

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

SUBJECT: Request for Board approval of hunting and trapping prohibitions on 9.8 acres to be purchased with Knowles-Nelson Stewardship grant funds for the Ice Age Trail. Town of New Hope, Portage County.

FOR: October, 2021 Board meeting

TO BE PRESENTED BY: consent agenda item from Pam Foster Felt, Nonprofit Stewardship Grant Manager

SUMMARY:

In accordance with s. 23.0916(2) Wis. Stats., the Department requests that the Board approve DNR staffs' determination that prohibition of two nature-based outdoor activities, hunting and trapping, is necessary on a 9.8-acre parcel in western Portage County.

The Department proposes to award a grant in the amount of \$25,760 to the Ice Age Trail Alliance for the purchase of this 9.8 acre tract. The Ice Age trail has crossed this property for 20 years per a handshake agreement with the landowner. The Alliance's purchase secures a permanent interest for the trail.

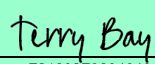

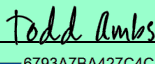
Pursuant to Section 23.0916 of Wisconsin Statute, anyone receiving a Stewardship grant to acquire land in fee may not prohibit hunting, trapping, hiking, cross country skiing or fishing, unless the Natural Resources Board agrees that such a prohibition is justified to protect public safety and, in the case of Ice Age Trail properties, to accommodate usership patterns.

The trail has crossed the subject property for 20 years per handshake agreement with the landowner, and for those 20 years, hunting and trapping have not been allowed on the property. Consistent with special use trail buffers along Ice Age Trail properties statewide, The Ice Age Trail Alliance proposes a 300 foot-wide buffer along the trail in which hunting and trapping will be prohibited. On this parcel, most of which is ~308 feet wide, DNR Recreational Wardens and grant staff reviewed this proposed hunting and trapping prohibition and agree it is justified under law and request Board approval.

RECOMMENDATION: Approve prohibition of hunting and trapping on this Stewardship-funded parcel

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Background memo | <input checked="" type="checkbox"/> Summary of public comments received |
| <input checked="" type="checkbox"/> Maps | <input checked="" type="checkbox"/> Driving directions |
| <input checked="" type="checkbox"/> Staff analysis of proposed NBOA prohibition | |
| <input checked="" type="checkbox"/> News release/public comment invitation | |

Approved by	Signature	Date
Terry Bay, Director, Bureau of Facilities and Lands	DocuSigned by:  F21082F90846464...	9/17/2021 1:27 PM CDT
Tim Cooke, Administrator, Internal Services Division	DocuSigned by:  D792C5F7A747460...	9/21/2021 3:59 PM CDT
Preston D. Cole, Secretary	DocuSigned by:  6793A7BA427C4CD...	9/22/2021 12:53 PM CDT

cc: Board Liaison – AD/8

by Todd Ambs

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CORRESPONDENCE/MEMORANDUM

DATE: September 20, 2021

TO: Natural Resources Board

FROM: Preston D. Cole, Secretary

SUBJECT: REQUEST FOR APPROVAL OF HUNTING AND TRAPPING PROHIBITIONS ON 9.8 ACRES IN PORTAGE COUNTY.

In accordance with s. 23.0916(2) Wis. Stats., the Department requests that the Board approve a determination that the prohibition of two nature-based outdoor activities is justified on 9.8 acres in the Town of New Hope in Portage County. The Department proposes to award a Knowles-Nelson Stewardship grant to the Ice Age Trail Alliance for the purchase of the land. The Ice Age Trail Alliance will prohibit hunting and trapping within a 100-yard “designated use” corridor along the Ice Age Trail to protect public trail users’ safety and prevent trespass on neighboring private lands. On this property, most of which is ~308 feet wide, that buffer effectively prohibits hunting and trapping on the parcel.

I. PROJECT DETAILS

Grant Applicant: Ice Age Trail Alliance (IATA)

Project description: This subject property is a narrow parcel, oriented parallel to a slight ridge running north-south through agricultural lands. The tract is partially wooded with approximately four central acres that have been leased for agriculture in the past but are currently un-cultivated grassland.

Per handshake agreement, the Ice Age Trail has been routed along the western fence line north through a slight hollow in the woods before linking to an additional fence-line segment running north.

The IATA is purchasing this parcel in fee and an additional ~6.6-acres of trail easement from the same landowners. Easement purchases are not subject to the public access provisions in 23.0916. This analysis and associated request for Board approval are related only to the 9.8-acre fee purchase. Collectively, IATA’s fee and easement purchase they lie in the middle of a ~5-mile segment between the Iola Winter Sports Club and New Hope Pines State Natural Area. This segment of trail has existed off-road for 20 years via a combination of DNR-held easement, IATA-held easements and handshake agreements with private landowners. This purchase from long-time landowners is within an approved IAT corridor in eastern Portage and western Waupaca Counties. Maps are attached as Appendix A

Project goals:

- This purchase, along with the IATA’s purchase of adjacent trail easements, secures permanent rights for more than $\frac{3}{4}$ -mile of the Ice Age Trail.
- This purchase will also allow a segment of trail to be rerouted slightly away from the fence line, eastward and atop a slight ridge.

II. NBOA DETERMINATION

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. Owners of Stewardship land are not allowed to prohibit

one or more of those activities unless the Department and Board determine such a prohibition is justified to protect public safety, and on Ice Age Trail acquisitions, accommodate usership patterns.

Current/prior use of property: The property has not been open to the public other than for pedestrian trail use.

Proposed public uses: Under IATA ownership, the full 9.8 acres will be open to the public for hiking, snow shoeing and cross-country skiing. Hunting and trapping will be prohibited. Consistent with the buffer along the Ice Age Trail on many properties statewide, the IATA proposed a 300-foot buffer from the center line of the trail in which hunting and trapping will not be allowed. Because the majority of this parcel is ~308 feet wide, it is practical for the entire parcel to be closed to public hunting and trapping.

A team of DNR Law Enforcement and grant staff reviewed the proposed prohibitions as set forth in 23.0916 Wisc. Stats and ch. NR 52 Wis. Admin Code and determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety and accommodate trail use. This determination is based the following factors:

- The primary purpose of the project for Ice Age Trail use;
- The size, shape, and location of the parcel;
- Proximity to private lands on which no public hunting or trapping is allowed;
- Concern that wounded game moving off the property will result in trespass.

DNR staff analysis of the proposed prohibitions – see Appendix B

The Department issued a news release and public notice about this determination on 8/27/2021 and received three responses, all supportive of the purchase and the proposed prohibitions. The public notice and summary of the comments submitted – see Appendix C

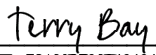
III. PROJECT FINANCES


As required by s. 23.0917(7)(e)2., Wis. Stats., the appraisal used to determine the fair market value of the land was reviewed and accepted by DNR.

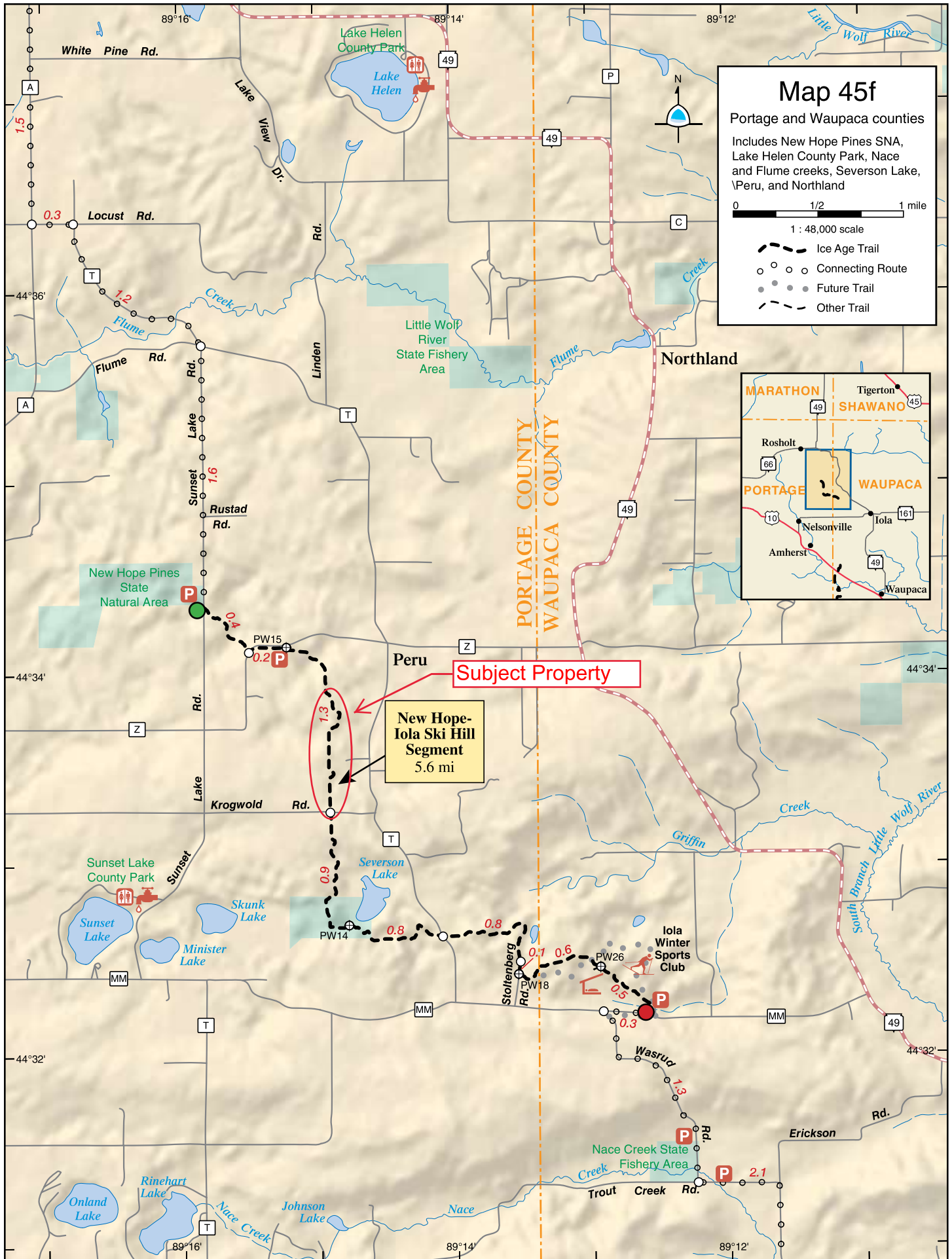
Grant calculation for subject property

Accepted land value – subject property	\$51,520.00
Stewardship grant award	\$25,760.00

IV. RECOMMENDED:

DocuSigned by:

 Terry H. Bay, Director
 Bureau of Facilities and Lands
 9/17/2021 | 1:27 PM CDT
 Date

DocuSigned by:

 Tim Cooke, Administrator
 Division of Internal Services
 9/21/2021 | 3:59 PM CDT
 Date



Wendell Krogwold Properties Portage County

CTH Z

200'

1320'

15' wide

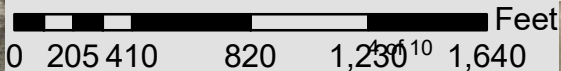
120' e/w

9.8 acres

Krogwold Road

Legend

- IAT - Existing Sections
- Potential Property Acquisition**
- Neighboring LO
- Easement Purchase
- Fee Purchase
- Krogwold Parcel Boundary
- Fee Purchase



Wendell Krogwold Properties Portage County Future Conditions

Possible Trail reroute

1320'

Access to easel

15' wide

120' e/w

Possible Trail reroute

CTHT

9.8 acres

Parking?

Krogwold Road

Legend

- IAT - Existing Sections
- Potential Property Acquisition**
- Neighboring LO
- Easement Purchase
- Fee Purchase
- Krogwold Parcel Boundary
- Fee Purchase



APPENDIX B

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

DocuSigned by:

Jacob Holsclaw

8/26/2021 | 11:02 AM CDT

Recreation Warden

Date

DocuSigned by:

Rick Rosen

8/26/2021 | 1:08 PM CDT

Regional Warden Supervisor

Date

PROJECT DESCRIPTION

Applicant/ Sponsor:
ICE AGE TRAIL ALLIANCE

Year of Application:
2021

Project Name:
KROGWOLD Tract – Portage Co. Ice Age corridor

Primary Purpose:
Ice Age Trail

Project Description: This is a 9.81-acre acquisition in Portage county over which a section of the Ice Age Trail is established. The Ice Age Trail Alliance is purchasing this parcel in fee, purchasing additional easements to replace handshake agreements with permanent interests to secure this trail corridor.

Parcel Size, Shape, and Topography: Property is long north-to-south with a gently-sloped ~ 20-25 foot high ridge running the N-S length. Approximately 70% of the property is 308 feet wide, the northern 30% is 388 feet wide with private agricultural lands on either side. The trail runs below the slight ridge parallel to the western property boundary. The Ice Age Trail Alliance intends to reroute the Trail into the middle of the property in the near future. Property is partially in agricultural use, partially wooded. Private lands surround the parcel on all sides. Narrow trail easements (~30" wide) host the Ice Age Trail both north and south of the subject Property, which is located roughly in the middle of a 5.6 mile segment of trail between parking/trail heads at Iola Winter Sports Club and New Hope Pines Natural Area.

FINDINGS OF FACT:

DNR evaluators, including grant Program Manager, Recreational Safety Warden and the State Trail Director concur that a hunting prohibition on this tract is justified to accommodate usership patterns and protect public safety. The Ice Age Trail Alliance desires to designate a 100 yard buffer along the trail in which no hunting or trapping will be allowed. That is consistent with the Ice Age Trail buffer on State Park properties. A 100 yd. buffer on this parcel will include the majority of the parcel (the entire parcel after the Trail is rerouted), DNR is recommending that a hunting and trapping prohibition be approved.

Regular and increased hiking use is expected here. This is along an established ~5 mile segment of the Ice Age Trail. Trail use increased three-fold last year statewide; the IAT Alliance anticipates user numbers to remain high post-pandemic, including increased hiking use along this segment as indicated by a 68% increase in membership since January 2020 and IAT social media followers.

The subject property is less than 10 acres in size and narrow enough that firearm discharge on the property that would not cross the trail corridor itself or extend onto private lands would be very challenging.

Hunting on this parcel may encourage trespassing. Game not immediately dispatched by firearm or bow is likely to move onto private land.

Neither hikers nor neighbors anticipate public hunting at this location. The Ice Age Trail extends for ~2 miles in each direction routed on 30"-wide trail easements or per hand-shake agreement with landowners, neither of which allow for public hunting.

Proposed NBOA Prohibition or Restrictions

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

Public Safety Team Narrative: See findings of fact above

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
- X 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
- X Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- X 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: *hiking and other users expect 100 yd or wider buffer along trail in which hunting & trapping are not allowed. The majority of this parcel is~300 feet wide.*
- Other _____

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

Prohibition recommended to accommodate Ice Age Trail "usership patterns" X Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	To be prohibited	NA
Water	NA	NA

Public Safety Team Narrative: See findings of fact above

X 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
- X Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- X 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: *hiking and other users expect 100 yd or wider buffer along trail in which hunting & trapping are not allowed. The majority of this parcel is~300 feet wide.*
- Other _____

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

Prohibition recommended to accommodate Ice Age Trail "usership patterns" X Yes No

FISHING: this is no water on this parcel		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	NA	
Boat	NA	
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 type="checkbox"/> No		

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

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	Skiing allowed	Snow cover
On-Trail (un-groomed)	Skiing allowed	Snow cover
On-Trail (groomed)	Grooming not anticipated	NA
Public Safety Team Narrative: Skiing will be allowed on the property		
Public Safety Factors Considered: Check all that apply. <input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance <input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists. <input type="checkbox"/> Parcel is adjacent to a public waterway. <input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe: <input type="checkbox"/> Other _____		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input type="checkbox"/> No		

CORRESPONDENCE/MEMORANDUM

DATE: September 17, 2021

TO: Pam Foster Felt, Stewardship Nonprofit Grant Manager

FROM: Faith Murray, Grant Project Manager, Northeast Region

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

PROJECT NAME: Ice Age Trail Alliance Krogwold Acquisition

The Krogwold 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 August 26, 2021 and the public comment period ended on September 17, 2021.

The Department received three comments concerning this proposal which are summarized below:

Summary of comments:

Support with NBOA mentioned – Two of the comments specifically mentioned support of the hunting and trapping prohibition using the standard 100-yard buffer as justification.

General support – One comment was received from Portage county residents. They are long-time Ice Age Trail users and encourage permanent protection of the trail corridor.

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

Faith Murray
Signature, Project Manager

September 17, 2021 _____
Date

FOR IMMEDIATE RELEASE: Aug. 27, 2021

Contact: Faith Murray, DNR Grant Project Manager

Faith.Murray@wisconsin.gov or 920-461-8206

Ice Age Trail Alliance Seeks Knowles-Nelson Stewardship Grant For Land Acquisition In Portage County

VILLAGE OF NELSONVILLE, Wis. – The Wisconsin Department of Natural Resources (DNR) today announced the Ice Age Trail Alliance has applied for a 50% matching grant from the Knowles-Nelson Stewardship Program to assist with the purchase of 9.8 acres in the Town of New Hope in Portage County.

A segment of the Ice Age Trail is located on the property. The parcel will remain in its natural state and open to the public for low-impact recreational activities, including hiking, cross-country skiing, bird watching and wildlife viewing.

The Knowles-Nelson Stewardship Fund was created in 1989 to preserve important natural resources, protect water quality and fisheries and expand opportunities for outdoor recreation for all Wisconsinites to enjoy. On Stewardship-purchased land, nature-based outdoor activities (hunting, trapping, fishing, hiking or cross-country skiing) cannot be prohibited unless the Wisconsin DNR has determined that prohibiting one or more of those activities is justified to protect public safety.

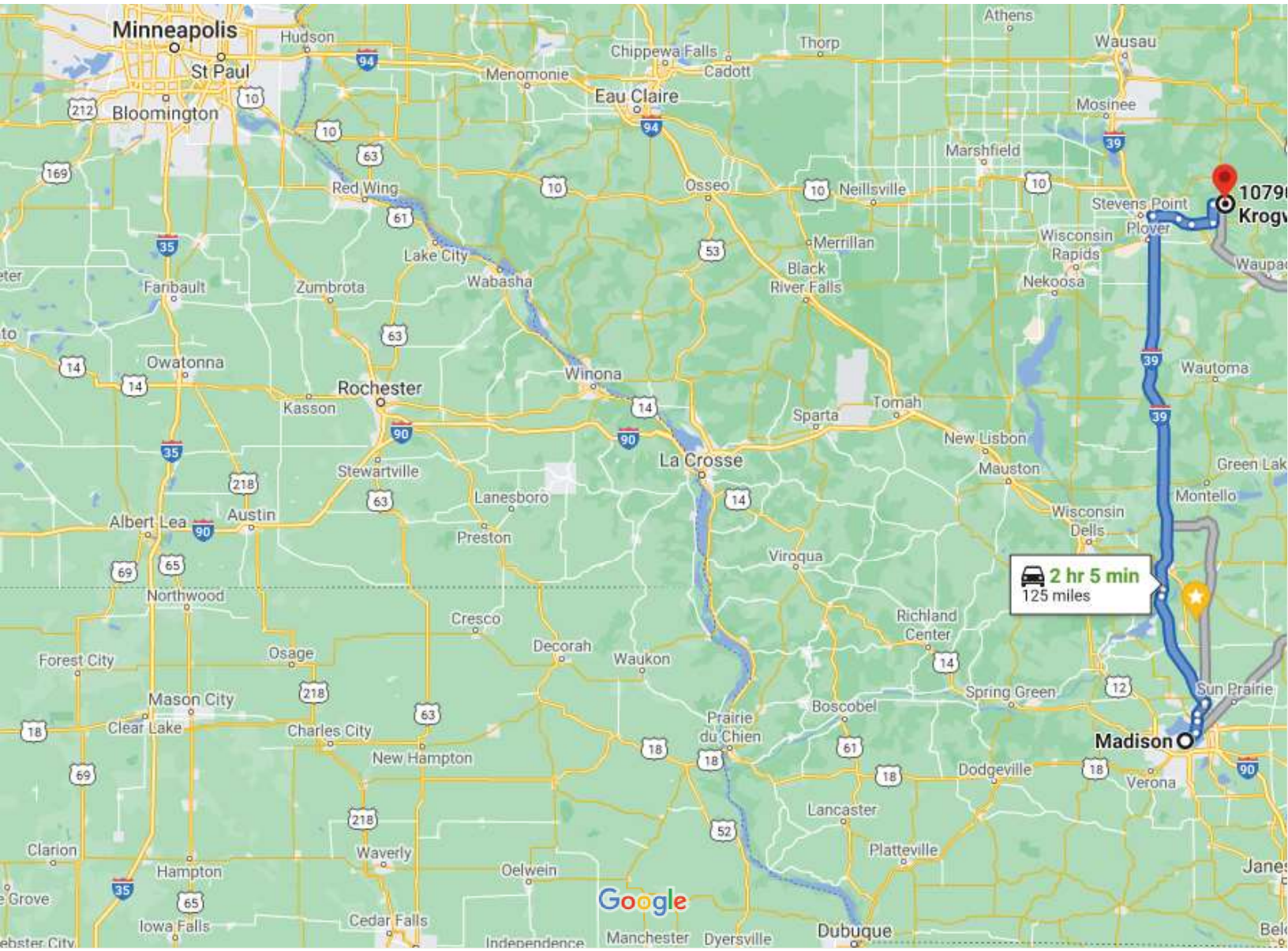
The Ice Age Trail Alliance proposes a 100-yard buffer along the Trail corridor in which hunting and trapping will be prohibited. On this 300-foot-wide parcel, the DNR is proposing that the prohibition of hunting and trapping is necessary to protect public safety and accommodate trail use.

The DNR has examined the following factors in making this determination: the primary purpose of this land purchase, the small size and narrow shape of this parcel, the fact that the property is surrounded by private lands where public hunting and trapping do not occur, and the typical use patterns on the Ice Age Trail and expectations of trail users.

[The public may view the DNR's initial assessment of the allowed Nature-Based Outdoor Activities online](#) or request a hard copy by emailing Faith.Murray@wisconsin.gov.

The DNR will accept public written comments on this proposed grant through Sept. 17, 2021. Mail comments to Faith Murray, Grant Project Manager, Wisconsin DNR Northeast Regional Headquarters, 2984 Shawano Ave, Green Bay WI 54313 or email Faith.Murray@wisconsin.gov. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections to the proposed hunting and trapping prohibition 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.

[Learn more about Knowles-Nelson Stewardship Grant programs on the Wisconsin DNR website.](#) To sign up for Stewardship Grant project news releases and updates, [subscribe online](#) by selecting DNR Stewardship News under the News & Announcements heading.



Map data ©2021 Google 20 mi

Madison

Wisconsin

Get on I-39 N/I-90 W/I-94 W in Burke from W Johnson St, WI-113, Packers Ave and County Hwy C V

21 min (10.2 mi)

- ↑ 1. Head west on University Ave toward N Brooks St
322 ft
- ↶ 2. Turn left onto N Brooks St
433 ft
- ↶ 3. Turn left onto W Johnson St
2.8 mi
- ↑ 4. Continue onto WI-113/Pennsylvania Ave
Continue to follow WI-113
2.2 mi
- ↘ 5. Take the exit toward Packers Ave
0.1 mi
- ↑ 6. Continue onto Packers Ave
1.2 mi

↑ 7. Continue onto County Hwy C V
DocuSign Envelope ID: 49FE4B75-FA0A-4A70-B034-AD1AB15FFE06
2.4 mi

↘ 8. Slight left toward I-39 ALT/I-90 ALT/I-94 ALT
394 ft

↙ 9. Use any lane to turn left onto I-39 ALT/I-90 ALT/I-94 ALT
0.5 mi

↑ 10. Use the right lane to merge onto I-39 N/I-90 W/I-94 W via the ramp to Wis Dells
0.6 mi

Follow I-39 N/I-90 W/I-94 W to WI-161 E in Stockton

1 hr 30 min (105 mi)

↑ 11. Merge onto I-39 N/I-90 W/I-94 W
22.8 mi

↘ 12. Take exit 108 A-B for I-39 N toward US-51/Portage/Wausau
1.4 mi

↑ 13. Continue onto I-39 N
72.7 mi

↘ 14. Take exit 158 A for US-10 E toward Waupaca/Appleton
0.3 mi

↘ 15. Turn right onto US-10 E
5.0 mi

↑ 16. Continue straight to stay on US-10 E
2.9 mi

Continue on WI-161 E. Take County Hwy A/County Rd A to Krogwold Rd in New Hope

13 min (9.9 mi)

↙ 17. Turn left onto WI-161 E
4.1 mi

↙ 18. Turn left onto County Hwy A/County Rd A
3.5 mi

↘ 19. Turn right onto Krogwold Rd
2.3 mi

10790-10694 Krogwold Rd

Amherst Junction, WI 54407

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.