

State of Wisconsin

SENATE CHAIR
Howard Marklein

316 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-0703



ASSEMBLY CHAIR
Mark Born

308 East, State Capitol
P.O. Box 8592
Madison, WI 53708-8953
Phone: (608) 266-2540

Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: January 23, 2024

Re: 14-Day Passive Review Approval – DNR

Pursuant to s. 23.0917(6m), Stats., attached is a 14-day passive review request from the Department of Natural Resources, received on January 23, 2024.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Friday, February 9, 2024**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

HM:MB:jm

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



JAN 23 2024
St. Finance

January 16, 2024

The Honorable Howard Marklein Co-Chair
Committee on Joint Finance
Room 317 East
State Capitol
PO Box 7882
Madison WI 53707

The Honorable Mark Born, Co-Chair
Committee on Joint Finance
Room 308 East
State Capitol
PO Box 8952
Madison, WI 53707

Dear Senator Marklein and Representative Born:

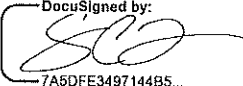
Pursuant to s. 23.0917(6m), Wis. Stats., the Department is notifying you as co-chairs of the Committee on Joint Finance of a proposed grant of \$812,100 from the Knowles-Nelson Stewardship Program to the Town of Westport for land acquisition. The proposed grant award represents 17% of the estimated total project costs. The acquisition is located in the Town of Westport, Dane County.

The proposed project will invest in the protection of 94.18 acres for open green space, public recreation and conservation. The acquisition will protect and enhance the existing wetlands and waterways, while benefitting wildlife habitat in the Lake Mendota watershed. In addition, the property's hydric soils have capacity for stormwater retention during larger rain events. The property is adjacent to the Town Hall and Town Center Park and existing Town parking lots will be used to access the property. The property will be open to nature-based outdoor activities as defined in s. 23.0916(1)(b), Wis. Stats.

As provided in s. 23.0917(6m)(a), Wis. Stats., if the Department does not receive notification of the scheduling of a hearing from either of the Joint Committee on Finance co-chairpersons within 14 working days from submission of this letter, the Department will award this grant.

Thank you for your consideration.

Sincerely,

DocuSigned by:

7A5DFE3497144B5...
Steven Little
Deputy Secretary

CORRESPONDENCE/MEMORANDUM

DATE: January 19, 2023
TO: Members of the Joint Committee on Finance
FROM: Steven Little, Deputy Secretary

SUBJECT: Request for approval of a Stewardship grant exceeding \$250,000

Pursuant to s. 23.0917(6m)(a) and (c), Wis. Stats., the Department of Natural Resources is notifying you of a proposed Knowles-Nelson Stewardship grant of \$812,100, to the Town of Westport for the acquisition of 94.18 acres in the Town of Westport. The Knowles-Nelson Stewardship program is funded under s. 20.866(2)(ta), Wis. Stats.

I. PROJECT DETAILS:

Project Sponsor: Town of Westport
Grant Sub-Program: Urban Green Space & Urban Rivers

Location: The subject property is located along CTH M, in the Town of Westport, Dane County. The property is located adjacent to the Town Hall and Town Center Park. The public will utilize existing Town parking lots to access the property. Project maps are attached as Appendix A.

Project Description: The property is predominantly flat and open land. There are wetland grasses, trees, and brush in the lower areas. The upland part of the site is a mainly grassland, but there is a mowed turf area near Mary Lake Rd.

Key Benefits: The proposed grant project will invest in the protection of 94.18 acres for open green space, public recreation and conservation. Acquisition of the property protects and enhances the existing wetlands and benefits wildlife habitat in the Lake Mendota watershed. The property will be an addition to the existing Town Center Park. The property's hydric soils have capacity for stormwater retention during larger rain events.

Partnerships: The Town collaborated with the following organizations and individuals to purchase this property:

- Town budgeted funds and a resident donation
- Dane County (Conservation Fund Grant)
- Groundswell Conservancy (conservation easement on the property)
- Seller-financing

Consistency With Planning: The acquisition will advance the objectives of several conservation and recreational plans:

- Protects the watershed for Lake Mendota, Lake Monona, and Lake Waubesa.
- Provides for ecological restoration projects and some wetland restoration.
- Protects unique natural resources including a large block of grassland/wetlands draining into Six Mile Creek and Lake Mendota.
- Implements recommendations from Westport-Waunakee Bicycle, Pedestrian, and Outdoor Recreation Plan 2023-27.

Public Uses: The addition to the Town Center Park will be available to the public from 6:00 am – 10:00 pm, seven days per week, 365 days per year. Users will be able to hike, cross-country ski, snowshoe, explore nature, and trap or hunt by permit. Fishing is allowed, however there is limited standing water in marshy areas and ditches. There are no prohibitions of nature-based outdoor activities, as defined in s. 23.0916(1)(b), Wis. Stats. Trapping and hunting will be managed by a Town permit system. The Department’s safety analysis for the site is attached as Appendix B.

Property Management: The property will be operated and maintained by the Town of Westport, consistent with their town park management policies and local ordinances.

Timetable: The Town acquired the property within one year of their Stewardship grant application and the Department provided a waiver of retroactivity, per NR 51.907(1)(b).

II. PROJECT FINANCES

A. Appraisals

Per s. 23.0917(7)(e)1., Wis. Stats., two appraisals were used to determine the fair market value of the land. The property value used for grant calculation is based on the lower acceptable appraisal report. Appraisal 1 was completed in advance of the Town’s Stewardship application and valued the entire parcel (approximately 108.18 acres) at \$5,410,000. Appraisal 2 was contracted by the Department and valued the parcel at \$5,400,000. The Town subsequently decided to exclude approximately 14 acres from their grant application to allow for construction of sports fields, which are ineligible for Stewardship funding. The lower appraisal (Appraisal 2) was revised by the appraiser and valued the remaining 94.18 acres at \$4,700,000.

Appraisal 1 (108.18 acres)	\$5,410,000
Appraisal 2 (108.18 acres)	\$5,400,000
Appraisal 2 revised (94.18 acres)	\$4,700,000
Value accepted by Department	\$4,700,000

B: Funding Sources:

Town of Westport (budgeted funds, financing, and donation):	\$2,227,900
Groundswell Conservancy:	\$830,000
Dane County Conservation Fund:	\$830,000
Proposed Stewardship Grant:	<u>\$812,100</u>
Total project costs	\$4,700,000

III. RECOMMENDED:

DocuSigned by:

 F21082F90846464...
 Terry Bay, Director, Bureau of Facilities and Lands
 1/21/2024 | 8:53 PM CST
 Date

DocuSigned by:

 D792C5F7A747460...
 Tim Cooke, Administrator, Internal Services Division
 1/22/2024 | 8:53 AM CST
 Date




Exhibit A.
Project Maps

Lena LLC Acquisition

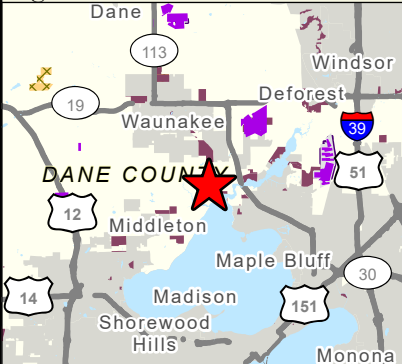
...


T8N R9E Sec. 21
Town of Westport
Dane County

 **Subject**

-  DNR Project Boundary
-  State Natural Area Project Boundary
-  DNR Fee Title
-  DNR Easement
-  DNR Easement (Closed to Public Access)
-  State Natural Area
-  Section Boundary

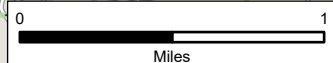
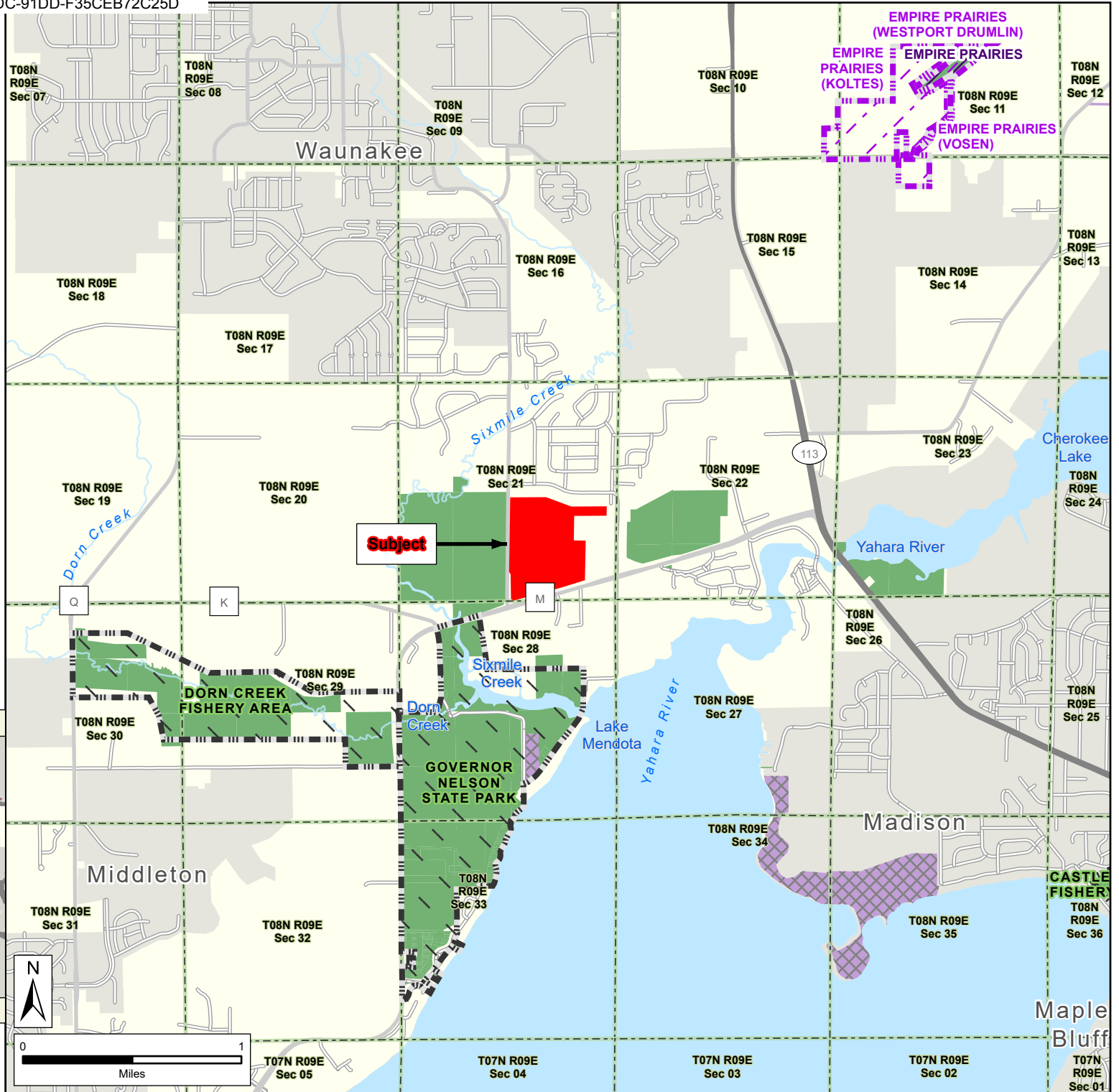
Regional View



 Location of Property



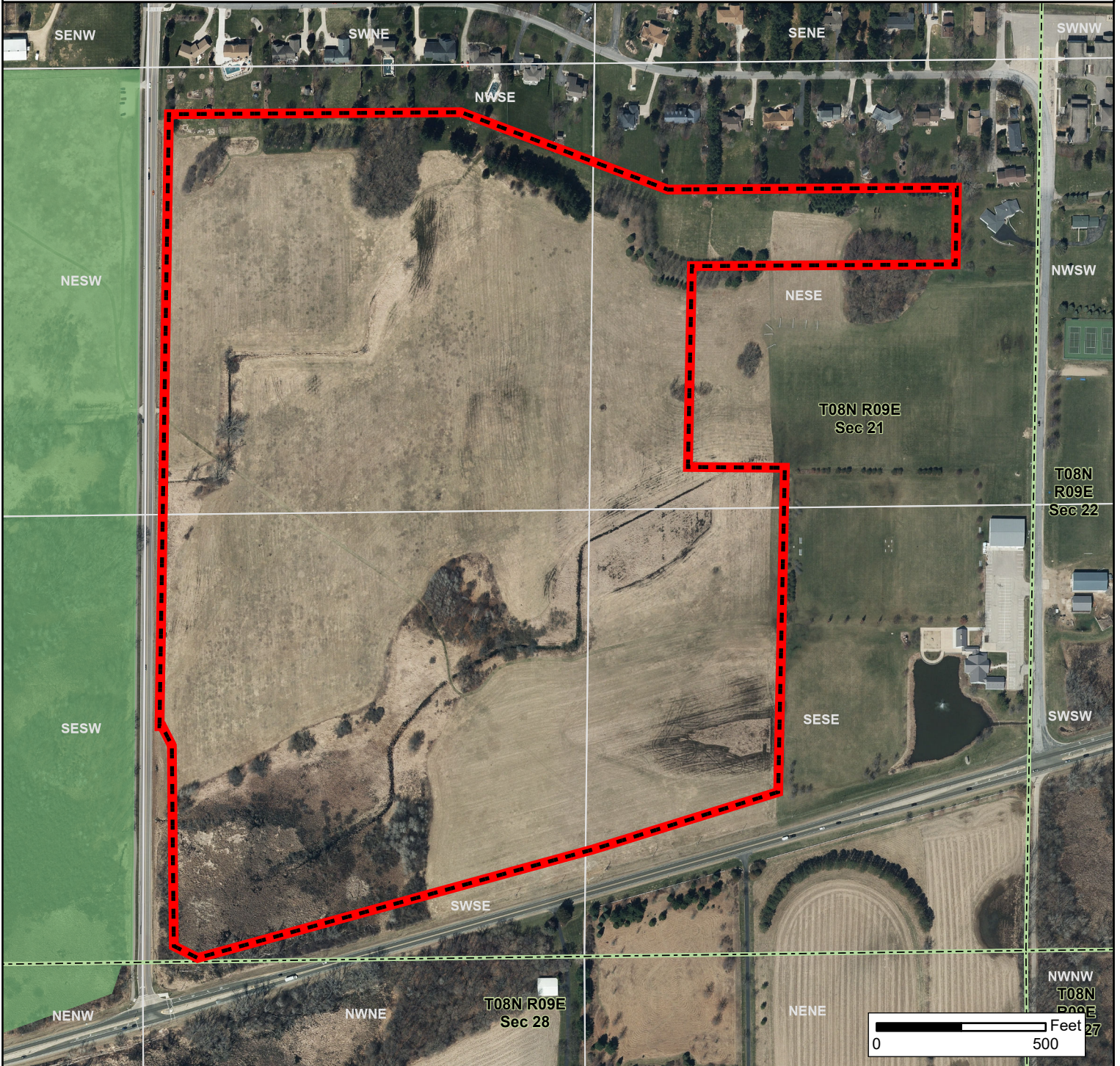
WISCONSIN DEPARTMENT
OF NATURAL RESOURCES
Bureau of Facilities of Lands
Map Created: Jan 19, 2024 lec






Lena LLC Acquisition

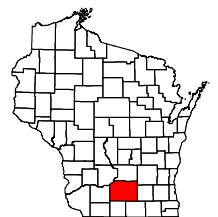
Proposed Stewardship Grant
Sponsor: Town of Westport
Approximate Total Acreage: 94

T8N R9E Sec. 21
Town of Westport
County: Dane



 Subject

-  Section Boundary
-  QQ Section Boundary
-  DNR Fee Title

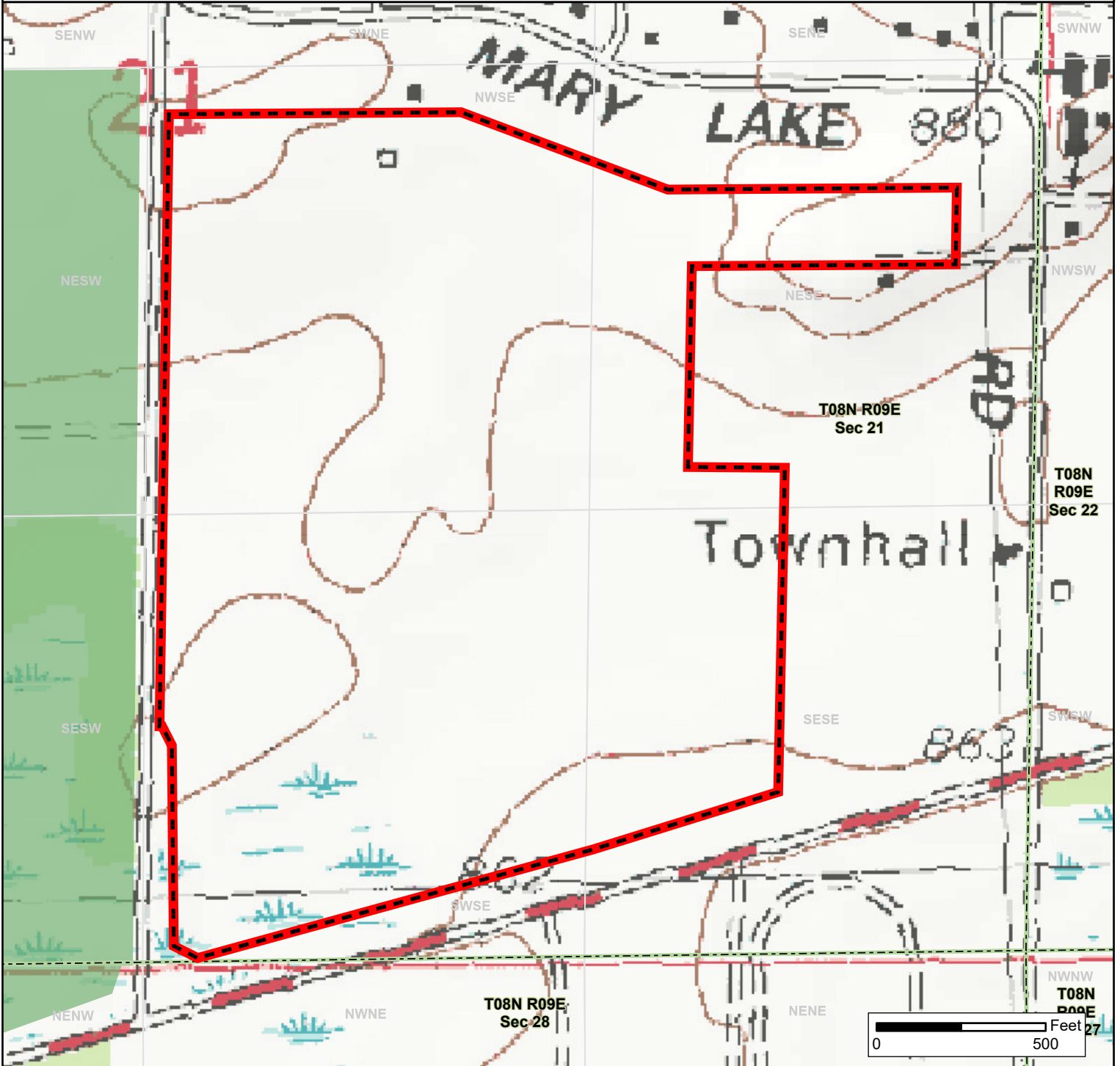


Jan 19, 2024 *lec*
 Real Estate Section
 Bureau of Facilities and Lands




Lena LLC Acquisition

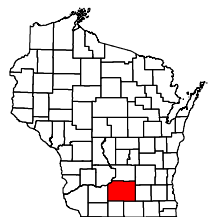
Proposed Stewardship Grant
Sponsor: Town of Westport
Approximate Total Acreage: 94

T8N R9E Sec. 21
Town of Westport
County: Dane



 Subject

-  Section Boundary
-  QQ Section Boundary
-  DNR Fee Title



Jan 19, 2024 lec
Real Estate Section
Bureau of Facilities and Lands

Exhibit B.
Safety Analysis

Knowles-Nelson Stewardship Grant Program


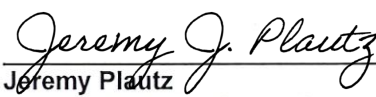


**Public Safety Team Analysis of
Nature Based Outdoor Activities on
Projects Purchased with
Stewardship Grant Funds**

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

 Nick Webster Regional Recreational Safety Warden	10/02/23 Date	 Jeremy Plautz Regional Warden Supervisor	10/6/2023 Date
--	------------------	---	-------------------

PROJECT DESCRIPTION

Applicant/ Sponsor: Town of Westport	Year of Application: 2023								
Project Name: Lena LLC Acquisition	Primary Purpose: <table style="display: inline-table; vertical-align: top;"> <tr> <td><input type="checkbox"/> Habitat Areas</td> <td><input type="checkbox"/> Local Parks</td> </tr> <tr> <td><input type="checkbox"/> Natural Areas</td> <td><input checked="" type="checkbox"/> Urban Rivers</td> </tr> <tr> <td><input type="checkbox"/> State Trails</td> <td><input checked="" type="checkbox"/> Urban Greenspace</td> </tr> <tr> <td><input type="checkbox"/> Streambank Protection</td> <td></td> </tr> </table>	<input type="checkbox"/> Habitat Areas	<input type="checkbox"/> Local Parks	<input type="checkbox"/> Natural Areas	<input checked="" type="checkbox"/> Urban Rivers	<input type="checkbox"/> State Trails	<input checked="" type="checkbox"/> Urban Greenspace	<input type="checkbox"/> Streambank Protection	
<input type="checkbox"/> Habitat Areas	<input type="checkbox"/> Local Parks								
<input type="checkbox"/> Natural Areas	<input checked="" type="checkbox"/> Urban Rivers								
<input type="checkbox"/> State Trails	<input checked="" type="checkbox"/> Urban Greenspace								
<input type="checkbox"/> Streambank Protection									

Project Description:
 The Town of Westport supports the acquisition of Lena LLC to preserve it as a keystone property for open space and conservation on the north side of Lake Mendota. It is located within a complex of public conservation lands, including DNR Fishery Areas on its east and west sides. Acquisition of the Lena LLC property was a unique, rapidly developing opportunity to convert commercially zoned land to preservation as park land. The Town's goals are to protect and enhance the existing wetlands, while investigating the feasibility of restoring more wetland and grassland for the benefit of wildlife habitat and Lake Mendota water quality. Watershed protection is greatly advanced by keeping the commercial property out of development. Rather than a corporate facility with parking lots, the land will remain open. In addition, stormwater retention will address climate change. There are soccer fields on a corner of the property, which may now be improved. To ensure that the property's conservation values are maintained in perpetuity, the Town also granted a conservation easement to Groundswell Conservancy, Inc.

FINDINGS OF FACT:

The Town of Westport is requesting funds from the Stewardship program for acquiring 108.25-acre property between Woodland Dr., CTH M, and Mary Lake Road for recreation and conservancy area. The parcel is located North of CTH M, on the east side of Woodland Dr. and on the west side of Mary Lake Road. A subdivision borders the north boundary and thusly is lined with houses. The parcel is west and north of land owned by the Town of Westport for its Town Hall and maintenance building. The Town of Westport also owns a park land to the east with tennis courts (Town Center Park). The adjacent property across Woodland Dr. to the west is the Six Mile Creek Fishery Area. This public property is open to hunting, fishing and trapping.

The primary purpose for purchasing the property is for the Town to conserve land for recreation and wetland restoration in the Lake Mendota watershed. Portions of the property have been historically leased from the landowner (Lena LLC_) for soccer fields. The property now has been acquired and is open for fishing, hiking, cross-country skiing, and nature enjoyment. Presently there are ordinances that prohibit hunting and trapping in any Town parks, however the Town does allow hunting and trapping by permit for certain grant-funded properties.

Within 300 feet of the subject 108.25-acre parcel are several single-family residences along the north property line. State law prohibits the discharge of a firearm within 300 feet of any building devoted to human occupancy while on lands that you do not own, without the permission of the occupant. As well, there is a private school and grounds on Mary Lake Road, which impacts the northeastern portion of the 108.25-acre property. State law prohibits hunting within 1,700 feet of school grounds.

The SCR NBOA Public Safety Team has determined that the restriction on hunting equipment which includes the prohibition on the discharge of single projectile firearms while hunting is necessary to help reduce user conflict and the need to protect the public's safety.

It has also been determined that the restriction on trapping equipment to include the prohibition of jawed traps, body gripping traps and cable restraints on the subject 108.25 -acre parcel is necessary to reduce user conflict and the need to protect the public's safety.

In addition, the prohibition of all hunting within 1,700 feet of school grounds, and the prohibition on the discharge of a firearm within 300 feet of any building devoted to human occupancy while on lands that you do not own, without the permission of the occupant are necessary to ensure compliance with the current state laws.

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 subject property is 108.25 acres primarily a vacant land. Roughly 67 acres are upland prairie or mowed areas, and 41-acres are wetland or lowland soils which may not support development. The property is predominantly level and open. Access to the site is available currently from Woodland Drive and Mary Lake Road. While there is frontage on CTH M, this is a controlled access highway.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	Allowed by permit	Allowed by permit	all
Small Game	Single projectile firearm hunting prohibition. All other legal methods allowed by permit	Allowed by permit	all
Turkey	Allowed by permit	Allowed by permit	all
Large Game	Single projectile firearm hunting prohibited.	Allowed by permit	all

Public Safety Team Narrative:

Per Town Ordinance, Title 4, Chapter 5 (b) (16) Firearms, Hunting and Trapping

2. *Hunting and trapping is prohibited in all Town park and recreation areas. However, hunting and trapping shall be allowed on a certain property as and if required as a grant contract condition, for said property acquired by the Town or as allowed by permit, or general written authorization of the Town Board.*

State law prohibits the discharge of a firearm within 300 feet of any building devoted to human occupancy while on lands that you do not own, without the permission of the occupant. State law also prohibits hunting within 1,700 feet of the grounds of a school and the possession or discharge of a firearm within 1,000 feet of the grounds of a school.

Due to the vicinity of the property to buildings devoted to human occupancy and school grounds, state law restrictions would restrict hunting on portions of the north and northeast sides of the parcel.

An area of ~66 acres of land located on the west, southwest and south portions of the property would be outside of any 300-foot radius for buildings devoted to human occupancy and 1,700 feet for school grounds. Though most of the property is currently open grass fields, located within this area currently exists a few stands of trees. Depending on the size and shape of individual trees, they may provide a hunter an elevated position from which the discharge of certain weapons, towards game and ultimately the ground, could certainly be safe, ethical and legal.

The remainder of the discussed ~66 acres, is currently open grass field. Much of this could lend itself well to upland bird, small game, turkey or waterfowl hunting with legal hunting equipment such as archery equipment and shotguns utilizing shot.

Due to the size and layout of this property, safe, legal and ethical hunting methods are certainly obtainable from different locations throughout the property. But, due to the openness of the layout, the relative flatness of the topography and its vicinity to sensitive areas, the potentially longer traveling single projectile firearms could pose an unintentional safety risk.

It is the opinion of SCR NBOA Public Safety Team that hunting with a single projectile firearm may present a safety risk and their use should be restricted on this property. Other hunting equipment, such as archery and shotguns utilizing shot would be safer options for hunting this property.

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	Body gripping traps, jawed traps and cable restraints, prohibited. All other legal methods allowed by permit.	all
Water	Body gripping traps, jawed traps and cable restraints, prohibited. All other legal methods allowed by permit.	all

Public Safety Team Narrative:
Per Town Ordinance, Title 4, Chapter 5 (b) (16) Firearms, Hunting and Trapping
2. *Hunting and trapping is prohibited in all Town park and recreation areas. However, hunting and trapping shall be allowed on a certain property as and if required as a grant contract condition, for said property acquired by the Town or as allowed by permit, or general written authorization of the Town Board.*

Though several trapping methods would be legal at this site, portions of this property is located within 100 yards of a building devoted to human occupancy, which due to state regulations; restricts the setting placing or operation of any body-gripping type trap greater than 60 square inches or any snare or cable restraint, within 100 yards of any building devoted to human occupancy without the owner's consent.

A property adjacent to the eastern border of this parcel can see heavy usage on soccer fields. With this and other uses which include dog walkers in the area, there is a high likelihood of user conflict with the usage of jawed (foothold) traps, cable restraints and body gripping traps. Though legally set foothold traps and cable restraints have a low likelihood of serious injury to people or pets, body gripping traps may possess a greater danger to small pets if they are not immediately released by a knowledgeable person.

It is the opinion of SCR NBOA Public Safety Team that the restriction of body gripping traps, jawed traps and cable restraints is necessary to reduce user conflict. Legally and thoughtfully placed cage or box traps, colony traps as well as enclosed trigger traps would be safe, ethical and legal trapping methods that could pose very little user conflict.

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 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.

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	None	Open to all
Boat	None	Open to all
Public Safety Team Narrative: No safety concerns for this activity/use.		
<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 checked="" 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	Open to all
Off-Trail	None	Open to all
Public Safety Team Narrative: No safety concerns for this activity/use.		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input checked="" 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		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	none	Open to all
On-Trail (un-groomed)	none	Open to all
On-Trail (groomed)	n/a	n/a
Public Safety Team Narrative: No safety concerns for this activity/use.		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input checked="" 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