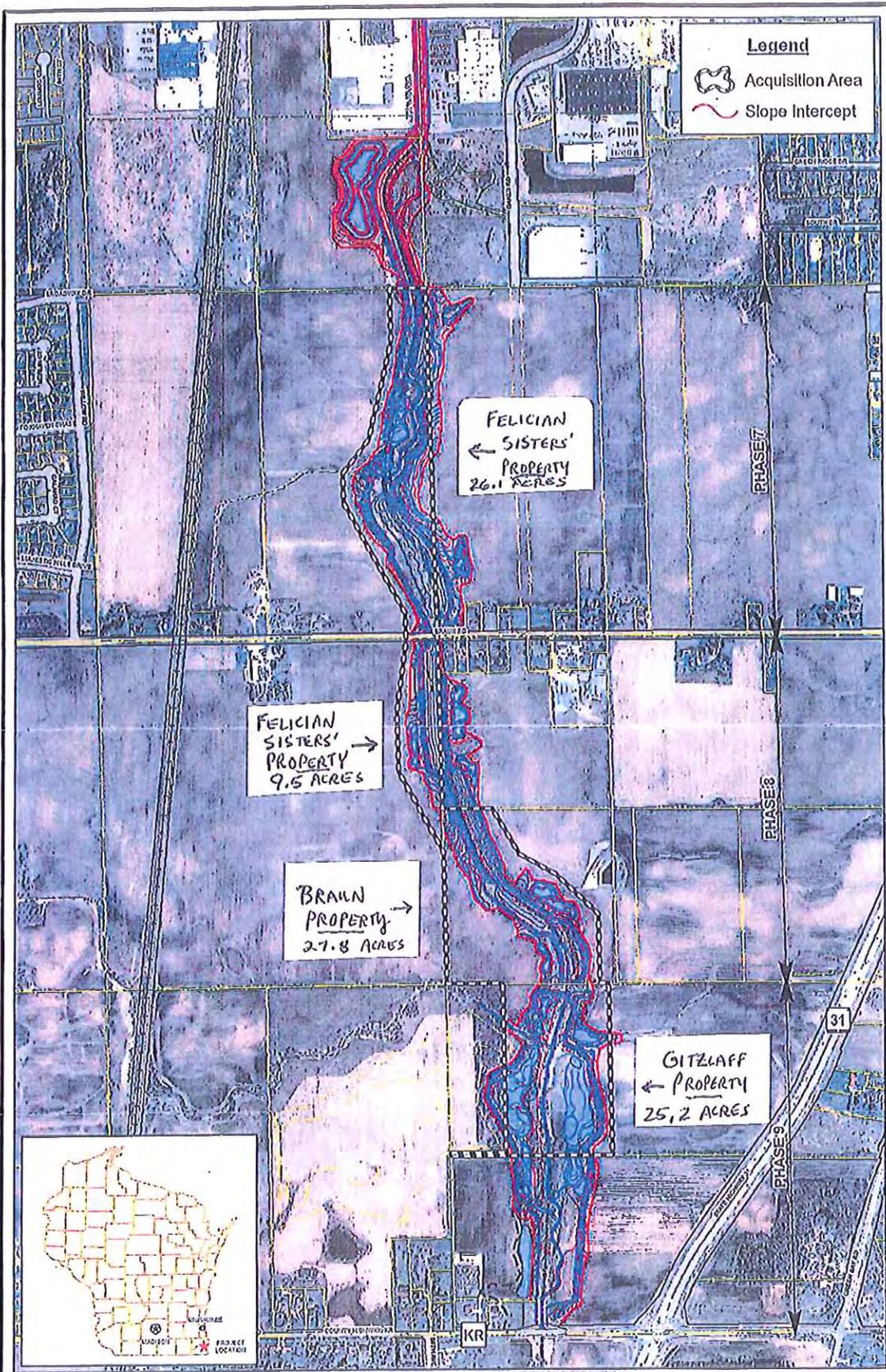
We believe that the hunting prohibition on these parcels is necessary to protect public safety because:

- 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



CRISPELL-SNYDER, INC.  
PROFESSIONAL CONSULTANTS  
1 Inch equals 660 feet



APPENDIX MP - C

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 WEPANBOA 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
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**PROJECT DESCRIPTION**

Applicant/ Sponsor: Village of Mount Pleasant	Year of Application: 2011-2012
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Project Name: Pike River	Primary Purpose: <input type="checkbox"/> Habitat Areas <input checked="" type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection
-----------------------------	--

Project Description:

**FINDINGS OF FACT:**

Empty box for 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.		
<b>Public Safety Factors Considered: Check all that apply.</b> <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		

GROSS 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.		
<p><b>Public Safety Factors Considered:</b> Check all that apply.</p> <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 _____		
<b>Prohibition or Restriction Necessary to Protect Public Safety:</b> <input type="checkbox"/> Yes <input type="checkbox"/> 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.

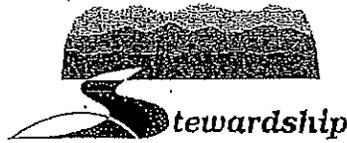
Trapping, fishing, hiking, and cross-country skiing - Trapping, fishing, hiking and cross-country skiing are not prohibited on this property.

Approved Kevin Mickelberg, SBR Regional Warden:

 11-18-11



DNR Staff 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. In "Staff Narrative" sections below each NBOA, summarize sponsor's reason for prohibition based on the 3 allowable exceptions.

Applicant/ Sponsor: Village of Mount Pleasant Year of Application: 2011

Project Name and Primary Purpose (after acquisition): Pike River Acquisitions – Phases 7, 8 and 9; riverfront trail development

Project Description: See WEPA Notice Plan(s) or Reports Identifying Project Area as Priority:  
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

**Proposed NBOA – Applicant Narrative and Checklist**

**HUNTING**

DNR Staff Narrative: Property will not be open to hunting.

**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. Land to be acquired in these phases are relatively narrow corridors along approximately 1.5 miles of the Pike River not conducive to hunting that are intended for year-round trail use – hiking, biking and cross-country skiing. The properties are in close proximity to residential and commercial development and adjoining additional trail corridor lands where hunting is prohibited. The village also has ordinances that prohibit the use of weapons within the village where this trail corridor will be located and in village parks. Please see the initial assessment of the NBOA prohibition conducted by the local recreation safety warden, pursuant to s. NR 52.05 (1) (a), Wis. Adm. Code.

- 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 park
  - Throwing or shooting missiles, arrows, spears, etc.
  - 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

	Allowable species (Gun)	Allowable species (Bow)	List Dates/Seasons (opening and closing)
Waterfowl	None	None	N/A
Small Game	None	None	N/A
Turkey	None	None	N/A
Large Game	None	None	N/A

**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 municipally 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.		
<input type="checkbox"/> 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.		
<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"/> Parcel is subjected to a non-sponsor ordinance		
<input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply.		
<input type="checkbox"/> Federal listed endangered species		
<input type="checkbox"/> State listed endangered species		
<input type="checkbox"/> Federal listed threatened species		
<input type="checkbox"/> State listed threatened species		
<input type="checkbox"/> Federal listed species of special concern		
<input type="checkbox"/> State listed species of special concern		
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.		
<input type="checkbox"/> 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.		
<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"/> Parcel is subjected to a non-sponsor ordinance		
<input type="checkbox"/> Project will be transferred to an eligible partner sponsor with ordinance prohibiting activity.		
Unique Plant and Animal Communities Factors Considered: Check all that apply.		
<input type="checkbox"/> Federal listed endangered species		
<input type="checkbox"/> State listed endangered species		
<input type="checkbox"/> Federal listed threatened species		
<input type="checkbox"/> State listed threatened species		
<input type="checkbox"/> Federal listed species of special concern		
<input type="checkbox"/> State listed species of special concern		
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

OFFENSES AND MISCELLANEOUS PROVISIONS

§ 54-1

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 OTH KB, 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 30th Street; thence following the westerly boundary line of the Village of Shurtlevont to its intersection with OTH H, north of STH 31; thence north on OTH 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 OTH C; thence east on OTH C to its intersection with Emmertson Road; thence north on Emmertson Road to its intersection with STH 33; thence east on STH 33 to the easternmost village limits.

INCLUDES  
PIKER.  
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 residents 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.

(d) *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.

(b) *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)

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(2).
- (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

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

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 E. 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

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### 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-county 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](mailto: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) (c) 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.