

RESOLUTION NO. 21-35

SUBMITTAL AND ACCEPTANCE OF A WISCONSIN DEPARTMENT OF NATURAL RESOURCES SURFACE WATER LAND ACQUISITION GRANT FOR ACQUISITION OF THE CLAY BLUFFS CEDAR GORGE NATURE PRESERVE AS PART OF THE OZAUKEE COUNTY PARK SYSTEM

WHEREAS, Ozaukee County, through the Planning and Parks Department, is interested in acquiring lands for public outdoor recreation purposes and the protection of surface waters including streams and wetlands, groundwater and Lake Michigan; and

WHEREAS, the Ozaukee County Planning and Parks Department is interested in obtaining a cost-share grant from the Wisconsin Department of Natural Resources for the purpose of funding the phased acquisition of the Clay Bluffs Cedar Gorge Nature Preserve (132 +/- acres); and

WHEREAS, the WDNR Surface Water Land Acquisition grant will fund up to \$200,000 of the total project cost and the required matching funds (25%) for this phase of the acquisition (approximately 10.5 acres) would be provided through Wisconsin Coastal Management Program grant(s) and private donations; and

WHEREAS, the Ozaukee County Board of Supervisors adopted the *Park and Open Space Plan for Ozaukee County: 2035* on June 1, 2011 (Resolution 11-14); and

WHEREAS, pursuant to Sections 59.69 and 66.1001(4)(b) of the Wisconsin Statutes, the Ozaukee County Board of Supervisors adopted the County comprehensive plan embodied in SEWRPC Community Assistance Planning Report No. 285, *A Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035* on April 2, 2008 and subsequent Amendment 2009-01 on May 6, 2009 and Amendment 2013-01 on May 1, 2013, which included incorporation and adoption of the *Park and Open Space Plan for Ozaukee County*; and

WHEREAS, the park and open space plan was to be prepared within the framework of the *Multi-jurisdictional Comprehensive Plan for Ozaukee County: 2035* and is based upon the recommended development pattern set forth in the County comprehensive plan and will refine and detail the park and open space-related recommendations of the County comprehensive plan; and

WHEREAS, the acquisition, protection, restoration, maintenance, insurance and passive recreational development of lands for public outdoor recreation including park and trail acquisition and development is consistent with the adopted *Park and Open Space Plan for Ozaukee County: 2035* and *A Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035*; and

WHEREAS, the *Park and Open Space Plan for Ozaukee County: 2035* recommends as a high priority the formal addition of parcels in the Lion's Den Gorge Project Acquisition Area, including the 132 +/- acres along Lake Michigan described as part of the NW ¼ and SW ¼, Section 3 and part of the NW ¼, Section 10, T. 10 N., R 22 E., City of Port Washington, as a County Park in the Ozaukee County Park System; and

WHEREAS, the acquisition property was also identified in the *Park and Open Space Plan for Ozaukee County: 2035* to provide for unmet outdoor recreational needs in the Ozaukee County Park System, namely passive, non-motorized recreational opportunities including: access to the Lake Michigan shoreline, a site on the National Lake Michigan Water Trail, limited

hunting, trapping, fishing, cross-country skiing, snowshoeing, hiking, wildlife viewing and bird watching, restoration and management of the native landscape / natural area / critical species habitat, scientific research, nature-based education, appreciation of coastal resources, enjoyment of Ozaukee County's unique cultural and natural resources and other passive non-motorized outdoor recreational uses; and

WHEREAS, the Ozaukee County Board of Supervisors adopted the *Natural Areas and Critical Species Habitat Protection and Management Plan for the Southeastern Wisconsin Region*, SEWRPC Planning Report No. 42, on June 3, 1998 (Resolution 98-10) and adopted the subsequent *Amendment* (December 1, 2010) on December 7, 2011 (Resolution 11-48); and

WHEREAS, the overall acquisition property contains an approximately 9 acre Natural Area of Local Significance, NA-3, known as the Cedar Heights Gorge and a 35 acre Natural Area of Local Significance, NA-3, known as the Port Washington Clay Banks that provides habitat for the short-eared owl (*Asio flammeus*) - a State-designated special concern species, that are proposed for protection by Ozaukee County in the *Park and Open Space Plan for Ozaukee County: 2035* and the *Natural Areas and Critical Species Habitat Protection and Management Plan for the Southeastern Wisconsin Region* and subsequent *Amendment* to this plan (December 1, 2010); and

WHEREAS, the overall acquisition property is contiguous and has approximately 0.7 miles of Lake Michigan bluffs, scenic overlooks and shoreline; contains 61 acres of Primary Environmental Corridor; contains 10 acres of delineated wetlands; contains a perennial stream, contains 28 acres of "high" groundwater recharge area; contains two Natural Areas of Local Significance, NA-3, as delineated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC); has a significant area that ranks "high" for the quality of fish and wildlife habitat for the greatest number of species and species of local conservation interest (SLCI) per the Ozaukee County Fish and Wildlife Habitat GIS Prioritization Decision-support Tool; is part of two Important Bird Areas, namely, the Ozaukee Bight Lakeshore Migration Corridor and the Harrington Beach-Kohler Andrae Lakeshore Migration Corridor; is part of the National Great Lakes / Lake Michigan Migratory Bird Flyway; protects the Statewide significant Lake Michigan clay seepage bluff; and is also identified in the *Park and Open Space Plan for Ozaukee County: 2035* as within one of only five Ozaukee County Project Acquisition Areas to be added to the Ozaukee County Park System; and

WHEREAS, there was significant public input and support for adding the acquisition property as part of the Lion's Den Gorge Acquisition Project Area to the Ozaukee County Park System during the development of the *Park and Open Space Plan for Ozaukee County: 2035* and the 2020 Public Opinion Survey by UW River Falls shows a majority of Ozaukee County residents (85%) believe preserving open space, protecting natural resources and wildlife habitat should be a high future funding priority for the County; and

WHEREAS, on March 4, 2015, the Ozaukee County Board of Supervisors adopted Resolution 14-71 outlining the conditions of the acquisition and designation of part of the NW ¼ and SW ¼, Section 3 and part of the NW ¼, Section 10, T. 10 N., R. 22 E., City of Port Washington, Ozaukee County, Wisconsin, as an official Ozaukee County Park in the Ozaukee County Park System for passive-use, non-motorized, outdoor recreational public use, access and development; and

WHEREAS, on September 2, 2015, the Ozaukee County Board of Supervisors adopted Resolution 15-20, an authorizing resolution to assist in funding the proposed land acquisition, whereby the County's net contribution would be \$200,000; and

WHEREAS, on April 12, 2016, Ozaukee County signed a formal Memorandum of

Understanding and Intergovernmental Cooperation Agreement between Ozaukee County, the City of Port Washington, and the Ozaukee Washington Land Trust for the acquisition of the Clay Bluffs Cedar Gorge Nature Preserve property; and

WHEREAS, on July 1, 2020, Ozaukee County Board of Supervisors adopted Resolution 20-15 authorizing the acquisition of the Clay Bluffs Cedar Gorge Nature Preserve (132 +/- acres) for inclusion in the Ozaukee County Park System and reaffirming the \$200,000 County match contribution; and

WHEREAS, on October 7, 2020, the Ozaukee County Board of Supervisors adopted Resolution 20-38 authorizing the submittal and acceptance of a Wisconsin Department of Natural Resources Surface Water Land Acquisition Grant for acquisition of the Clay Bluffs Cedar Gorge Nature Preserve as part of the Ozaukee County Park System; and

WHEREAS, the Ozaukee Washington Land Trust will assist with the purchase of the property and convey the property upon closing and assign the Wisconsin Department of Natural Resources Knowles-Nelson Stewardship grant to Ozaukee County, and Ozaukee County will accept the property and abide by Wisconsin Department of Natural Resources Knowles-Nelson Stewardship program rules; and

WHEREAS, the official acquisition and designation of the aforementioned property as an Ozaukee County Park within the Ozaukee County Park System would provide for eligibility of additional private, local, state and federal grant funds through, for example, the Wisconsin Department of Natural Resources Knowles-Nelson Stewardship Program and the Wisconsin Coastal Management Program, and assistance through private donations and/or other grant funds for Park management and development; enforcement through the Ozaukee County Park System ordinance; improved passive-use outdoor recreational public access including limited hunting, trapping, fishing, cross-country skiing, snowshoeing, hiking, wildlife viewing and bird watching; on-going management of the native landscape / natural area / critical species habitat by qualified Planning and Parks Department staff; scientific research; nature-based education; wildlife viewing and bird watching; appreciation of coastal resources; access to the Lake Michigan shoreline; enjoyment of Ozaukee County's unique cultural and natural resources; and provision of a unique outdoor recreational and natural resource for residents and visitors to Ozaukee County; and

WHEREAS, the Planning and Parks Department will be responsible for the on-going maintenance and management of the acquisition property as a new park in the Ozaukee County Park System.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the Ozaukee County Planning and Parks Department attests to the validity and veracity of the statements and representations contained in the grant application, requests a grant agreement to carry out the project, has budgeted a sum sufficient to fully and satisfactorily complete the project, and authorizes the Director of the Planning and Parks Department to act on behalf of Ozaukee County to sign and submit a Wisconsin Department of Natural Resources Surface Water Grant Program Land Acquisition grant application, accept and sign a grant agreement between Ozaukee County and the Wisconsin Department of Natural Resources, act as the primary contact on the project, submit interim and/or final reports to the Wisconsin Department of Natural Resources to satisfy the grant agreement, submit grant reimbursement requests to the Wisconsin Department of Natural Resources, and sign and submit other required documentation and take necessary actions to initiate, direct, and complete the approved project within the provided funding timeline.

BE IT FURTHER RESOLVED that Ozaukee County will comply with all local, state

and/or federal rules, regulations and ordinances for the program/project and the cost-share agreement; will maintain the completed project in an attractive, inviting, and safe manner; will keep the facilities open to the general public during reasonable hours consistent with the type of facility; and will obtain from the State of Wisconsin Department of Natural Resources and/or the National Park Service approval in writing before any change is made in the use of the project site; and will maintain complete and accurate project accounting and records according to the WDNR project agreement for these funds; and

BE IT FURTHER RESOLVED, by the Ozaukee County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Wisconsin Department of Natural Resources.

Dated at Port Washington, Wisconsin, this 6th day of October, 2021.

SUMMARY: Submittal and acceptance of a Wisconsin Department of Natural Resources Surface Water Land Acquisition Grant for the acquisition of Clay Bluffs Cedar Gorge Nature Preserve as part of the Ozaukee County Park System.

VOTE REQUIRED: Majority

NATURAL RESOURCES COMMITTEE

RESULT: **APPROVED [UNANIMOUS]**

MOVER: B. Ross, Supervisor District 19

SECONDER: R. Holyoke, Supervisor District 22

AYES: D. Korinek, R. Holyoke, B. Ross

EXCUSED: B. Jobs, N. Minkel-Dumit

RES. 21-35

SUBMITTAL AND ACCEPTANCE OF A WISCONSIN DEPARTMENT OF NATURAL RESOURCES SURFACE WATER LAND ACQUISITION GRANT FOR ACQUISITION OF THE CLAY BLUFFS CEDAR GORGE NATURE

 **Passed By Majority Vote**

Winker		YES
Haas		EXCUSED
Jobs		YES
Schlenvogt		YES
Clark		YES
Nelson	M	YES
Becker		YES
Larson		EXCUSED
Grabow		EXCUSED
Melotik		YES
Wolf		YES
Richart		YES
Korinek		YES

Rishel		YES
Geracie		YES
Duecker		EXCUSED
Irish		YES
Wirth		YES
Ross		YES
Godden		YES
Strom		YES
Holyoke		YES
Henrichs		EXCUSED
Braverman		YES
Read		YES
Minkel-Dumit	S	YES