

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

SUBJECT: Request approval for the prohibition of two nature-based outdoor activities (hunting and trapping) to protect the public safety on land to be purchased with Knowles-Nelson Stewardship funds – San Damiano Friary Acquisition, City of Monona, Dane 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 and trapping is necessary to protect public safety on the 0.75-acre parcel in the City of Monona, Dane County.

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

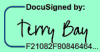

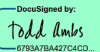
- Proximity to residential buildings.
- Proximity to a school.
- City ordinance prohibitions
- Urban setting and user expectation

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

RECOMMENDATION: Approve the Department’s determination that the prohibition of hunting and trapping is necessary to protect public safety on .75 acres to be acquired by the City of Monona, Dane County.

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

- Background memo
- Maps

Approved by	Signature	Date
Terry Bay, Bureau Director, Facilities and Lands		12/16/2021 3:28 PM CST
Tim Cook, Division Administrator, Internal Services		12/16/2021 3:42 PM CST
Preston D. Cole, Secretary		12/20/2021 9:48 AM CST

cc: Board Liaison – AD/8




by Todd Ambs

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DATE: December 14, 2021

TO: Natural Resources Board

FROM: Preston D. Cole, Secretary 

SUBJECT: Request approval for the prohibition of nature-based outdoor activities – City of Monona, San Damiano Friary Acquisition

In accordance with s. 23.0916(2)c Wis. Stats., the Department requests the Board approve the prohibition of two nature-based outdoor activities on 0.75-acre of land in the City of Monona, Dane County. The Department proposes to award a Knowles-Nelson Stewardship grant to the City of Monona for the purchase of land on which hunting and trapping will be prohibited by local ordinances and state hunting laws.

I. PROJECT DETAILS

Project Sponsor: City of Monona
Sellers: Norbertine Novitiate order of Praemonstratensian Fathers
(San Damiano Friary)
Grant sub-program: Urban Green Space

Project description:

The City of Monona has applied for Stewardship funds to support a portion of the San Damiano acquisition. The proposed Stewardship grant will support the purchase of approximately .75 acres of the 9.8-acre property. The subject property includes wetland, upland areas, and 100 feet of Lake Monona shoreline. The City intends to manage the .75 acres as an undeveloped open space. Planning for the remainder of this park will involve recreational infrastructure, some of which may not be Stewardship-eligible. Maps are attached as Appendix A.

Current/prior use of property: Prior to the City's acquisition, there was no public use.

Proposed public uses: The proposed .75 acres of primarily wetland, will provide opportunities for passive recreation to include hiking, cross-country skiing, snowshoeing, fishing, nature watching, and will provide access to Lake Monona. Benches, picnic tables and a trail or walking path will be available. The property will be open to the public seven days per week, and 365 days per year. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Property management: The San Damiano property will be operated and maintained by the City of Monona Parks and Recreation Department, consistent with their management policy.

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 Monona ordinance prohibits hunting and trapping in City limits. DNR's Regional Public Safety Team, Nick Webster, Safety Specialist Warden, Jeremy Plautz, Regional Warden, and Cheryl Housley, Project Manager, determined that the prohibition

of these activities is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project (public urban park).
- City ordinances prohibit discharge and possession of weapon; use of bow and arrow in city park and trapping in a city park.
- The location of the parcel in an urban setting.
- Proximity to residential homes and schools.
- State of Wisconsin hunting laws.
- Visitor expectation and likely user conflict if not prohibited.

State law prohibits the discharge of a firearm within 100 yards of any building devoted to human occupancy 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 subject property is located within 1,000 feet of Frank Allis Elementary School and it is within 100 yards of several buildings devoted to human occupancy.

Given the urban nature of the property, it is likely that trapping at the site could cause user conflict.

The Department posted public notice about this determination on GovDelivery on November 9, 2021. Eight comments were received in support of the grant and prohibiting hunting and trapping, and one comment was a question of property location. A letter of support from a public official was also submitted in the comment period. The public notice and comment summary submitted may be found as Appendix C and D.

III. RECOMMENDED:

DocuSigned by:
Terry Bay
F21062F9084648...

12/16/2021 | 3:28 PM CST

Terry Bay, Bureau Director
Bureau of Facilities and Lands

Date

DocuSigned by:
Tim Cooke
D792C5F7A747480...

12/16/2021 | 3:42 PM CST

Tim Cooke, Administrator
Internal Services Division

Date

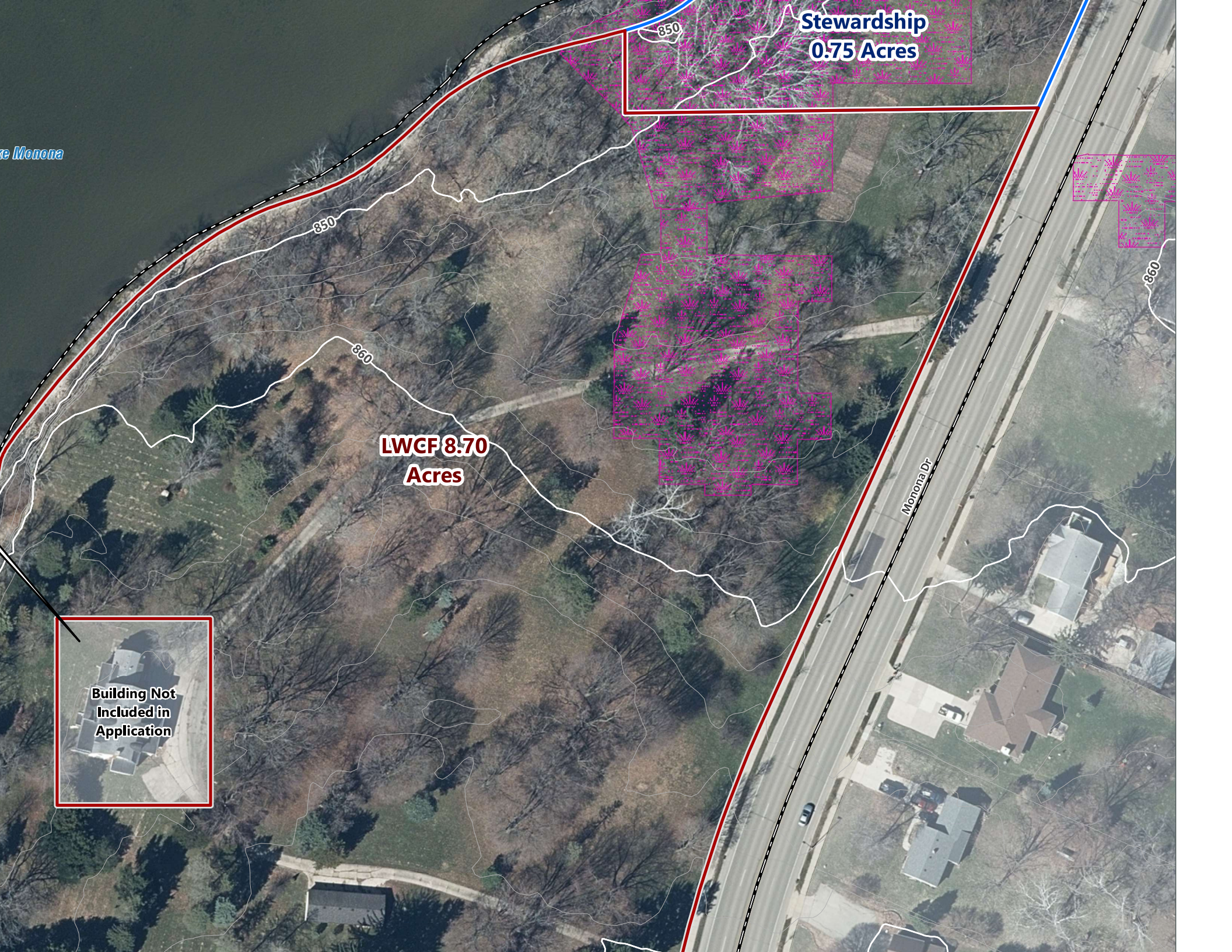
re Monona

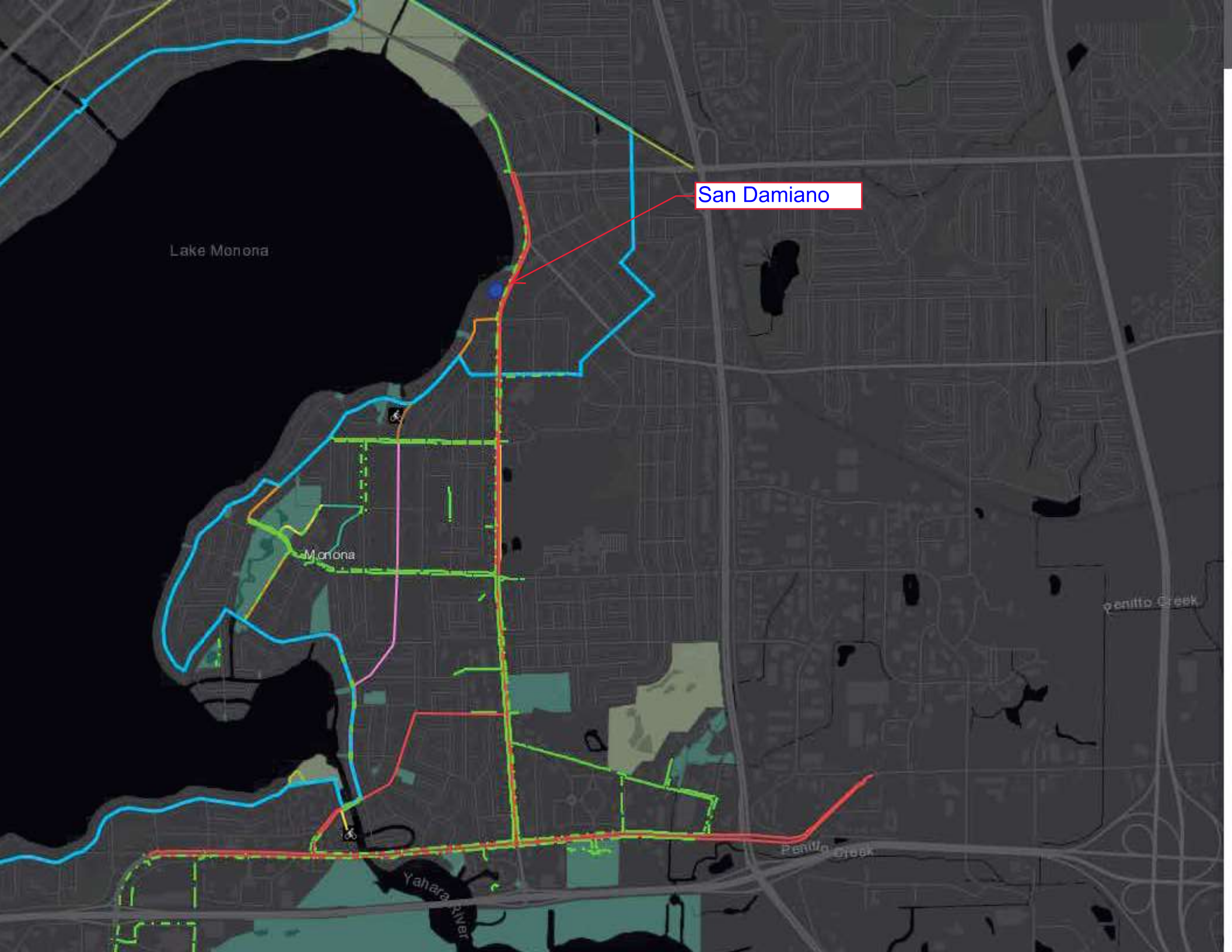
**Stewardship
0.75 Acres**

**LWCF 8.70
Acres**



**Building Not
Included in
Application**





Lake Monona

San Damiano

Monona

Penitente Creek

Penitente Creek

Yahara River

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

[Signature] 11/1/21
Regional Recreational Safety Warden Date

[Signature] 11/4/2021
Regional Warden Supervisor Date

PROJECT DESCRIPTION

Applicant/ Sponsor: City of Monona		Year of Application: 2021
Project Name: San Damiano Friary 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	

Project Description: City of Monona: San Damiano Acquisition - One of the last undeveloped pieces of land on Lake Monona. The site includes 9.8 acres. The grant request is for a sub-set of the property being 0.75 acres, and grant request is \$249,999. The overall 9-acre property is undeveloped land, much of it wooded, park-like setting with mowed turf and large trees, over 1,000 feet of shoreline with views of Downtown Madison skyline. The property has remnants of Native American encampments along the lakeshore which will remain untouched and highlighted. The property was next a farm developed in 1880's and then bequeathed to the priests of St. Norbert Abbey in 1929. Since then the land has primarily remained untouched. The house and garage on the property are excluded from the grant, as they may remain due to historical significance.

City is embarking on its public planning process soon to address long-term public recreation and conservation purpose for this property.

FINDINGS OF FACT:

The City of Monona is looking for Stewardship funding for the purpose of acquiring 0.75 acres of property along the east shore of the Lake Monona. This parcel is located north of residential housing, at the north end of 4123 Monona Drive, Monona WI 53716, west of Monona Drive and south of a stormwater outfall. The acquisition of this parcel would help provide a place for the public to hike, Fish, Picnic, Snowshoe, Cross-country ski, bike, watch/study nature/wildlife and a place to access the water for non-motorized boat usage (canoe, kayak).

This parcel equates to an unsymmetrical total area of roughly 110 feet wide by 290 feet long. The entire area is located within 300 feet of several private residences and businesses. Frank Allis Elementary School is well within 1,000 feet of the parcel.

This proximity to the school places the property boundary within a designated "school zone". State law restricts the use and possession of firearms as well as hunting within these designated school zones. As such, there are no legal options for hunting this parcel.

The SCR NBOA Public Safety Team has determined that the prohibition of hunting on this 0.75-acre parcel is necessary to stay in compliance with current state hunting laws, firearm discharge laws, state school zone laws 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 size of the subject property is 0.75 acres and is on the northern end of the 9-acre ownership and it includes frontage on the lake and a stormwater outlet. It is closer proximity (across Monona Drive & stormwater outfall) to residential housing ~165 feet. Likewise, it abuts Monona Drive for ~100 feet.

Proposed NBOA Prohibition or Restrictions

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

Public Safety Team Narrative:

The high density of residential homes, businesses, and schools in the vicinity of the proposed property would make legal hunting impossible.

This 0.75-acre lot, of riverfront property is located entirely within the city limits of Monona, within 300 feet of several 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 0.75-acre site is located entirely within 1,000 feet of Frank Allis Elementary.

The City of Monona has an ordinance which states that

- "No person shall use or shoot any bow and arrow in any City park, except in authorized areas, as permitted by the Parks and Recreation Director."
- "Firearms; hunting. Possessing or discharging of any air gun, slingshot, explosive, firearm or weapon of any kind is prohibited in all City parks."

The state law restrictions alone would eliminate the legal hunting on the entire 0.75 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 city and to ensure the safety of the public.

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 property it is likely that user conflict would result if hunting permitted, due to the proximity to residential dwelling and 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	prohibited	N/A
Water	prohibited	N/A

Public Safety Team Narrative:

The city of Monona has ordinances making it illegal to use traps.

321.1 B (6)
Trapping. "Trapping," when used in this section, includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designed, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person's property are excluded. The trapping of wild animals is hereby prohibited in City parks, unless authorized by the Common Council, upon the recommendation of the Park and Recreation Board. This subsection does not prohibit fishing.

The parcel to be purchased is small and totals approximately 0.75 acres. It is located within the city of Monona, a highly populated area. The parcel, if acquired by the City, would be developed into a public park and available for activities such as hiking, fishing, picnicking, snowshoeing, cross-country skiing, biking, watching/studying nature/wildlife and a place to access the water for non-motorized boat usage (canoe, kayak).

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.

Given the urban nature of the property, it is likely that trapping at the site could be a causation of user conflict for public using the site.

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: Given the urban nature of the property it is likely that trapping at the site could be a causation of user conflict for public using the property.

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	None	Open/Closed as listed in state regulations
Boat	None	Open/Closed as listed in state regulations
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:		
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 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>		
Prohibition or Restriction Necessary to Protect Public Safety:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

CORRESPONDENCE/MEMORANDUM

DATE: December 6, 2021

TO: Pam Rood – Stewardship LUG Manager

FROM: Cheryl Housley – Regional Grant Project Manager

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

PROJECT NAME: City of Monona – San Damiano

The City of Monona – San Damiano 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 9, 2021, and the fifteen-day public review period ended on December 2, 2021.

The Department received eight (9) comments concerning this proposal which are summarize below:

Summary of comments:

General support comments (8): *It is an outstanding parcel and a great fit for the Stewardship Program...*

A once in a lifetime opportunity to preserve a unique piece of property that will benefit not only residents of the City of Monona and Dane County, but also... for people throughout the State.

This is a great use for these funds....I fully support the No Hunting requirement for this area.

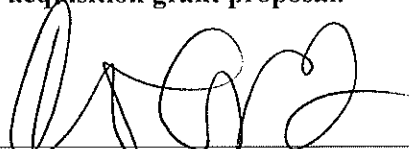
This wonderful piece of nature that has gone largely untouched is the last of its kind along Lake Monona... continuing the protection of the property with no hunting, trapping, etc. is critical for the safety of animals and humans in the area. I support prohibiting such actions on the property as well.

The riparian nature of the site lends itself to intense use by the public for a wide variety of nature-based activities as well as outdoor recreation...It is wholly appropriate that this property not be open to hunting and trapping. It is surrounded by urban infrastructure of residences, commercial buildings, and public streets. Hunting would be dangerous, even with bow and arrow, and trapping would pose a risk to the public, particularly to curious children who might be exploring the shoreline.

See also attached letter of support from public official

Question on public notice and location of parcel (1): *Could you email me the copy of the public notice for the City of Monona's Knowles-Nelson a stewardship grant for .75 acres? I'd also like to know the location/address if that property.*" Staff provided map and copy of notice provided.

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



5211 SCHLUTER ROAD ■ MONONA, WI 53716-2598
CITY HALL (608) 222-2525
FAX (608) 222-9225
<http://www.mymonona.com>

Cheryl Housley
DNR Regional Project Manager
Wisconsin Department of Natural Resources
Fitchburg Service Center
3911 Fish Hatchery Road
Fitchburg, WI 53711

December 1, 2021

Dear Ms. Housley,

I am writing in support of the City of Monona's application for a 50% matching grant from the Urban Green Space subprogram of the Knowles-Nelson Stewardship Program to assist with the purchase of .75 acres of land in the City of Monona. This land is part of the San Damiano property, the last undeveloped parcel of any size on Lake Monona. It is a beautiful piece of property, already receiving lots of use by area residents.

The City of Monona intends to develop the parcel as a park with a strong focus on outdoor recreational and nature-based activities. The park will also provide additional access to Lake Monona for Monona and other Dane County residents. It is in the middle of a busy urban area, surrounded by residential and commercial properties in the cities of Madison and Monona. Given that it will be an urban park, allowing hunting and trapping would not be appropriate and could pose a real danger to park users.

Preservation of this property is a great example of what the Stewardship Fund's Urban Green Space program is intended for. I urge the DNR to approve Monona's grant application.

Sincerely,

Mary O'Connor, Mayor

POLICE DEPARTMENT
5211 Schluter Road
222-0463

COMMUNITY CENTER
1011 Nichols Road
222-4167

MONONA SENIOR CENTER
1011 Nichols Road
222-3415

FIRE DEPARTMENT
5211 Schluter Road
222-2528

<https://dnr.wisconsin.gov/newsroom/release/51076>



HUNTING FISHING PARKS CLIMATE ENVIRONMENT FORESTRY

NEWSROOM

FOR IMMEDIATE RELEASE: 2021-11-09
Contact: Cheryl Housley, DNR Regional Grant Project Manager
cheryl.housley@wisconsin.gov or [608-516-9560](tel:608-516-9560)

CITY OF MONONA SEEKS URBAN GREEN SPACE GRANT FOR LAND ACQUISITION

MADISON, Wis. – The Wisconsin Department of Natural Resources (DNR) today announced that the City of Monona 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 .75-acres of land in the City of Monona in Dane County. The City will provide the matching funds to the grant award.

The City of Monona will acquire approximately .75 acres along Lake Monona to create a public park. In addition, the City is working on plans to eventually develop the site for outdoor recreation and public access on Lake Monona. Recreational activities will include fishing, hiking, and cross-country skiing, picnicking and scenic enjoyment.

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

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 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 Dec. 2, 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.

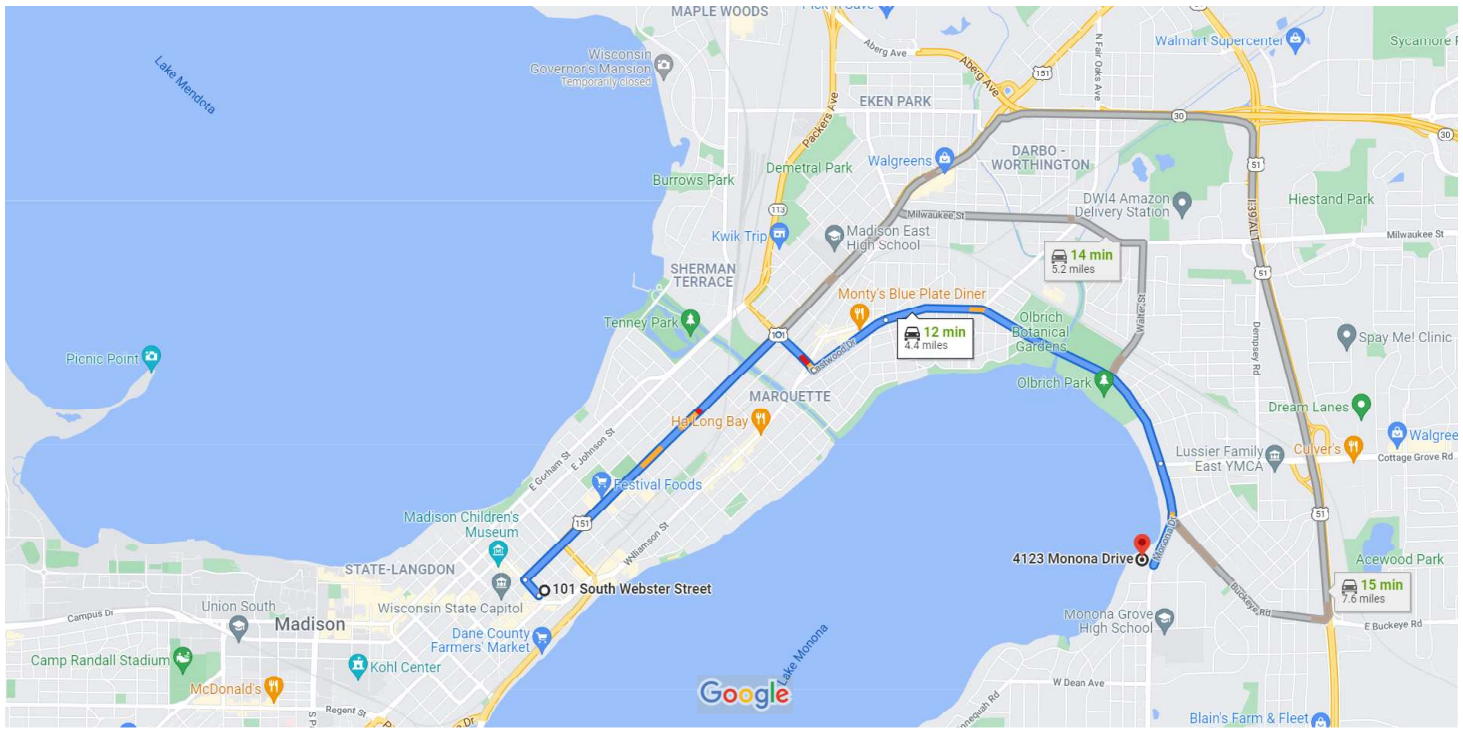
In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the hunting activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

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](#).





101 S Webster St, Madison, WI 53703 to 4123 Monona Drive, Monona, WI


Drive 4.4 miles, 12 min



Map data ©2021 Google 2000 ft

- 
via E Washington Ave and Atwood Ave
Fastest route, the usual traffic
12 min
4.4 miles

- 
via E Washington Ave
14 min
5.2 miles

- 
via E Washington Ave and I-39 ALT/I-90 ALT/N Stoughton Rd
15 min
7.6 miles

Explore 4123 Monona Dr

Restaurants Hotels Gas stations Parking Lots More