





**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**

 _____ Regional Recreational Safety Warden	11/01/21 _____ Date	 _____ Regional Warden Supervisor	11/4/2021 _____ Date
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**PROJECT DESCRIPTION**

<b>Applicant/ Sponsor:</b> Groundswell Conservancy	<b>Year of Application:</b> 2021
<b>Project Name:</b> Cooper Acquisition	<b>Primary Purpose:</b> <input type="checkbox"/> Habitat Areas <input type="checkbox"/> Local Parks <input type="checkbox"/> Natural Areas <input type="checkbox"/> Urban Rivers <input type="checkbox"/> State Trails <input checked="" type="checkbox"/> Urban Greenspace <input type="checkbox"/> Streambank Protection

**Project Description:** Groundswell Conservancy – Black Earth Creek Cooper Acquisition (partnering with Vil. of Black Earth): Acquire approximately 1.27 acres of land composed of four tax parcels to create public access to Black Earth Creek within the Village of Black Earth. The property includes buildings that were damaged during the August 2018 flood and have been abandoned. The property provided frontage on the creek and is adjacent to state-owned land that is part of the Black Earth Creek Fishery Area. Black Earth Creek is a Class 1 trout stream. Class 1 streams are high-quality trout waters that have sufficient natural reproduction to sustain populations of wild trout, at or near carry capacity.

The primary purpose of the project is to acquire the land to create Village park land where access to Black Earth Creek can be improved with a paddler's put-in/take-out. Additionally, the project could one day be part of the proposed Black Earth Creek Trail connecting the Village with a bike/hike trail extending from Middleton to Mazomanie. This acquisition is a partnership between Groundswell Conservancy and the Village of Black Earth. Per the draft Memorandum of Agreement between Groundswell and the Village, Groundswell will attempt to purchase the property. If Groundswell is successful at acquiring the property, it would donate it to the Village of Black Earth.

**FINDINGS OF FACT:**

The Groundswell Conservancy is looking for Stewardship funding for the purpose of acquiring four lots with a total of 1.27 acres. One of these parcels are on the west side of Center street while 3 are east of Center street. Of the three parcels east of Center street, 2 directly abut the west bank of the Black Earth Creek and the WI DNR Black Earth Creek Fishery Area. The three are all located south of Main street and north of 619 Center Street.

The parcel adjacent to the west side of Center street are located approximately 40 feet south of WI DNR Black Earth Creek Fishery Area Property and north of 612 Center Street.

The primary purpose of purchasing the land is to produce Village park land to access Black Earth Creek. Plans include to allow access and a paddler's put-in/take-out. Additionally, the project could one day include a bike/hike trail extending from Middleton to Mazomanie.

The flood damaged buildings on the property would likely require extensive repair or removal.

The area is located within 300 feet of private residences, as well as businesses. The Village of Black Earth Elementary school is located approximately 1,700 feet of the properties.

Though there has not been a legal survey to confirm approximate measurements, this proximity to the schools places the property boundaries very close to or potentially within designated "school zone". State law restricts the use and possession of firearms as well as hunting within these designated school zones.

The SCR NBOA Public Safety Team has determined that the prohibition of hunting on this 1.27-acre parcel is necessary to ensure compliance with the Village ordinances and potentially current state hunting laws, firearm discharge laws, state school zone laws and the need to protect the public's safety.

It is noted this parcel will expand hiking, fishing, canoeing and kayaking access to the residents and tourists of the Village of Black Earth area.

**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 size of the subject property is 1.27 acres and consists of four parcels located on the northern edge of the Village of Black Earth, north of Hwy 14. The property is a residential lot, improved with a residence and outbuildings. Lots are fairly level, sloping downward toward creek and have street frontage.

### **Proposed NBOA Prohibition or Restrictions**

**HUNTING**

	<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	

**Public Safety Team Narrative:**

The high density of residential homes, business' and schools in the vicinity of the proposed property would make legal hunting impractical.

These two lots, totaling 1.27 acre of riverfront property are located entirely within the village limits, within 300 feet of buildings devoted to human occupancy. 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 owner or occupant.

State law also restricts both the possession and the discharge of firearms within 1,000 feet of school grounds as well as the hunting within 1,700 feet of any school grounds. This 1.27 acres is located approximately 1,700 feet from the Black Earth Elementary School grounds.

The Village of Black Earth has several ordinances which restrict the legal hunting or discharge of a hunting tool within the village.

Due to the vicinity of the property to buildings devoted to human occupancy, state law restrictions alone would virtually eliminate the legal hunting on the entire 1.27 acres.

It is the opinion of SCR NBOA Public Safety Team the prohibition on all hunting is necessary to ensure compliance with current state firearm possession, firearm discharge and hunting laws. This will limit user conflict within the village and to ensure the safety of the public.

- Public Safety Factors Considered:** Check all that apply.
- The sponsor is within its own municipality boundary (Groundswell intends to transfer prop. to Vil. Black Earth)
  - 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: Given the urban nature of the property it is likely that user conflict would result if hunting permitted, due to the proximity to other residential dwellings, pedestrian and vehicular traffic.
- Other \_\_\_\_\_

**Prohibition or Restriction Necessary to Protect Public Safety:**  Yes  No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	None	Open all
Water	None	Open all
<p><b>Public Safety Team Narrative:</b></p> <p>At this time, the Village of Black Earth has no ordinances restricting the use of legal traps and legal trapping methods.</p> <p>The parcels to be purchased are small, and together they total 1.27 acres. They are located within the Village limits. The parcels, if acquired, could be developed into a public trail connection and available for activities such as, but not limited to, river access, kayaking, fishing and nature study.</p> <p>Though several trapping methods would be legal at this site, the property is located within 100 yards of several buildings 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.</p>		
<p><input type="checkbox"/> <b>No Water on Site</b></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. (Groundswell intends to transfer prop. to Vil. Black Earth)</p> <p><input checked="" 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.</p> <p><input 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 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 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 checked="" type="checkbox"/> No</p>		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	Open all
Boat	None	Open all
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 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 all
Off-Trail	none	Open all
Public Safety Team Narrative:		
<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 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 all
On-Trail (un-groomed)	None	Open all
On-Trail (groomed)	None	Open all

**Public Safety Team Narrative:**

**Public Safety Factors Considered:** Check all that apply.

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

**Prohibition or Restriction Necessary to Protect Public Safety:**       Yes       No