

Green Team Meeting Notes

Site Name:	West Waterfront Area former Door County Co-op	Date:	November 22, 2013
BRRTS case #:	VPLE 06-15-560738	Time:	10:30 a.m.

Prepared by Annette Weissbach, RR, Carrie Webb, WMS

Attendees:

City of Sturgeon Bay – Tony Depies, Engineer Marty Olejniczak, Community Development Director
DNR – Liesa Lehman (Section Chief, Waterways and Wetlands), Megan Correll, (Attorney, Lakebed and Public Trust Issues), Carrie Webb (Water Management Specialist);
Denise Danelski, Annette Weissbach (Remediation & Redevelopment Program)

Purpose: to discuss remediation and statutorily allowed redevelopment options for two properties that are behind an approved bulkhead line and partially below the ordinary high water mark (ohwm). The City is approved to continue in the Voluntary Party Liability Exemption (VPLE) process for the property at 92 East Maple Street. The city is unable to get title to the 100 East Maple Street property and that has held up entering it into the VPLE process

Properties in question: 92 E. Maple Street (Former Door Co Coop site, BRRTS 03-15-000659) and 100 E. Maple Street ("Filled Land") are in what is referred to as the **West Waterfront Area** that has been targeted for Redevelopment. <http://www.vandewalle.com/selected-projects/sturgeon-bay-west-waterfront-redevelopment-and-implementation/>

Summary outcomes:**DNR Water Program**

1. A bulkhead line approval was issued in 1955, but a bulkhead line does not change the location of the ohwm, so the area of fill waterward of the ohwm is still considered public lakebed. Neither the Department nor the Board of Commissioners of Public Lands has the authority to transfer ownership of public lakebed to anyone.
2. The City was able to obtain title insurance at 92 E. Maple so the Department will assume this entire property is above the ohwm. No further action needed.
3. 100 E. Maple – the City will survey the ohwm shown on the bulkhead line approval survey and create a new deed for the upland portions of the property. The City will plan for all private development landward of the ohwm.

DNR Remediation and Redevelopment

1. Property at 92 E. Maple Street to continue in VPLE process as planned. Kristin DuFresne, RR Project Manager will provide comments to City on recent Phase I and Phase II work efforts.
2. Property boundaries of 100 E. Maple Street to be evaluated by City of Sturgeon Bay and DNR Water Program for conformance to bulkhead ordinance and historic shoreline.
3. Any remaining non-lakebed land can be surveyed and added to deed of property at 92 E. Maple Street and added to VPLE process.
4. Or, any remaining non-lakebed land can be deeded as a new property and entered under a separate application to the VPLE process.
5. City of Sturgeon may request clarification of liability with regard to impacted or contaminated "filled land," i.e., land between bulkhead line and ohwm.
<http://dnr.wi.gov/files/PDF/forms/4400/4400-237.pdf>



Background: Recent Chronology

Sep-12	DNR RR (Chronert, Weissbach, and Klauk) & WEDC attended a Green Team meeting with City to discuss acquisition, liability, and VPLE process.
Dec-12	City applied for and received a Site Assessment Grant (SAG) from WEDC.
Feb-13	City applied for and received a Community Development Block Grant (CDBG) from DOA.
	SAG and SDBG grants were obtained to perform Phase II environmental assessment activities along the West Waterfront Corridor where environmental assessment was incomplete or had not been performed and to eventually demolish existing structures on the former 92 E. Maple St (Former Door Co Coop Site) and 100 E Maple St (Bulkhead) properties.
May-13	City's environmental consultant conducted a PHASE II site assessment on 92 and 100 E Maple St. with funding from WEDC and/or DOA
May-13	DNR RR program received 2 Voluntary Party Liability Exemption (VPLE) Applications with fees from City's consultant, Ayres Associates. One application for 92 E. Maple St (Former Door Co Coop Property) and one application for 100 E. Maple St (Filled Land). DNR RR responded requiring deeds and associated maps. At the time of the VPLE application the DNR RR staff consulted the county GIS Site and thought the City was the owner. VPLE application for 92 E. Maple St indicated that US Coast Guard is the owner.
Jun-Aug 13	DNR RR continues attempts to locate deed for 100 E. Maple property City hired Attorney to resolve ownership issue
July 11	DNR WMS Webb met with the City to discuss proposed plans for waterfront development.
Sept. 9	DNR WMS Webb met with the City to discuss the inability to obtain title insurance. Webb informed the City that the ohwm does not change with bulkhead line approvals and that title insurance cannot be obtained because it is public lakebed. Webb advised the City to use that area for public portions of the project.
Sep 13	DNR RR approves 92 E. Maple into VPLE process
Nov 13	DNR WRZ Map showing approximate shoreline in relation to 1955 bulkhead ordinance