



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

Rev. August 2012

NOTE TO DNR STAFF: *This completed form will be attached to the 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

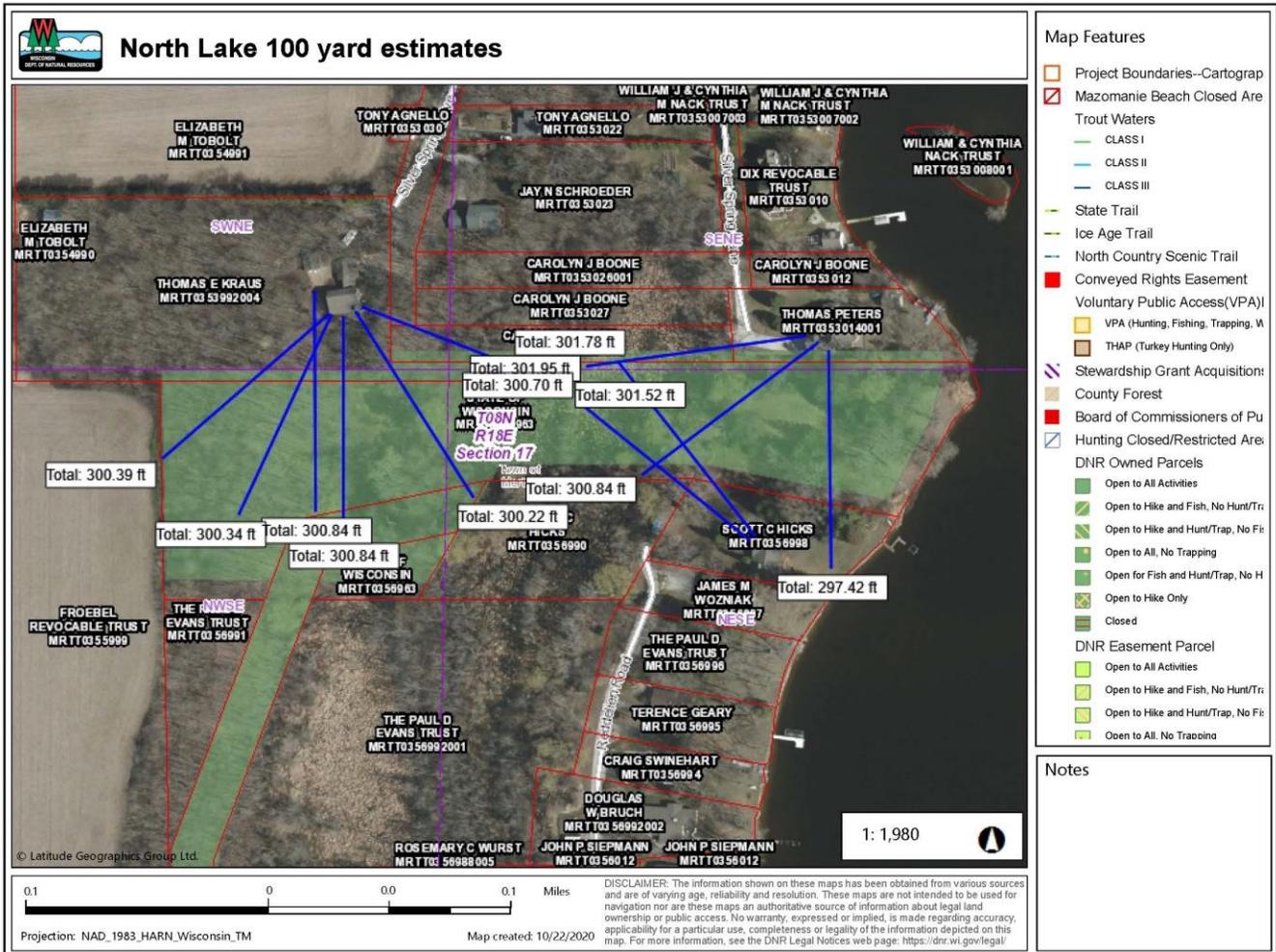
<p>Jason Roberts 12/16/2020</p> <hr/> <p>Regional Recreation Safety Warden Date</p>	<p>Mike Katzenberg</p> <hr/> <p>Regional Warden Supervisor Date</p>
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PROJECT DESCRIPTION

<p>Applicant/ Sponsor: WI/DNR</p>	<p>Year of Application: N/A</p>
<p>Project Name: North Lake(Waukesha County) Carry- in boat access</p>	<p>Primary Purpose: <input type="checkbox"/> Habitat Areas <input type="checkbox"/> Local Parks <input checked="" type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection</p>

Project Description:

The State of Wisconsin secured approximately 6 acres of land along the north western shore of North lake for purposes of providing public carry-in boat access to North Lake. The public acquisition area is bordered to the east by a large contingent of homes and roadways and is bordered to the north and south by both homes and public roadways. The site can be most accurately described as a boating public access site consisting of a narrow gravel path from the main roadway that opens to a slightly larger area available for hiking, driving and parking. The primary purpose of the acquisition was to enhance public waterway access to North Lake.



FINDINGS OF FACT

The State of Wisconsin had acquired these approximately 6 acres of property along the northwestern shore of North Lake for the primary intent of increasing the public's waterway access to the waters of North Lake

Laws and ordinances that could impact the feasibility of the different NBOA's
State Law

State law requires one to be at least 100 yards from a residential home in order to legally discharge a firearm while on state lands. This state law would effectually close a vast majority of this parcel due to the close proximity of homes on the northern and eastern borders of the parcel.

Wisconsin law does not grant a hunter the right to retrieve downed game on others property without their permission. The layout of this property would inevitably lend itself to trespassing complaints due to hunters attempting to retrieve downed game on the neighboring properties.

Current Municipal Town of Merton ordinances

The Town of Merton has a more restrictive ordinance which prohibits one's firearm shot or other projectiles from landing on the property of another without their permission. If a hunter discharged a firearm, all of their shot and or slug, would be required by ordinance to stay within the state parcel boundaries.

Other more restrictive ordinances include a Town of Merton ordinance requiring the discharge of a firearm to be at least 200 yards from a building devoted to human occupancy. With the presence of homes on the northern and southeastern border of the parcel boundary, the local town ordinance would in-essence prohibit an individual from legally discharging a firearm on most of the state parcel.

See the attached map for distance approximations of the state property boundaries and the surrounding roads and residential homes.

In consultation with the local field warden, the regional warden safety specialist, regional warden and Bureau of Facilities and Lands staff, it has been recommended that the state prohibit firearm discharge on this 6 acre parcel. A firearm discharge prohibition is necessary to insure compliance with current state firearm discharge laws, municipal firearm ordinances and the need to protect the public's safety.

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 state parcel can be best described as a long and narrow corridor with a gravel roadway connecting a local town road to the North Lake boat landing area. The parcel is partially wooded with some upland timber and surrounding marshy vegetation.

This parcel can be best described as an L-shape and is orientated in a manner in which it forms two long and narrow corridors; one running north from the town road and the other running east toward the boat landing. These two "corridors" each are approximately 1000 feet long, but vary from as little as 75ft wide in some places. These two long corridors form what can be best described as lanes of potential fire or "fatal funnels". These clear lines of sight will be attractive to firearm hunters and will create dangerous fields of fire focused down very narrow corridors that have been placed for the intended purpose of vehicular and foot travel.

The northwestern portion of the property near the parking lot is less than 300 feet (north to south) long and is well within 100 yards (state law) of a residential home to the north. The portion of the property heading east to the lake is only approximately 150-225 feet wide (north to south) and is bordered by residential homes to the north and the south (see attached map).

The close proximity of nearby homes and the likelihood of foot and vehicular traffic on the roadways and surrounding the property create a significant public safety risk that necessitates a recommendation to close firearm discharge on the state parcel identified above.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	X	None	State laws
Small Game	X	None	State laws
Turkey	X	None	State laws
Large Game	X	None	State laws

Public Safety Team Narrative:

The high density of residential homes along the parcel boundary, along with existing state laws and municipal ordinances would make legal firearm hunting nearly impossible on this state parcel. The state law and municipal discharge ordinances alone would block out a significant portion of this property to legal firearm discharge, that it this parcel would easily warrant a restriction of firearm hunting on this property.

It is the opinion of SER NBOA Public Safety Team that the prohibition on all firearm hunting be implemented to ensure compliance with current state and local firearm discharge laws, to limit user conflict and to insure the safety of the public.

It is also noted this property was acquired for purposes of expanding the public's waterway access to North Lake.

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 – Town of Merton
 - 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: **This is a parcel that was purchased and has a history of litigation for purposes of waterway access. Hunting was never a consideration when originally acquiring the property. The public would have very little expectation this parcel would be available to firearm hunting given its topography, size and historical use of the site.**
- Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	None	State laws
Water	None	State Laws
Public Safety Team Narrative:		
<input type="checkbox"/> No Water On Site Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> The sponsor is within its own municipality boundary. <input type="checkbox"/> Parcel is within 100 yards of building devoted to human occupancy and per s. NR 10.13(1)(b)(12)(c), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints. <input type="checkbox"/> Ordinance exists that prohibits trapping or some type of trapping. <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 checked="" type="checkbox"/> No		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	
Boat	None	
Public Safety Team Narrative:		
<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 checked="" type="checkbox"/> No		

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	None	
Off-Trail	None	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: 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 checked="" 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	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: 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 checked="" type="checkbox"/> No		