

SOUTHEASTERN WISCONSIN REGIONAL PLAN

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

*please scan &
send to Jill, Steve
Keith, Paul K.
Thanks.*

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January 25, 2017

Mr. John Dargle, Jr., Director
Milwaukee County Department of
Parks, Recreation and Culture
9480 Watertown Plank Road
Wauwatosa, WI 53226-3560

*JMD
read 27 Jan 2017*

RE: SEWRPC No. CA-415-52

Dear Mr. Dargle:

Your e-mail of January 3, 2017, asked that the Commission evaluate a request from Caterpillar, Inc. to purchase Milwaukee County park land. The area in question consists of approximately two acres of parkland located between Rawson Avenue and Oak Street, west of Oak Creek Parkway. The site lies in U.S. Public Land Survey Section 2, Township 5 North, Range 22 East, City of South Milwaukee.

Pursuant to your request, the Commission staff has reviewed this matter and offers the following comments and recommendations for your consideration:

1. The two acre subject area is shown in red on the enclosed 2015 orthophotograph. The parkland disposition evaluation form is also enclosed.
2. The Commission staff conducted a field survey of the subject lands on January 11, 2017 (see attached field survey results and plant species list). The field survey and other data available to the Commission indicate that:
 - a. Virtually all, about 92 percent, of the subject lands, are classified as primary environmental corridor (see attached orthophotograph).
 - b. The entire primary environmental corridor within the subject site consists of steeply sloped woodlands.
 - c. A 1985 Wisconsin Department of Natural Resources inventory of wildlife habitat indicates that the entire primary environmental corridor area within the subject site consists of significant wildlife habitat.
 - d. The natural resources within the subject site provide buffer areas along Oak Creek that are important in protecting and enhancing surface water resources.
3. As indicated in Part III of the attached evaluation form, the planning area within which the subject lands are located includes Grant Park, which fits the criteria for both a community and regional park. The subject lands are identified as part of the Oak Creek Parkway, which includes the existing Oak Leaf recreation trail facilities along the parkway drive.

4. As noted in the evaluation form, the adopted regional land use, water quality management, and park and open space plans recommend that primary environmental corridor lands be preserved and protected in natural open uses. Implementation of this recommendation can be achieved through public ownership, public interest ownership (e.g., land trusts), land use regulations (e.g., zoning, land division ordinances), and conservation easements or deed restrictions on the resource area to be preserved.

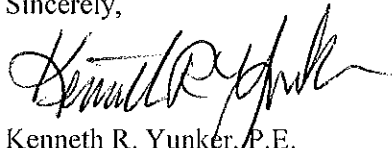
Under the terms outlined in the December 21, 2016, Caterpillar Inc. letter to you, Caterpillar agreed to place a deed restriction on the primary environmental corridor lands within the subject site to permanently preserve and protect the resources involved if ownership of the site is transferred to Caterpillar. Consequently, the corridor area would be preserved and protected, albeit in private ownership, which would be consistent with regional plan recommendations.

The attached SEWRPC field survey results document describes the presence of debris on the subject site. The December 21, 2016, letter from Caterpillar Inc. states that Caterpillar intends to remove surficial debris from the site as indicated on Figure 4, which is attached to that letter. It is recommended that the specifics of the debris removal be included in any agreement between the County and Caterpillar, Inc.

Given the foregoing findings concerning the natural resources present on the site and the lack of potential for recreational development, Milwaukee County could consider disposition of the entire subject site, provided an appropriate deed restriction is placed on the primary environmental corridor lands to ensure the preservation and protection of the resources involved.

We trust the foregoing findings and comments will be helpful to Milwaukee County as the potential disposition of the subject site is considered. Should you have any questions concerning these comments, please do not hesitate to call.

Sincerely,



Kenneth R. Yunker, P.E.
Executive Director

KRY/MGH/DAS
CA-415-52 #235773 v1

Enclosures

cc: Ms. Raisa Koltun, Chief of Staff, Milwaukee County Executive's Office
Mr. James Tarantino, Economic Development Director, Milwaukee County
Mayor Erik Brooks, City of South Milwaukee
Ms. Kathryn Ciurlik, President, The Park People
Mr. John Lunz, President, Preserve Our Parks

**EVALUATION OF ENVIRONMENTAL SIGNIFICANCE AND RECREATIONAL
FACILITY DEVELOPMENT NEEDS FOR MILWAUKEE COUNTY
PARK PROPERTY PROPOSED FOR DISPOSITION**

PART I: GENERAL PROPERTY INFORMATION

A. **Site Name:** Oak Creek Parkway-Caterpillar site

B. **Location:** Between Rawson Avenue and Oak Street, west of Oak Creek Parkway
T5N, R22E, Section 2 (SW Quarter)

 Nearest street intersection or address

C. **Civil Division:** City of South Milwaukee

D. **Total Site Area:** 2 acres
 Area of proposed sale 2 acres (attach site map)
 Existing use Milwaukee County Parkway Land
 Proposed use --

PART II: ENVIRONMENTAL SIGNIFICANCE

A. **Plant Community Type:**

Wetlands	Yes: <u> </u> No: <u> </u> Type(s): <u>See attached field survey results</u>
Woodlands	Yes: <u>X</u> No: <u> </u> Type(s): <u> </u>
Prairie	Yes: <u> </u> No: <u>X</u> Type(s): <u> </u>
Other	Yes: <u>X</u> No: <u> </u> Type(s): <u> </u>

B. **Wildlife Habitat Designation:** (WDNR Inventory 1985)
 Class I: Class II: X Class III: Not designated:

C. **Floodplains:**

Floodway	Yes: <u> </u> No: <u>X</u>
Other Floodplains	Yes: <u> </u> No: <u>X</u>

(Floodplain Information Source: FEMA)

D. **Other Resources:**

Steep Slopes 20%+	Yes: <u>X</u> No: <u> </u>
12-19%	Yes: <u>X</u> No: <u> </u>

Soils limitations Soils having severe or very severe limitations for urban development
 Yes: X No: Information not available:
 If Yes, describe: Soils with severe limitations on steep slopes

E. **Field Inspections:**

1) Vegetation survey conducted

Bureau of Endangered Resources (WDNR)

Yes: <u> </u> No: <u>X</u>	No data requested since SEWRPC and the Bureau of Endangered Resources share the same upland resource information for lands in southeastern Wisconsin.
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Other

Yes: <u>X</u> No: <u> </u>	
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If Yes,

- date: January 11, 2017
- vegetation surveyor: Daniel Carter PhD, SEWRPC Principal
Biologist
- Federal- or State-designated rare, threatened, or endangered species present
 Yes: No: Undetermined-outside of growing season

If Yes, list: _____
(additional survey required)

Yes: _____ No: _____

d) survey results attached Yes: X No: _____

If No, field survey required

Yes: _____ No: _____

Reason: _____

2) Archeological, geological, or other historic significance survey

Wisconsin Historical Society

Yes: _____ No: X The Wisconsin Historical Society no longer has the resources to respond to requests for review comments attendant to park site dispositions or similar requests involving the review of specific sites.

Other

Yes: _____ No: X

If Yes, a) date: _____

b) surveyor: _____

c) survey results attached Yes: _____ No: _____

If No, field survey required

Yes: _____ No: _____

Reason: _____

F. Environmental Corridor Designation:

Primary Environmental Corridor Yes: X No: _____

Secondary Environmental Corridor Yes: _____ No: X

Isolated Natural Resource Area Yes: _____ No: X

G. Natural Resource-Related Values:

Buffer lands for important natural resource area Yes: X No: _____

If Yes, describe: _____

Educational or other passive recreation value Yes: _____ No: X

If Yes, describe: _____

H. Previous Planning Recommendations for Site:

Wetlands or other plant community restoration Yes: _____ No: X

If Yes, describe: _____

Stormwater retention/detention construction Yes: _____ No: X

If Yes, describe: _____

Reservoir or water-based recreation development Yes: _____ No: X

If Yes, describe: _____

Wildlife management area development Yes: _____ No: X

If Yes, describe: _____

I. Additional natural resource-related comments: Yes: X No: _____

Under the adopted regional land use, water quality management, and park and open space plans, it is recommended that the primary environmental corridor lands along Oak Creek—including the subject parcel—be preserved and protected in natural, open uses for resource preservation, water quality management, and flood water management purposes.

PART III: PARK AND RECREATION FACILITY NEEDS AND POTENTIAL

A. **Neighborhood Facilities:** Does the neighborhood park planning area within which the site is located have existing neighborhood park facilities?

- 1) Neighborhood park Yes: X No: _____
- 2) Typical neighborhood facilities:
- | | | |
|----------------------|---------------|--------------|
| picnic area | Yes: <u>X</u> | No: _____ |
| playfield area | Yes: <u>X</u> | No: _____ |
| children's play area | Yes: <u>X</u> | No: _____ |
| softball field | Yes: _____ | No: <u>X</u> |
| other | Yes: <u>X</u> | No: _____ |

If No, determine site suitability for such park development Suitable: _____ Not suitable: X

B. **Community Facilities:** Does the community park planning area within which the site is located have existing community park facilities?

- 1) Community park Yes: X No: _____
- 2) Typical community facilities:
- | | | |
|--------------------|---------------|--------------|
| baseball field | Yes: _____ | No: <u>X</u> |
| swimming pool | Yes: _____ | No: <u>X</u> |
| tennis courts | Yes: <u>X</u> | No: _____ |
| community building | Yes: <u>X</u> | No: _____ |
| other | Yes: <u>X</u> | No: _____ |

If No, determine site suitability for such park development Suitable: _____ Not suitable: X

C. **Metropolitan, Countywide, or Regional Park:** Is the general location of the site identified for major resource-related outdoor recreation development?

- 1) Major park Yes: X No: _____
- 2) Typical resource-oriented facilities:
- | | | |
|-------------|---------------|--------------|
| camping | Yes: _____ | No: <u>X</u> |
| golf course | Yes: <u>X</u> | No: _____ |
| swim beach | Yes: <u>X</u> | No: _____ |
| other | Yes: <u>X</u> | No: _____ |

If No, determine site suitability for such development Suitable: _____ Not suitable: X

D. **Parkways and Trail Facilities:** Is the general location of the site identified for parkway development?

- 1) Parkway drive Yes: _____ No: X Existing parkway drive
- 2) Recreation trail facility
- Yes: _____ No: X Existing Oak Leaf Trail along parkway drive
- 3) Other parkway lands, including picnic area, playfield, parking area, rest rooms
- Yes: _____ No: X

If Yes, determine site suitability for such parkway or recreation trail use Suitable: _____ Not suitable: X

E. **Water Access:** Does site have frontage on Lake Michigan or major or minor rivers?

Yes: _____ No: X

F. **Other Recreation-Related Potential:**

- 1) Does the site provide access to an existing or proposed park or recreation facility?
- Yes: _____ No: X
- 2) Does the site provide space for needed support facilities, such as a parking lot or rest rooms?
- Yes: _____ No: X

PART IV: MITIGATIVE MEASURES

List the mitigative measures which could be taken to minimize negative environmental impacts of potential development on the land proposed for disposition and the effectiveness of the proposed measures to minimize negative environmental impacts. (Attach additional information if needed.)

PART V: SUMMARY AND RECOMMENDATION

A. Check resources present at site:

- Wetlands
- Woodlands
- Other native plant community Specify: (_____)
- Wildlife habitat
- Floodplain
- Other resources (steep slopes, other soils limitations)
- Rare, threatened, or endangered species
- Significant archeological, geological, or historic site
- Primary environmental corridor
- Secondary environmental corridor
- Isolated natural resource areas
- Natural resource-related values
- Previous planning recommendation Specify: (_____)

B. Check recreation needs or potential associated with site:

- Suitable for needed neighborhood park or facility
- Suitable for needed community park or facility
- Suitable for recommended major park or resource-oriented facility
- Required for parkway or recreation trail use
- Provides surface water access
- Required for park accessibility
- Suitable for needed support facilities

C. Does site encompass any of the above-listed natural resources and/or area suitable for needed recreation facilities?

Yes: No:

If Yes,

- | | <u>Check one</u> |
|--|--|
| a) entire site should not be considered for disposition | a) <input type="checkbox"/> |
| b) only that portion of site not encompassing important natural resources or lands needed for recreation and related uses should be considered for disposition | b) <input type="checkbox"/> |
| c) consider disposition contingent upon establishment of restrictions such as deed restrictions or other means to assure preservation of adjacent natural resource and recreation values | c) <input checked="" type="checkbox"/> |
| Specify: <u>Deed restrict the primary environmental corridor portion of the subject parcel (see attached map) to preserve the natural resource features</u> | d) <input type="checkbox"/> |

If No,

- d) entire site may be considered for disposition

Field Survey Results: Oak Creek Parkway ("Caterpillar site")
Section 02, T5N, R22E, City of South Milwaukee, Milwaukee County

In General:

SEWRPC staff biologists performed an environmental assessment of the subject portion of the Oak Creek Parkway (OCP) on January 11, 2017. Two plant community areas were identified (see attached plant species lists). The first plant community area, which comprises most of the subject portion of the OCP property, consists of undifferentiated upland hardwood forest on steep slopes. The second plant community area consists of a small, open area along the western boundary of the subject OCP property.

The Natural Resource Base:

Most of the property consists of forested primary environmental corridor (PEC) on steep slopes in proximity to Oak Creek. The present condition of a small, open portion of PEC is the result of encroachment into the PEC between 2005 and 2010 that involved clearing vegetation and filling/leveling the area with gravel. The PEC boundary has been adjusted to exclude that disturbed portion and to include a small portion of the project area not mapped as PEC that is forested and adjacent to existing mapped PEC. The existing forest is second-growth, consisting of an undifferentiated mixture of mostly fast-growing species. However, the presence of two young American beech trees growing on the steep slope in the understory was notable, as beech is seldom seen colonizing new sites. Approximately three tenths of a mile of industrial property separates these trees from the nearest mature beech trees to the west.

The Wisconsin Department of Natural Resources Wisconsin Wetland Inventory indicates a T3K (Broad-leaved deciduous forested) wetland at the far northern end of the subject OCP property. The presence or absence of wetland indicators could not be verified in accordance with United States Army Corps of Engineers guidance outside of the growing season. However, it is possible that this wetland's boundary falls wholly outside of the subject OCP property, because the northern boundary of the subject OCP property lies several feet above adjacent lands.

Portions of the subject OCP property fall within a migratory bird concentration site identified by the Wisconsin Department of Natural Resources Natural Heritage Inventory (WDNR NHI). Butler's gartersnake, *Thamnophis butleri*, has also been recorded nearby as recently as 2003 (WDNR NHI). A State of Wisconsin-designated endangered plant, Bluestem goldenrod (*Solidago caesia*), has recently been observed by SEWRPC biologists (April and June, 2016) in three separate nearby forested areas, two approximately three tenths of a mile west and one approximately seven tenths of a mile east of the subject OCP property. It was not possible to survey for bluestem goldenrod at the time of this assessment, because bluestem goldenrod can only be reliably identified between late April and late October. While the subject OCP property is heavily disturbed, bluestem goldenrod may be present, given its proximity and other known occurrences along relatively disturbed woodland edges and the margins of trails.

Disturbance:

Most of the forested portion of the subject OCP property has been disturbed by extensive dumping, which includes slag; coarse metal debris, including industrial equipment and cables; plastic; rock; and concrete. In some areas, debris and soil has buried the bottom portions of the trunks of living

trees, indicating that it has been deposited in recent decades. A trail/lane has been cut into the hillside from southwest to northeast in the southern portion of the subject OCP property and extends northward and then westward along the boundary of the subject OCP property alongside a chain link fence topped with barbed wire. Several culverts open on to the steep hillslope, at least one of which discharges several vertical feet above the soil surface. Erosion is evident in the vicinity of these culverts.

DLC

#00235667 - Caterpillar Site Environmental Assessment

PRELIMINARY VEGETATION SURVEY
Oak Creek Parkway "Caterpillar site"

Date: January 11, 2017

Observers: Dr. Daniel Carter—Principal Specialist-Biologist
Christopher Jors—Senior Specialist-Biologist

Location: Milwaukee County; T5N, R22E SW quarter of Section 02

Land-type Association: (222Kg04) Milwaukee Forested Moraines

Plant Community Area 1 Species List (**co-dominant species**; *alien species*):

<i>Acer negundo</i> —Boxelder	Populus deltoides —Cottonwood
<i>Acer platanoides</i> —Norway maple	<i>Prunus serotina</i> —Black cherry
<i>Acer saccharum</i> —Sugar maple	<i>Prunus virginiana</i> —Chokecherry
<i>Aesculus hippocastanum</i> —Horse chestnut	<i>Quercus bicolor</i> —Swamp white oak
<i>Carex grisea</i> —Woolly gray sedge	<i>Rhamnus cathartica</i> —Buckthorn
<i>Carex</i> sp.—Sedge species	<i>Rhus typhina</i> —Staghorn sumac
<i>Cornus racemosa</i> —Gray dogwood	<i>Ribes missouriense</i> —Missouri gooseberry
<i>Fagus grandifolia</i> —American beech	<i>Robinia pseudo-acacia</i> —Black locust
<i>Fraxinus americana</i> —White ash	<i>Rubus occidentalis</i> —Black raspberry
<i>Fraxinus pennsylvanica</i> —Green ash	Solidago altissima —Tall goldenrod
<i>Geum aleppicum</i> —Yellow avens	<i>Symphotrichum ontarionis</i> —Ontario aster
<i>Geum canadense</i> —White avens	Ulmus americana —American elm
<i>Hesperis matronalis</i> —Dame's rocket	<i>Viburnum lentago</i> —Nannyberry
<i>Juglans nigra</i> —Black walnut	<i>Viburnum opulus</i> —European highbush cranberry
<i>Leonurus cardiaca</i> —Motherwort	<i>Vitis riparia</i> —Riverbank grape
<i>Lonicera x bella</i> —Bush honeysuckle	<i>Zizia aurea</i> —Golden alexanders
<i>Malus</i> sp.—Crabapple	
<i>Monarda fistulosa</i> —Bergamot	Summary:
<i>Morus alba</i> —White mulberry	Total number of plant species: 37
<i>Phalaris arundinacea</i> —Reed canarygrass	Number of exotic plant species: 12
<i>Poa pratensis</i> —Kentucky Bluegrass	

This plant community area consists of undifferentiated upland hardwood forest. While no endangered, threatened, or special concern species were observed during this field survey, Butler's garter snake (*Thamnophus butleri*), a State-designated special concern species (WDNR NHI); and Bluestem goldenrod (*Solidago caesia*), a State-listed endangered species (SEWRPC) are known to occur nearby the subject property.

Plant Community Area 2 Species List (**co-dominant species**; *alien species*):

Asclepias syriaca—Common milkweed
Sporobolus compositus—Rough dropseed
Poa compressa—Canada bluegrass
Poa pratensis—Kentucky bluegrass
Dactylis glomerata—Orchardgrass
Salix interior—Sandbar willow
Cornus racemosa—Gray dogwood
Centaurea stoebe—Spotted knapweed
Solidago juncea—Early goldenrod
Eupatorium altissimum—Tall boneset
Daucus carota—Queen Anne's lace

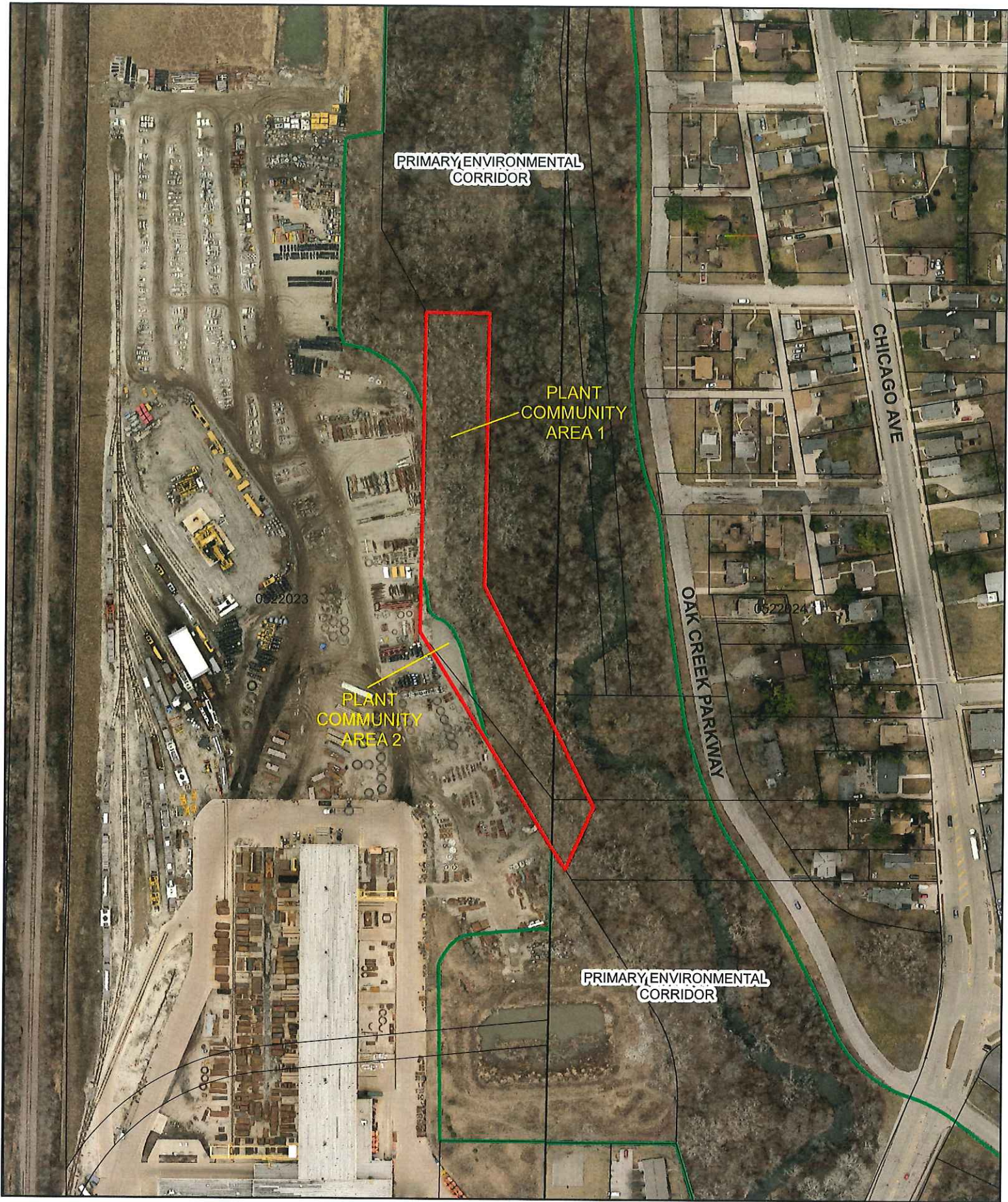
Oenothera biennis—Evening primrose
Monarda fistulosa—Bergamot
Symphotrichum pilosum—Frost aster
Solidago altissima—Tall goldenrod
Verbascum thapsus—Mullein
Coronilla varia—Crown vetch

Summary:

Total number of plant species: 17
Number of exotic plant species: 7

This plant community consists of disturbed, gravelly meadow. While no endangered, threatened, or special concern species were observed during this field survey, Butler's garter snake (*Thamnophus butleri*), a State-designated special concern species (WDNR NHI); and Bluestem goldenrod (*Solidago caesia*), a State-listed endangered species (SEWRPC) are known to occur nearby the subject property.

DLC
#00235666 - Caterpillar Site Plant Community Areas



PRIMARY ENVIRONMENTAL
CORRIDOR

PLANT
COMMUNITY
AREA 1

PLANT
COMMUNITY
AREA 2

PRIMARY ENVIRONMENTAL
CORRIDOR

CHICAGO AVE

OAK CREEK PARKWAY

0622023

0622024

