

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Request approval for the prohibition of one nature-based outdoor activity (hunting) to protect the public safety on land to be purchased with Knowles-Nelson Stewardship funds – City of Schofield, Marathon County

FOR: January 2022 Board meeting

TO BE PRESENTED BY: Pam Rood, Stewardship Grant Manager

SUMMARY:

Per s.23.0916(2) Wis. Stats., and consistent with s. NR52.05 Wis. Adm. Code, the Board must determine that the prohibition of hunting is necessary to protect public safety on the 2.37 acres in the City of Schofield, Marathon County.

The Department has made the determination that prohibition of hunting is necessary to protect public safety due to:

- Proximity to residential buildings.
- Proximity to a school.
- City ordinance prohibitions

The property will provide opportunities for passive recreation such as hiking, picnicking, nature enjoyment, fishing, cross-country skiing, trapping, and snowshoeing.

RECOMMENDATION: Approve the Department’s determination that the prohibition of hunting is necessary to protect public safety on 2.37 acres to be acquired by the City of Schofield, Marathon County.

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

- Background memo
- Maps

Approved by	Signature	Date
Terry Bay, Bureau Director, Facilities and Lands	DocuSigned by: <i>Terry Bay</i> F21082F90846464...	12/16/2021 3:30 PM CST
Tim Cook, Division Administrator, Internal Services	DocuSigned by: <i>Tim Cooke</i> D792C5F7A747460...	12/16/2021 3:47 PM CST
Preston D. Cole, Secretary	DocuSigned by: <i>Todd Ambs</i> 6793A7BA427C4CD... by Todd Ambs	12/20/2021 9:49 AM CS

cc: Board Liaison – AD/8

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CORRESPONDENCE/MEMORANDUM

DATE: December 14, 2021

TO: Natural Resources Board

FROM: Preston D. Cole, Secretary

ds


SUBJECT: Request approval for the prohibition of nature-based outdoor activities – City of Schofield, Marathon County

In accordance with s. 23.0916(2) Wis. Stats., the Department requests that the Board approve the prohibition of one nature-based outdoor activity on 2.37-acres of land in the City of Schofield, Marathon County. The Department proposes to award a Knowles-Nelson Stewardship grant to the City of Schofield for the purchase of land on which hunting will be prohibited by local ordinance and state hunting laws.

I. PROJECT DETAILS

Project Sponsor: City of Schofield
Sellers: Grand Commerce LLC
Grant sub-program: Urban Green Space

Project description: The 2.37-acre parcel is a vacant waterfront parcel zoned for commercial use with frontage on Lake Wausau on the east, commercial buildings on the west, City owned land on the north and residential housing to the south. The property will be an expansion to an existing City park. Maps are attached as Appendix A

Current/prior use of property: There is no public use currently. The 2.37-acres is part of one private commercial lot which was once a site with two commercial buildings. Since 2011, all buildings have been removed.

Proposed public uses: The planned use for the 2.37-acre property is to expand an existing City park along Lake Wausau and eventually develop it for a boat launch facility. The property includes approximately 1,380 feet of frontage, including a unique bay and peninsula along Lake Wausau which connects to both the Wisconsin River and Eau Claire River.

Public recreation opportunities on the 2.37-acre subject include fishing, trapping, hiking, cross-country skiing, picnicking and scenic enjoyment. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Property management: The property will be operated and maintained by City of Schofield, Parks and Public Works Departments.

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. The City of Schofield proposes to prohibit hunting, on the 2.37 property acquisition. The Regional Public Safety Team, Jacob Holsclaw, Safety Specialist Warden, Richard Rosen Regional Warden, and Cheryl Housley, Project Manager, determined that the prohibition of this activity is necessary to protect public safety. This determination is based the following

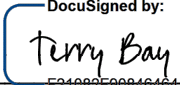
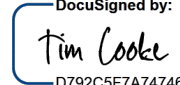
factors:

- The primary purpose of the project (boat access and City park land);
- City ordinances prohibiting discharge of firearms;
- Proximity to residential homes and schools;
- State of Wisconsin hunting laws

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. The southern and central portion of the 2.37-acre property is within 100 yards of buildings devoted to human occupancy. There is an apartment complex to the south of the property. Immediately to the north is a bank and city owned building.

The Department posted public notice about this determination on GovDelivery on November 3, 2021. Two comments were received; one in support, and one inquiring about parcel location and acknowledging logic in Department staff’s determination of the prohibition of hunting. In addition, Marathon County Parks Commission, passed a resolution of support of the acquisition. The public notice and comment summary submitted may be found in Appendix C and D attached to this Green Sheet.

III. RECOMMENDED:

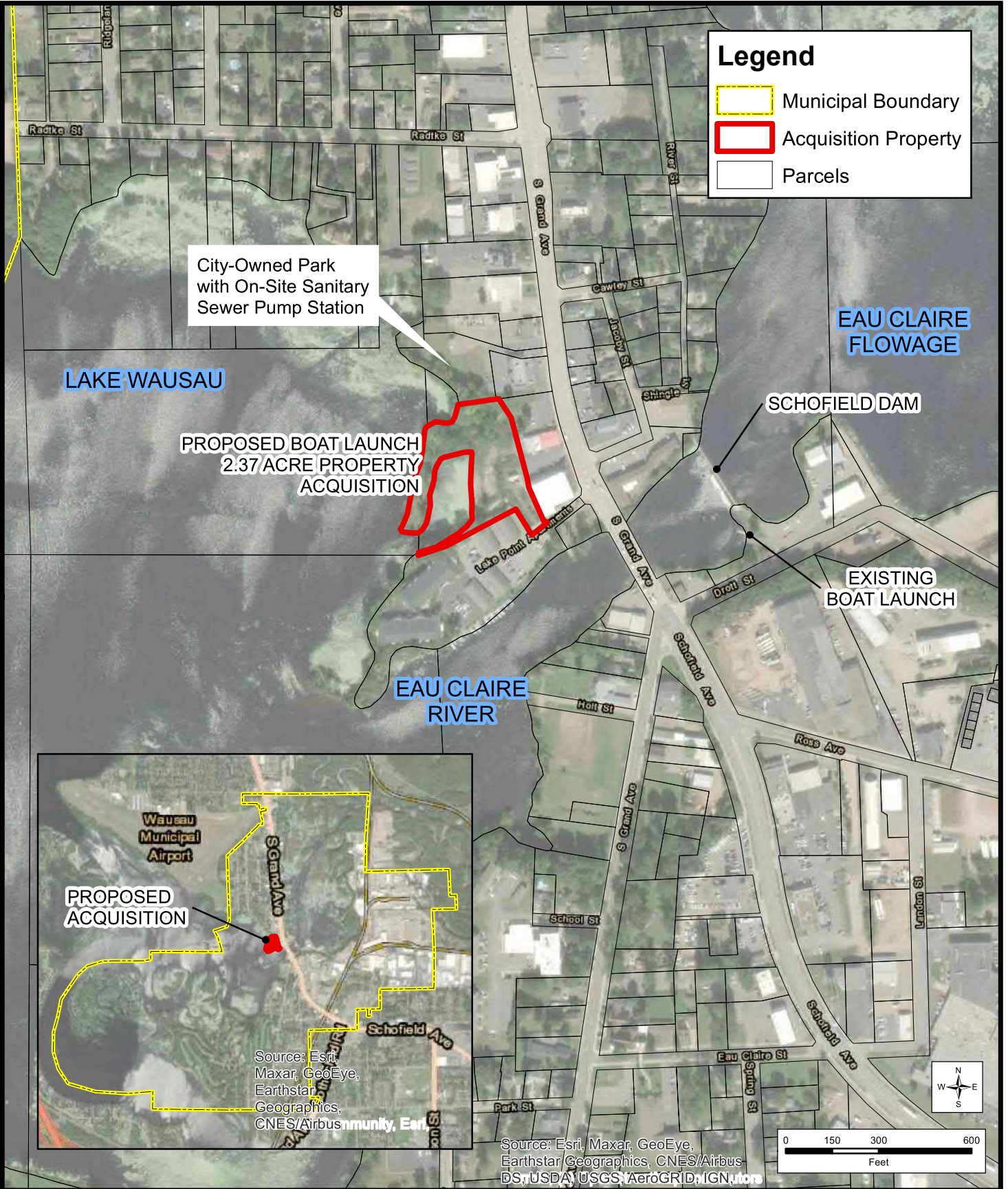
<p><small>DocuSigned by:</small>  <small>F21882F90046464...</small></p> <hr/> <p>Terry Bay, Bureau Director Bureau of Facilities and Lands</p>	<p>12/16/2021 3:30 PM CST</p> <hr/> <p>Date</p>
<p><small>DocuSigned by:</small>  <small>D792C5F7A747460</small></p> <hr/> <p>Tim Cooke, Administrator Internal Services Division</p>	<p>12/16/2021 3:47 PM CST</p> <hr/> <p>Date</p>

Path: S:\MAD\4600-4699\4603\003\Designs-Studies-Reports_Environmental\Stewardship Fund Grant\Maps\Project Location Map.mxd

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Date: 4/26/2021

Time: 2:10:01 PM

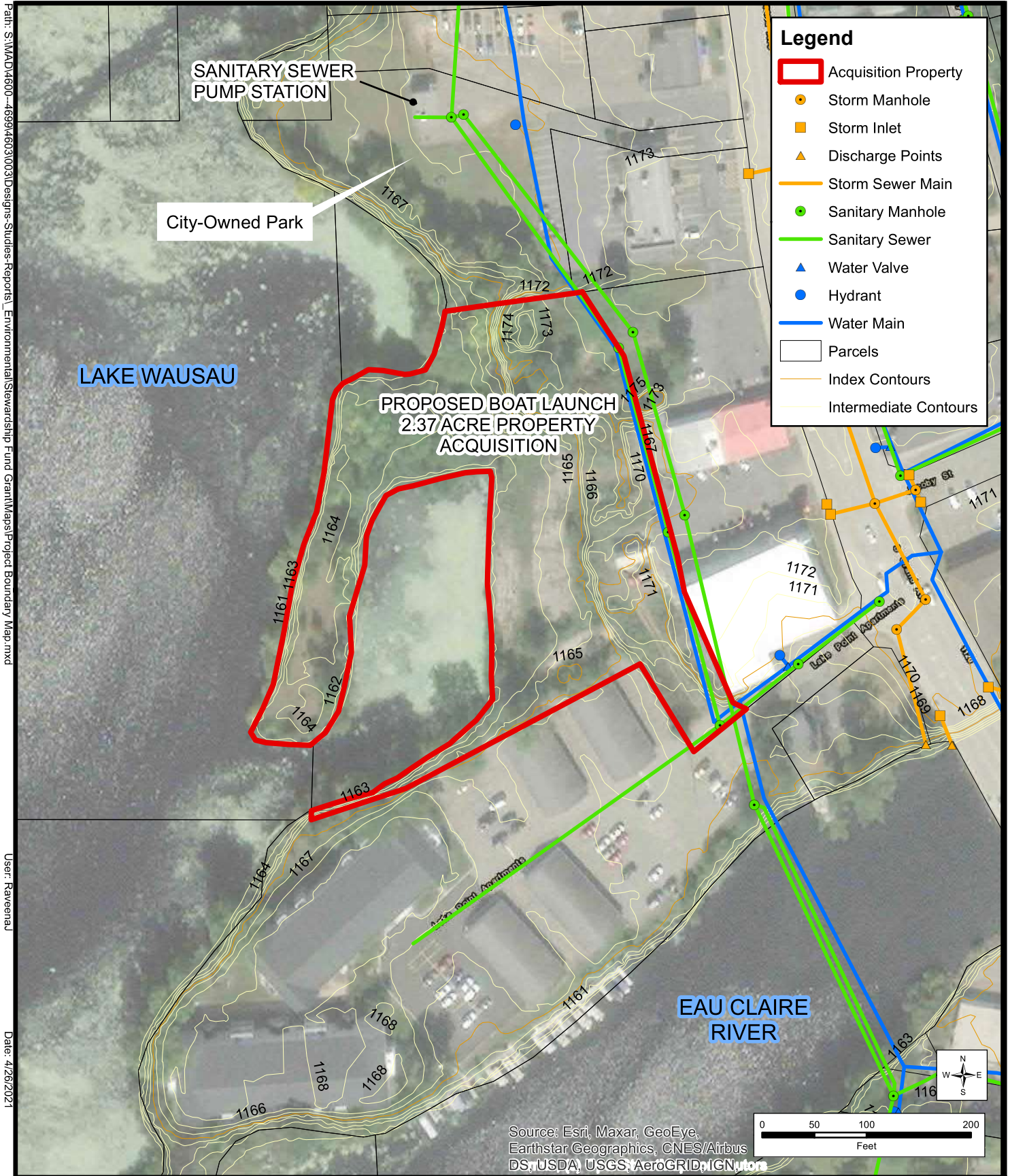


PROJECT LOCATION MAP

**KNOWLES-NELSON STEWARDSHIP GRANT
CITY OF SCHOFIELD
MARATHON COUNTY, WISCONSIN**

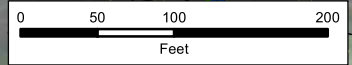


**ATTACHMENT C
4603.003**



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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, etc.



PROJECT BOUNDARY MAP

**KNOWLES-NELSON STEWARDSHIP GRANT
CITY OF SCHOFIELD
MARATHON COUNTY, WISCONSIN**



**ATTACHMENT D
4603.003**

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

 _____ Regional Recreational Safety Warden Jacob Holsclaw	10-26-21 Date	Richard E Rosen _____ Regional Warden Supervisor	10-26-2021 Date
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PROJECT DESCRIPTION

Applicant/ Sponsor: City of Schofield	Year of Application: 2021
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Project Name: Lake Wausau Boat Launch Property Acquisition	Primary Purpose: <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
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Project Description: The City of Schofield has requested aid for a land purchase for a new boat launch area situated along Grand Avenue and Lake Wausau. If awarded the grant, funding would allow the City to complete the acquisition of the 2.37 acres of land necessary to proceed with constructing the proposed boat launch. The existing Schofield Dam Park boat launch, located directly downstream from the Eau Claire River Dam, is not an ideal launch site for paddle craft and boats due to river currents and turbulence and proximity to the Grand Avenue Bridge just downstream. The City has long desired to relocate this launch site to the proposed launch site location due to lack of adequate parking and unsafe conditions.

FINDINGS OF FACT:

Recreation Warden Holsclaw visited the site on 10-26-21. Met with City of Schofield Public Works director/Zoning Administrator Mark Thuot and Cheryl Housley with DNR Stewardship Grants. Several facts should be noted in regard to hunting restrictions.

The southern and central portion of the property is within 100 yards of buildings devoted to human occupancy. There is an apartment complex to the south of the property. Immediately to the north is a bank and city owned building. The area that could potentially be hunted is extremely small. Waterfowl could be hunted with a bow on the extreme west side of the peninsula and be beyond the 100-yard restriction.

The property is entirely within the 1700-foot restriction from a school for firearm use. There is approximately 1500 feet from the farthest northern portion of the property to the closest point of the school building to the south. This would prohibit firearm discharge.

I see no issues with trapping as long as state law is followed, and traps of specified size are restricted to underwater use within 100-yard distance from buildings.

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 consists of 2.37 acres of vacant land that is level, open and irregular in shape, including a peninsula that extends westerly from the main shore and extends south creating a small, protected bay. The peninsula and the northern portion of the property is forested with various hardwood species while the remaining area includes an old concrete slab. The western boundary of the property is Lake Wausau. There were several buildings that formerly occupied the site, but in 2010, all of the buildings were removed and the land has been vacant since. To the east and south are several, occupied commercial buildings as well Grand Ave (Bus. Hwy 51) lies to the east.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	Prohibited	Limited to peninsula	
Small Game	Prohibited	Limited to peninsula	
Turkey	Prohibited	Limited to peninsula	
Large Game	Prohibited	Limited to peninsula	

Public Safety Team Narrative:

Recreation Warden Holsclaw does not see any issues with the site and possible grant consideration. The impact of not allowing hunting would be negligible. For the most part, hunters would not be legally allowed under state law to bow hunt and would be entirely unable to use a firearm.

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: Given the urban nature of the eastern portion of the property conflict could result if hunting was permitted, due to the proximity to other commercial buildings, pedestrian and vehicular traffic. Bow hunting would be limited to the peninsula area and local ordinance permits, but requires discharge of *arrow or bolt toward the ground*.

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
Public Safety Team Narrative: No issues with trapping.		
<input type="checkbox"/> No Water on Site Public Safety Factors Considered: Check all that apply. <input checked="" type="checkbox"/> The sponsor is within its own municipality boundary. <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. <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 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		

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	Open all
Boat	None	Open all
Public Safety Team Narrative: No issues with fishing.		
<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:		
<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 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>Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

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:		
<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 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>Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

CORRESPONDENCE/MEMORANDUM

DATE: December 6, 2021

TO: Pam Rood – Stewardship LUG Manager

FROM: Cheryl Housley

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

PROJECT NAME: City of Schofield – Lake Wausau public access site

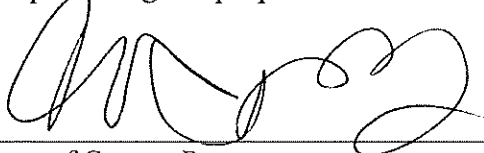
The City of Schofield – Lake Wausau public access site land acquisition Stewardship grant proposal was required to meet the Bureau's public notice policy (NR 52). The public notice was posted on GovDelivery on November 3, 2021, and the fifteen-day public review period ended on November 23, 2021.

The Department received two (2) comments concerning this proposal which are summarize below:

Summary of comments:

- (1) General support: "We support using Knowles-Nelson Stewardship funds for the City of Schofield's acquisition of 2.37 acres. It sounds like a nice parcel with over a quarter of mile of frontage on Lake Wausau."
- (2) Question on location to understand rationale for prohibition: Map of parcel location requested, and staff provided. Response from person: "Thank you. That helps me understand why the safety team found as it did."

In conclusion, the Department has completed the public notice for the above stated Stewardship land acquisition grant proposal.



Signature of Contact Person

12/6/2021

Date

<https://dnr.wisconsin.gov/newsroom/release/50961>



HUNTING FISHING PARKS CLIMATE ENVIRONMENT FORESTRY

CITY OF SCHOFIELD SEEKS URBAN GREEN SPACE GRANT FOR LAND ACQUISITION

SCHOFIELD, Wis. – The Wisconsin Department of Natural Resources (DNR) today announced that the City of Schofield has applied for a 50% matching grant from the Urban Green Space subprogram of the [Knowles-Nelson Stewardship Program](#) to assist with the purchase of 2.37 acres of land in the City of Schofield in Marathon County. The City will provide the matching funds to the grant award.

The City of Schofield will acquire approximately 2.37 acres to expand an existing City park along Lake Wausau and eventually develop it for a boat launch facility. The property includes approximately 1,380 feet of frontage, including a unique bay and peninsula along Lake Wausau that connects to the Wisconsin River and Eau Claire River. Recreational activities will include fishing, trapping, hiking, cross-country skiing, picnicking and scenic enjoyment.

The DNR has examined the property's locational factors and is determining that the prohibition of hunting is necessary to protect public safety because of the parcel's proximity to residential dwellings and a school.

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 cannot be prohibited unless the DNR has determined that prohibiting one or more of those activities is justified to protect public safety.

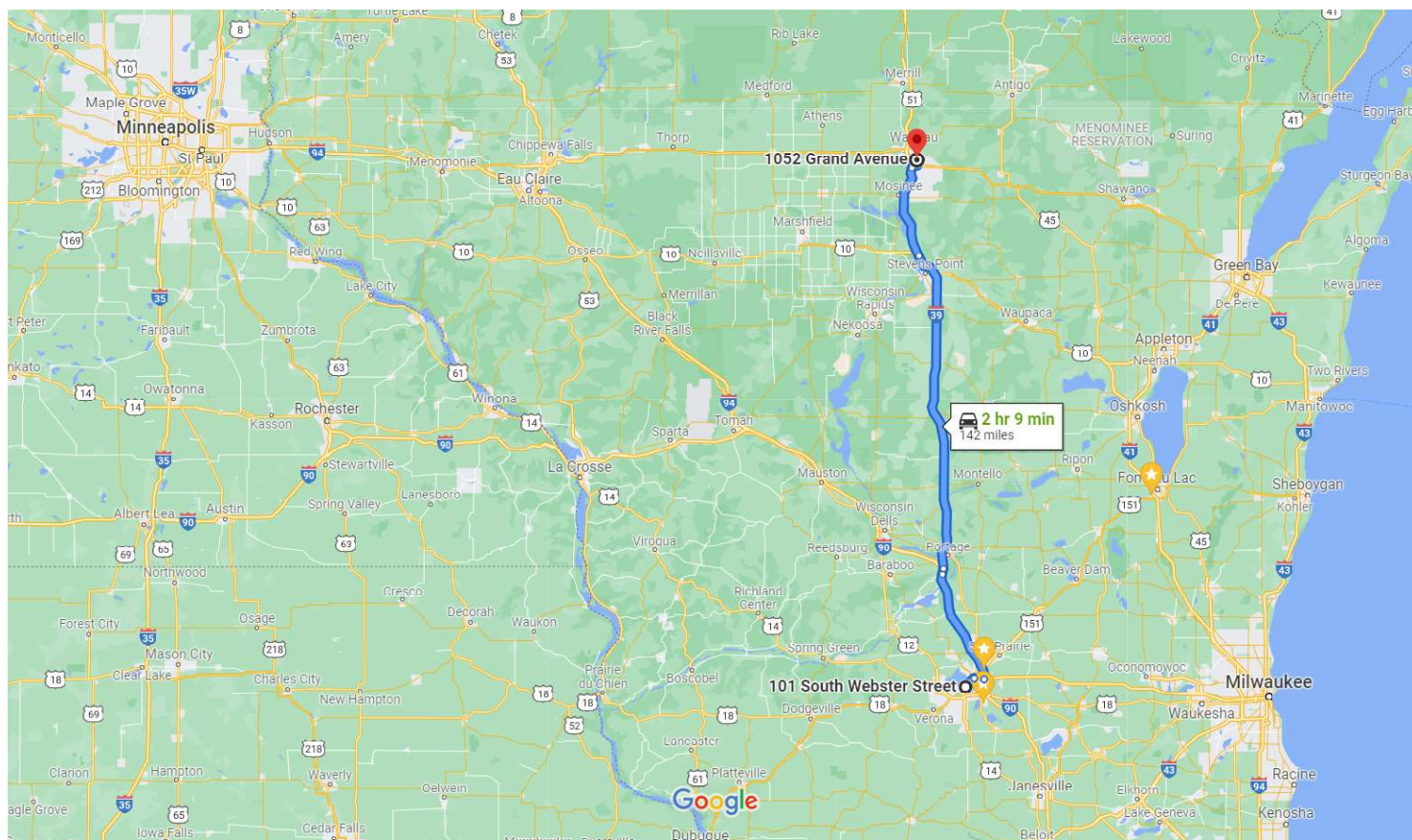
The DNR's initial assessment of the allowed Nature Based Outdoor Activities is available on the [DNR's Stewardship Public Notice webpage](#). To request a hard copy email: Cheryl.Housley@wisconsin.gov.

The public is encouraged to submit written comments on the proposed acquisition by Nov. 23, 2021 to:

Wisconsin Department of Natural Resources
Fitchburg Service Center
C/O Cheryl Housley, DNR Regional Project Manager
3911 Fish Hatchery Road, Fitchburg, WI 53711
Email: Cheryl.Housley@wisconsin.gov.

In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the hunting 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.

For more information on the Knowles-Nelson Stewardship Program, visit the [DNR website](#). To receive updates on Stewardship Grant projects, [please subscribe on the DNR website here](#).



Map data ©2021 Google 20 mi

101 S Webster St

Madison, WI 53703




Get on WI-30 E

- 9 min (3.3 mi)
↑ 1. Head northwest on S Webster St toward E Main St
0.1 mi
- 2.9 mi
↗ 2. Turn right at the 2nd cross street onto E Washington Ave
 - i Pass by Burger King (on the right in 2.5 mi)
- 0.2 mi
⬆️ 3. Use the right lane to take the WI-30 E ramp to I-90/I-94

Follow I-39 N/I-90 W/I-94 W to E Grand Ave in Rothschild.

Take exit 171 from WI-29 E/WI-29 Trunk E

- 1 hr 55 min (137 mi)
↑ 4. Continue onto WI-30 E
2.5 mi
- 29.0 mi
↘️ 5. Take exit 3 B on the left to merge onto I-39 N/I-90 W/I-94 W toward I-94 W/Wis Dells
- 1.4 mi
↘️ 6. Take exit 108 A-B for I-39 N toward US-51/Portage/Wausau
- 79.3 mi
↑ 7. Continue onto I-39 N
- 22.6 mi
↙️ 8. Keep left to stay on I-39 N

-  9. Take exit 187 for WI-29 E toward Weston/Green Bay
1.0 mi
-  10. Continue onto WI-29 E/WI-29 Trunk E
0.5 mi
-  11. Take exit 171 toward Schofield
0.5 mi

Drive to Grand Ave in Schofield

-  12. Use the left lane to merge onto E Grand Ave
4 min (1.6 mi)
0.2 mi
-  13. Turn left onto W Grand Ave
1.3 mi
-  14. Turn left onto Grand Ave
 Destination will be on the left
0.2 mi

1052 Grand Ave

Schofield, WI 54476

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.